

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 528

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1401, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE UNLAWFUL KILLING, POSSESSION, OR WASTING OF WILDLIFE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 36-1401, Idaho Code, be, and the same is hereby amended to read as follows:

36-1401. VIOLATIONS. (a) Infractions. Any person who pleads guilty to or is found guilty of a violation of the following provisions of the fish and game code or the following rules or proclamations promulgated pursuant thereto is guilty of an infraction:

1. Statutes.

(A) Take, transport, use or have in possession bait fish as set forth in section 36-902(d), Idaho Code.

(B) Chumming as set forth in section 36-902(e), Idaho Code.

(C) Nonresident child under the age of fourteen (14) years fishing without a valid license and not accompanied by a valid license holder as set forth in section 36-401(a)2., Idaho Code.

(D) Use or cut a hole larger than ten (10) inches in the ice for ice fishing as set forth in section 36-1509(a), Idaho Code.

(E) Store fish without required tags/permits/statements as set forth in section 36-503, Idaho Code.

(F) Own, possess or harbor any dog found running loose and which is tracking, pursuing, harassing or attacking a big game animal as set forth in section 36-1101(b)7.(B), Idaho Code.

(G) Hunt migratory waterfowl without having in possession a signed federal migratory bird hunting stamp as set forth in section 36-1102(b)2., Idaho Code.

(H) Hunt migratory game birds without having in possession a license validated for the federal migratory bird harvest information program permit as set forth in section 36-409(k), Idaho Code.

(I) Trap in or on, destroy or damage any muskrat house as provided in section 36-1103(c), Idaho Code.

(J) Hunt migratory game birds with a shotgun capable of holding more than three (3) shells as provided and incorporated in section 36-1102(b), Idaho Code.

(K) Fail to purchase a muzzleloader permit as set forth in section 36-409(f), Idaho Code.

(L) Fail to purchase an archery permit as set forth in section 36-409(e), Idaho Code.

2. Rules or Proclamations.

- 1 (A) Fish from a raft or boat with motor attached in waters where
2 motors are prohibited.
- 3 (B) Fish with hooks larger than allowed in that water.
- 4 (C) Fish with barbed hooks in waters where prohibited.
- 5 (D) Exceed any established bag limit for fish by one (1) fish, ex-
6 cept bag limits for anadromous fish, landlocked chinook salmon,
7 kamloops rainbow trout, lake trout, or bull trout.
- 8 (E) Fish with more than the approved number of lines or hooks.
- 9 (F) Fail to leave head and/or tail on fish while fish are in pos-
10 session or being transported.
- 11 (G) Snag or hook fish other than in the head and fail to release,
12 excluding anadromous fish.
- 13 (H) Fail to attend fishing line and keep it under surveillance at
14 all times.
- 15 (I) Fail to comply with mandatory check and report requirements.
- 16 (J) Fail to leave evidence of sex or species attached as required
17 on game birds.
- 18 (K) Hunt or take migratory game birds or upland game birds with
19 shot exceeding the allowable size.
- 20 (L) Fail to release, report or turn in nontarget trapped animals.
- 21 (M) Fail to complete required report on trapped furbearer.
- 22 (N) Fail to present required furbearer animal parts for inspec-
23 tion.
- 24 (O) Fail to attach identification tags to traps.
- 25 (P) Possess not more than one (1) undersized bass.
- 26 (Q) Park or camp in a restricted area, except length of stay viola-
27 tions.
- 28 (R) Fail to leave evidence of sex attached as required on game ani-
29 mals.
- 30 (S) Fail to purchase sage grouse or sharp-tailed grouse hunting
31 permit when hunting for sage grouse or sharp-tailed grouse any-
32 where within the state, except licensed shooting preserves.
- 33 (T) Fail to wear at least thirty-six (36) square inches of visible
34 hunter orange above the waist when hunting on wildlife management
35 areas where pheasants are stocked.
- 36 (U) Fail to comply with upland game bird shooting hours restric-
37 tions established by commission rule or proclamation.
- 38 (V) Public use restrictions. Activities prohibited unless
39 specifically authorized by the commission or under lease, permit,
40 contract or agreement issued by the director, regional supervisor
41 or other authorized agent:
- 42 (i) Use watercraft on any waters that are posted against
43 such use;
- 44 (ii) Conduct dog field trials of any type during the period
45 of October 1 through July 31. All dog field trials and dog
46 training with the use of artificially propagated game birds
47 between August 1 and September 30 will be under department
48 permit as authorized by the director;
- 49 (iii) Construct blinds, pits, platforms or tree stands where
50 the soil is disturbed, trees are cut or altered, and arti-

1 ficial fasteners such as wire, rope or nails are used. All
 2 blinds shall be available to the public on a first-come,
 3 first-served basis. Portable manufactured blinds and tree
 4 stands are allowed but may not be left overnight;

5 (iv) Shoot within, across or into posted safety zones;

6 (v) Leave decoys unattended. Decoys cannot be put in place
 7 any earlier than two (2) hours prior to official shooting
 8 hours for waterfowl, and all decoys must be picked up and re-
 9 moved from the hunting site no later than two (2) hours after
 10 official shooting hours for waterfowl that particular day;

11 (vi) Discharge any paintball guns;

12 (vii) Place a geocache;

13 (viii) Use for group events of more than fifteen (15) people;

14 (ix) Use or transport any hay, straw or mulch that is not
 15 weed seed free certified.

16 (W) Evidence of species. In seasons restricted to mule deer
 17 only or white-tailed deer only, if the head is removed, the
 18 fully-haired tail must be left naturally attached to the carcass.

19 (X) Continue to fish on Henry's lake after reaching limit.

20 (b) Misdemeanors. Any person who pleads guilty to, is found guilty
 21 or is convicted of a violation of the provisions of this title or rules or
 22 proclamations promulgated pursuant thereto, or orders of the commission,
 23 except where an offense is expressly declared to be an infraction or felony,
 24 shall be guilty of a misdemeanor.

25 (c) Felonies. Any person who pleads guilty to, is found guilty or
 26 is convicted of a violation of the following offenses shall be guilty of a
 27 felony:

28 1. Knowingly and intentionally selling or offering for sale or
 29 exchange, or purchasing or offering to purchase or exchange, any
 30 wildlife, or parts thereof, which has been unlawfully killed, taken or
 31 possessed.

32 2. Releasing into the wild, without a permit from the director, any of
 33 the following wildlife, whether native or exotic: ungulates, bears,
 34 wolves, large felines, swine, or peccaries.

35 3. Unlawfully killing, possessing, or wasting of any ~~combination of~~
 36 ~~numbers or species of~~ wildlife within a twelve (12) month period ~~which~~
 37 ~~has~~ having a single or combined reimbursable damage assessment of more
 38 than one thousand dollars (\$1,000), as provided in section 36-1404,
 39 Idaho Code.

40 4. Conviction within ten (10) years of three (3) or more violations of
 41 the provisions of this title, penalties for which include either or both
 42 a mandatory license revocation or a reimbursable damage assessment.

43 SECTION 2. An emergency existing therefor, which emergency is hereby
 44 declared to exist, this act shall be in full force and effect on and after its
 45 passage and approval.