

TITLE 18
CRIMES AND PUNISHMENTS

CHAPTER 46
LARCENY AND RECEIVING STOLEN GOODS

18-4616. DEFACING MARKS ON LOGS OR LUMBER. Every person who cuts out, alters, mutilates, changes, disfigures, or defaces any legally recorded mark or marks made upon any log, lumber, or wood, or re-marks or puts a false mark thereon with intent to prevent the owner from discovering its identity, or places any mark upon, or cuts, saws, manufactures, or in any manner appropriates to his own use, or to the use of any other person, any prize log or timber, is guilty of a misdemeanor and punishable by a fine not exceeding one thousand dollars (\$1,000), or imprisonment in the county jail not exceeding six (6) months, or by both such fine and imprisonment. In any prosecution for a violation of the provisions of this section relating to prize logs it shall be sufficient to prove that such logs are prize logs without further proof of ownership.

[18-4616, added 1972, ch. 336, sec. 1, p. 939; am. 2006, ch. 71, sec. 15, p. 221.]

18-4617. STEALING RIDES ON TRAINS. Every person who shall, at any place within this state, ride or attempt to ride upon any locomotive engine, railroad car, railroad train, or trains of any character, in or upon any part thereof, for the purpose or with the intent of stealing a ride thereon, or who shall at any place, within this state, climb upon, hold to, or in any manner attach himself to, any locomotive engine or railroad car or railroad train or trains of any character, while the same are in motion, shall be guilty of a misdemeanor: provided, that this section shall not apply to any employee of a railroad company operating such train, locomotive or car, nor to any person operating such train, locomotive or car, nor to any person having business with, or acting under legal authority of, such railroad company.

[I.C., sec. 18-4617, as added by 1972, ch. 336, sec. 1, p. 939.]

18-4618. STEALING RIDES ON TRAINS -- AUTHORITY OF CONDUCTORS AND ENGINEERS TO ARREST. Authority is hereby given to and conferred upon railroad conductors and engineers of railroad trains, to immediately arrest, without warrant or other process, any person or persons violating the preceding section, and deliver such persons to any peace officer: provided, that nothing in this section contained shall be construed to restrict the authority or duty of the regular officer within the state of making arrests for said offense.

[18-4618, added 1972, ch. 336, sec. 1, p. 940.]

18-4619. STEALING RIDES -- VENUE OF ACTION. Any person charged with a violation of section [18-4617](#) may be tried in any county in this state through which such train carrying such person may pass, or in the county in which such violation may have occurred or may be discovered.

[18-4619, added 1972, ch. 336, sec. 1, p. 940.]

18-4620. STEALING RIDES -- PUNISHMENT. Every person who shall be convicted of a violation of any of the offenses mentioned in section [18-4617](#) shall be punished by imprisonment in the county jail for a period not exceeding thirty days, or by a fine of not more than \$60.00, or by both such fine and imprisonment.

[18-4620, added 1972, ch. 336, sec. 1, p. 940.]

18-4621. STEALING ELECTRIC CURRENT -- TAMPERING WITH METERS. Whoever shall without permission or authority of any person, firm or corporation engaged in the generation or distribution of electricity, make connections, or cause connections to be made, by wire or wires or by any other device, with the wires, cables or conductors, or any of them, of any such person, firm or corporation, for the purpose of obtaining or diverting electric current from such wires, cables or conductors; or whoever shall, without permission or authority from any person, firm or corporation using any meter or meters erected or set up for the purpose of registering or recording the amount of electric current supplied to any customer of such person, firm or corporation within this state, connect or cause to be connected by wire or any other device, any such meter or meters, or change or shunt the wiring leading to or from any such meter or meters, or by any device or appliance or means whatsoever tamper with any such meter or meters in such manner that such meter or meters do not measure or record the full amount of electric current supplied to such customer, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail for a term not exceeding six (6) months, or by both such fine and imprisonment: provided, that nothing herein contained shall be deemed to affect the right of any person, firm or corporation to recover by action in any court of competent jurisdiction damages for any injury done by such unlawful acts.

[18-4621, added 1972, ch. 336, sec. 1, p. 940; am. 2005, ch. 359, sec. 8, p. 1135.]

18-4622. STEALING ELECTRIC CURRENT -- ACCESSORIES LIABLE AS PRINCIPALS. Any person or persons aiding, abetting or counseling the acts, or any of them, mentioned in the preceding section, shall, upon conviction thereof, be equally guilty with the principals and subject to the same penalties.

[18-4622, added 1972, ch. 336, sec. 1, p. 941.]

18-4623. STEALING ELECTRIC CURRENT -- EVIDENCE OF GUILT. In all prosecutions under the two (2) preceding sections, proof that any of the acts herein forbidden were done on or about the premises owned or occupied by the defendant charged with the commission of such offense, or that he received the benefit of any such electric current on account of the commission of such acts, shall be prima facie evidence of the guilt of such defendant.

[18-4623, added 1972, ch. 336, sec. 1, p. 941.]

18-4624. TAKEN OR CONVERTED MERCHANDISE AS THEFT. A person steals property and commits theft by the alteration, transfer or removal of any label, price tag, marking, indicia of value or any other markings which aid in the determination of value of any merchandise displayed, held, stored, or of-

ferred for sale, in a retail mercantile establishment, for the purpose of attempting to purchase such merchandise either personally or in consort with another, at less than the retail price with the intention of depriving the merchant of the value of such merchandise.

[18-4624, added 1980, ch. 336, sec. 1, p. 870.]

18-4625. TAKEN OR CONVERTED MERCHANDISE -- EVIDENCE. In any prosecution for a violation of this chapter, photographs of the goods or merchandise alleged to have been taken or converted shall be deemed competent evidence of such goods or merchandise and shall be admissible in any proceeding, hearing or trial to the same extent as if such goods and merchandise had been introduced as evidence. Such photographs shall bear a written description of the goods or merchandise alleged to have been taken or converted, the name of the owner of such goods or merchandise, or the store or establishment wherein the alleged offense occurred, the name of the accused, the name of the arresting peace officer, the date of the photograph and the name of the photographer. Such writing shall be made under oath by the arresting peace officer, and the photographs identified by the signature of the photographer. Upon the filing of such photograph and writing with the authority or court holding such goods and merchandise as evidence, such goods or merchandise shall be returned to their owner, or the proprietor or manager of the store or establishment wherein the alleged offense occurred.

[18-4625, added 1980, ch. 336, sec. 2, p. 870.]

18-4626. WILLFUL CONCEALMENT OF GOODS, WARES OR MERCHANDISE -- DEFENSE FOR DETENTION. (a) Whoever, without authority, willfully conceals the goods, wares or merchandise of any store or merchant, while still upon the premises of such store or merchant, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment. Goods, wares or merchandise found concealed upon the person shall be prima facie evidence of a willful concealment.

(b) Any owner, his authorized employee or agent of any store or merchant, apprehending or detaining a person on or in the immediate vicinity of the premises of any store or merchant, for the purpose of investigation or questioning as to the ownership of any goods, wares or merchandise, shall have as a defense in any action, civil or criminal, that such detention of the person or persons was in a reasonable manner and for not more than a reasonable time to permit such investigation or questioning by a peace officer or by the owner of the store or merchant, his authorized employee or agent, and that such peace officer, owner, employee or agent had probable cause to believe that the person so detained was committing or attempting to commit an offense as set forth in subsection (a) of this section. "Reasonable time" shall mean the time necessary to permit the person detained to make a statement or to refuse to make a statement, and the time necessary to examine employees and records of the store or merchant relative to ownership of the merchandise.

[18-4626, as added by 1972, ch. 336, sec. 1, p. 941; am. 1973, ch. 258, sec. 1, p. 510; am. 2005, ch. 359, sec. 9, p. 1136.]

18-4627. TRANSPORTATION OF CONIFEROUS TREES -- PROOF OF OWNERSHIP REQUIRED. It shall be unlawful for any person to transport on the highways of this state, outside of incorporated cities, more than two (2) coniferous trees without proof of ownership. Such proof of ownership shall consist of one (1) or more of the following:

(1) A tag designating the grower or producer, and/or the vendor of the tree; such tag shall be attached firmly to the branches or trunk of the tree;

(2) A permit issued by the proper state or federal agencies which shall specify:

- (a) The date of its execution;
 - (b) The name of the permittee;
 - (c) The location or area where the trees were harvested; and
 - (d) The amount or number of trees authorized to be cut.
- (3) A bill of sale showing title thereto, which shall specify:

- (a) The date of its execution;
- (b) The name and address of the vendor or donor of the trees;
- (c) The name and address of the vendee or donee of the trees;
- (d) The number of trees, by species, sold or transferred by the bill of sale; and
- (e) The property from which the trees were taken.

(4) A United States department of agriculture and/or a state of Idaho marketing service grade inspection tag shall be acceptable as proof of ownership when such tags specify:

- (a) The date of inspection;
- (b) The name and address of the grower or producer; and
- (c) The species and grade of the trees.

The foregoing provisions do not apply to:

- (1) The transportation of trees in the course of transplantation, with their roots intact.
- (2) The transportation of logs, poles, pilings or other forest products from which substantially all the limbs and branches have been removed.
- (3) The transportation of coniferous trees by the owner of the land from which they were taken or his agent.

[I.C., sec. 18-4627, as added by 1972, ch. 336, sec. 1, p. 941.]

18-4628. TRANSPORTATION OF FOREST PRODUCTS -- PROOF OF OWNERSHIP REQUIRED -- EXCEPTIONS. (a) It shall be unlawful and constitute a misdemeanor for any person, firm, company, or business to transport on the public highways of this state any load of forest products, including coniferous trees, Christmas trees, sawlogs, poles, cedar products, pulp logs, fuelwood, etc., without proof of ownership. Such proof of ownership shall consist of one or more of the following:

- (1) A permit, contract, or other legal instrument issued by the landowner or proper state or federal agencies which shall specify:
 - (a) Date of execution;
 - (b) Name and address of permittee;
 - (c) Location or area by legal description where forest products were harvested;
 - (d) Estimated amount, volume, species, and class of forest products authorized to be cut and removed;
 - (e) Delivery or scaling point;
 - (f) Name and address of purchaser of forest products if different than permittee.

- (2) A bill of sale showing title thereto, which shall specify:
- (a) Date of execution;
 - (b) Name and address of the vendor or donor of the forest products;
 - (c) Name and address of the vendee or donee of the forest products;
 - (d) Number, volume, species, and class of forest products sold or transferred by the bill of sale;
 - (e) Property, legal description, from which the forest products were cut and removed.
- (3) A log or product load receipt or ticket issued by the seller (and) is a contract or permit condition authorizing removal of forest products. After scaling, load receipts or tickets shall be acceptable as proof of ownership when such tickets or load receipts specify:
- (a) Name of sale and purchaser;
 - (b) Date load removed;
 - (c) Name of truck driver;
 - (d) Sale contract/permit number;
 - (e) Number, volume, species and class of forest products covered by the load receipts or tickets.
- (b) The foregoing provisions shall not apply to:
- (1) Transportation of wood chips, sawdust and bark;
 - (2) Transportation of forest products by the owner of the land from which forest products were taken or his agent;
 - (3) Transportation of two (2) or less coniferous trees; or
 - (4) Transportation of trees in the course of transplantation with their roots intact.

[I.C., sec. 18-4628, as added by 1975, ch. 243, sec. 2, p. 653; am. 1978, ch. 252, sec. 1, p. 551.]

18-4628A. PENALTY FOR PURCHASE WITHOUT PROOF OF OWNERSHIP. It is unlawful and a misdemeanor for any person, firm, company, or business to purchase any load of forest products, including coniferous trees, Christmas trees, sawlogs, poles, cedar products, pulp logs, fuelwood, etc., without proof of ownership as specified in subsection (a) of section [18-4628](#), Idaho Code, or to fail to retain a copy of that proof of ownership for a period of at least one (1) year from the date of purchase.

[18-4628A, added 1978, ch. 252, sec. 2, p. 552.]

18-4629. PENALTY FOR TRANSPORTATION OF FOREST PRODUCTS WITHOUT A PERMIT, CONTRACT, BILL OF SALE, OR PRODUCT LOAD RECEIPT. Violation of the provisions of this section [18-4628](#), Idaho Code, shall constitute a misdemeanor and, upon conviction, be punishable by a fine of not to exceed one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding six (6) months, or both.

[18-4629, added 1975, ch. 243, sec. 3, p. 653; am. 2006, ch. 71, sec. 16, p. 221; am. 2020, ch. 82, sec. 10, p. 185.]

18-4630. ILLEGAL USE OF DOCUMENTS. It is unlawful for any person, firm, company, or business to use any of the following documents for fraudulent or illegal purposes:

(a) Log or product load receipt or ticket, permit, contract, or other instrument under the transportation of forest products act, sections [18-4627](#) through [18-4630](#), Idaho Code;

(b) Certificates of compliance under the Idaho forestry act, sections [38-101](#) through [38-133](#), Idaho Code;

(c) Certificate of notification under the Idaho forest practices act, sections [38-1301](#) through [38-1312](#), Idaho Code.

Any person, firm, company, or business which knowingly uses any of the above mentioned documents in a fraudulent or illegal manner is guilty of a felony.

[18-4630, added 1978, ch. 252, sec. 3, p. 552.]

18-4631. FOREST SABOTAGE -- PENALTY. (1) Every person who maliciously drives or places, in any tree, saw-log, shingle-bolt or other wood, any iron, steel, ceramic, or other substance sufficiently hard to injure saws, knowing that the tree is intended to be harvested or that the saw-log, shingle-bolt, or other wood is intended to be manufactured into any kind of lumber or other wood product, is guilty of a felony.

(2) Any person who violates the provisions [provisions] of subsection (1) of this section and causes great bodily injury to another person other than an accomplice shall be sentenced to an extended term of imprisonment pursuant to section [19-2520B](#), Idaho Code.

[18-4631, added 1988, ch. 322, sec. 1, p. 982.]