

IN THE SENATE

SENATE BILL NO. 1226

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1404, IDAHO CODE, TO INCREASE CERTAIN PENALTIES FOR THE ILLEGAL KILLING, POSSESSION OR WASTE OF CERTAIN GAME ANIMALS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 36-1404, Idaho Code, be, and the same is hereby amended to read as follows:

36-1404. UNLAWFUL KILLING, POSSESSION OR WASTE OF WILD ANIMALS, BIRDS AND FISH -- REIMBURSABLE DAMAGES -- SCHEDULE -- ASSESSMENT BY MAGISTRATES -- INSTALLMENT PAYMENTS -- DEFAULT JUDGMENTS -- DISPOSITION OF MONEYS. (a) In addition to the penalties provided for violating any of the provisions of title 36, Idaho Code, any person who pleads guilty, is found guilty of or is convicted of the illegal killing or the illegal possession or illegal waste of game animals or birds or fish shall reimburse the state for each animal so killed or possessed or wasted as follows:

1. Elk, ~~seven hundred fifty~~ one thousand dollars (~~\$750~~1,000) per animal killed, possessed or wasted.
2. Caribou, bighorn sheep, mountain goat and moose, ~~one two thousand five six~~ two thousand six hundred dollars (~~\$1,500~~2,600) per animal killed, possessed or wasted.
3. Any other species of big game, ~~four~~ seven hundred dollars (~~\$4~~700) per animal killed, possessed or wasted.
4. Wild turkey and swan, two hundred fifty dollars (\$250) per bird killed, possessed or wasted.
5. Sturgeon, two hundred fifty dollars (\$250) per fish killed, possessed or wasted.
6. Bull trout, anadromous salmon and steelhead, one hundred fifty dollars (\$150) per fish killed, possessed or wasted.
7. Any other game bird, game fish or furbearer, fifty dollars (\$50.00) per animal killed, possessed or wasted.

Provided further, that any person who pleads guilty, is found guilty of, or is convicted of illegal killing, illegal possession or illegal waste of a trophy big game animal as defined in section 36-202(h), Idaho Code, shall reimburse the state for each animal so killed, possessed or wasted, as follows:

1. Trophy mule deer: two thousand dollars (\$2,000) per animal killed, possessed or wasted;
2. Trophy white-tailed deer: two thousand dollars (\$2,000) per animal killed, possessed or wasted;
3. Trophy elk: five thousand dollars (\$5,000) per animal killed, possessed or wasted;
4. Trophy bighorn sheep: ten thousand dollars (\$10,000) per animal killed, possessed or wasted;

1 5. Trophy moose: ten thousand dollars (\$10,000) per animal killed,
2 possessed or wasted;

3 6. Trophy mountain goat: ten thousand dollars (\$10,000) per animal
4 killed, possessed or wasted;

5 7. Trophy pronghorn antelope: two thousand dollars (\$2,000) per animal
6 killed, possessed or wasted;

7 8. Trophy caribou: ten thousand dollars (\$10,000) per animal killed,
8 possessed or wasted.

9 For each additional animal of the same category killed, possessed or
10 wasted during any twelve (12) month period, the amount to be reimbursed
11 shall double from the amount for each animal previously illegally killed,
12 possessed or wasted. For example, the reimbursable damages for three (3)
13 elk illegally killed during a twelve (12) month period would be five seven
14 thousand ~~two hundred fifty~~ dollars (~~\$5,250,000~~), calculated as follows:
15 ~~seven hundred fifty~~ one thousand dollars (\$750,000) for the first elk; ~~one~~
16 two thousand five hundred dollars (\$1,500,000) for the second elk; and
17 ~~three~~ four thousand dollars (\$34,000) for the third elk. In the case of three
18 (3) trophy elk illegally killed in a twelve (12) month period, the reim-
19 bursable damages would be thirty-five thousand dollars (\$35,000) calculated
20 as follows: five thousand dollars (\$5,000) for the first elk, ten thousand
21 dollars (\$10,000) for the second elk, and twenty thousand dollars (\$20,000)
22 for the third elk. Provided however, that wildlife possessing a fifty dollar
23 (\$50.00) reimbursement value shall be figured at the same rate per each ani-
24 mal in violation, without compounding.

25 (b) In every case of a plea of guilty, a finding of guilt or a convic-
26 tion of unlawfully releasing any fish species into any public body of water
27 in the state, the court before whom the plea of guilty, finding of guilt, or
28 conviction is obtained shall enter judgment ordering the defendant to reim-
29 burse the state for the cost of the expenses, not to exceed ten thousand dol-
30 lars (\$10,000), incurred by the state to correct the damage caused by the un-
31 lawful release. For purposes of this subsection, "unlawfully releasing any
32 fish species" shall mean a release of any species of live fish, or live eggs
33 thereof, in the state without the permission of the director of the depart-
34 ment of fish and game; provided, that no permission is required when fish are
35 being freed from a hook and released at the same time and place where caught
36 or when crayfish are being released from a trap at the same time and place
37 where caught.

38 (c) In every case of a plea of guilty, a finding of guilt or a convic-
39 tion, the court before whom such plea of guilty, finding of guilt or convic-
40 tion is obtained shall enter judgment ordering the defendant to reimburse
41 the state in a sum or sums as hereinbefore set forth including postjudgment
42 interest. If two (2) or more defendants are convicted of the illegal tak-
43 ing, killing or the illegal possession or wasting of the game animal, bird or
44 fish, such judgment shall be declared against them jointly and severally.

45 (d) The judgment shall fix the manner and time of payment and may permit
46 the defendant to pay the judgment in installments at such times and in such
47 amounts as, in the opinion of the court, the defendant is able to pay. In no
48 event shall any defendant be allowed more than two (2) years from the date
49 judgment is entered to pay the judgment.

1 (e) A defaulted judgment or any installment payment thereof may be col-
2 lected by any means authorized for the enforcement of a judgment under the
3 provisions of the Idaho Code.

4 (f) All courts ordering such judgments of reimbursement shall order
5 such payments to be made to the department, which shall deposit them with the
6 state treasurer, and the treasurer shall place them in the state fish and
7 game account.

8 (g) The court shall retain jurisdiction over the case. If at any time
9 the defendant is in arrears ninety (90) days or more, the court may revoke
10 the defendant's hunting, fishing or trapping privileges until the defendant
11 completes payment of the judgment.