

IN THE SENATE

SENATE BILL NO. 1312

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO FENCES; AMENDING SECTION 35-301, IDAHO CODE, TO REVISE PROVI-
2 SIONS REGARDING THE CARELESS EXPOSURE OF BARBED WIRE; AMENDING SECTION
3 35-302, IDAHO CODE, TO REVISE PROVISIONS REGARDING A NOTICE TO OWNER;
4 AMENDING SECTION 35-303, IDAHO CODE, TO REVISE PROVISIONS REGARDING AN
5 OWNER'S LIABILITY AFTER NOTICE; AMENDING SECTION 35-305, IDAHO CODE, TO
6 REVISE PROVISIONS REGARDING PENALTIES; AND DECLARING AN EMERGENCY AND
7 PROVIDING AN EFFECTIVE DATE.
8

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

10 SECTION 1. That Section 35-301, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 35-301. CARELESS EXPOSURE OF BARBED WIRE UNLAWFUL. It shall be unlaw-
13 ful for any person, firm, or corporation, ~~who, having~~ who has barbed wire or
14 barbed wire fences, to allow the same to be left down or strewn around on the
15 ground or in disrepair in such a manner ~~that livestock are liable to be in-~~
16 ~~jured thereby: provided, however, that no person, firm or corporation shall~~
17 ~~be liable for barbed wires left down or strewn about where the same are not so~~
18 ~~exposed that there is danger of injury to animals running at large and under~~
19 circumstances or conditions likely to injure livestock.

20 SECTION 2. That Section 35-302, Idaho Code, be, and the same is hereby
21 amended to read as follows:

22 35-302. NOTICE TO OWNER. It shall be the duty of any person, sheriff,
23 deputy sheriff, constable or policeman having knowledge by written notice or
24 otherwise that any ~~said~~ barbed wire or barbed wire fence is ~~se~~ down or strewn
25 on the ground or in disrepair to give notice either verbally or otherwise to
26 such person, firm, or corporation that said barbed wire or barbed wire fence
27 is so down or strewn on the ground or in disrepair.

28 SECTION 3. That Section 35-303, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 35-303. OWNER'S LIABILITY AFTER NOTICE. It shall be unlawful for aAny
31 person, firm, or corporation who, after knowing by his own knowledge or by
32 receiving such notice as provided in section 35-302, shall Idaho Code, to
33 fail to remove same correct the violation within ten five (105) days after
34 such notice, and such person, firm, or corporation shall be subject to the
35 penalties as provided in this chapter.

36 SECTION 4. That Section 35-305, Idaho Code, be, and the same is hereby
37 amended to read as follows:

1 35-305. PENALTY. Any person, firm, or corporation violating any of the
2 provisions of this chapter for the first time shall be deemed ~~guilty of a mis-~~
3 ~~demeanor and on conviction thereof shall be fined in any sum not less than~~
4 ~~five dollars (\$5.00) or more than twenty-five dollars (\$25.00), in the dis-~~
5 ~~cretion of the court to have committed an infraction and shall be fined in the~~
6 ~~amount of one hundred fifty dollars (\$150). Any person, firm, or corpora-~~
7 ~~tion violating the provisions of this chapter for a second or subsequent time~~
8 ~~within five (5) years of a previous violation shall be deemed guilty of a mis-~~
9 ~~demeanor and shall be subject to a minimum fine of two hundred fifty dollars~~
10 ~~(\$250) and up to six (6) months in jail.~~

11 SECTION 5. An emergency existing therefor, which emergency is hereby
12 declared to exist, this act shall be in full force and effect on and after
13 July 1, 2022.