

TITLE 18
CRIMES AND PUNISHMENTS

CHAPTER 70
TRESPASS AND MALICIOUS INJURIES TO PROPERTY

18-7001. MALICIOUS INJURY TO PROPERTY. (1) Except as otherwise provided in subsection (2) of this section, every person who maliciously injures or destroys any real or personal property not his own, or any jointly owned property without permission of the joint owner, or any property belonging to the community of the person's marriage, in cases otherwise than such as are specified in this code, is guilty of a misdemeanor and shall be punishable by imprisonment in the county jail for up to one (1) year or a fine of not more than one thousand dollars (\$1,000), or both.

(2) A person is guilty of a felony, and shall be punishable by imprisonment in the state prison for not less than one (1) year nor more than five (5) years, and may be fined not more than one thousand dollars (\$1,000), or by both such fine and imprisonment, if:

(a) The damages caused by a violation of this section exceed one thousand dollars (\$1,000) in value; or

(b) Any series of individual violations of this section are part of a common scheme or plan and are aggregated in one (1) count, and the damages from such violations when considered together exceed one thousand dollars (\$1,000) in value.

[18-7001, added 1972, ch. 336, sec. 1, p. 973; am. 1973, ch. 186, sec. 1, p. 432; am. 1998, ch. 354, sec. 1, p. 1112; am. 2005, ch. 118, sec. 1, p. 378.]

18-7002. CONSTRUCTION OF SECTIONS ENUMERATING ACTS OF MALICIOUS MISCHIEF. The specification of the acts enumerated in the following sections of this chapter is not intended to restrict or qualify the interpretation of the preceding section.

[18-7002, added 1972, ch. 336, sec. 1, p. 973.]

18-7004. FIRING TIMBER OR PRAIRIE LANDS. Any person who shall wilfully or carelessly set on fire, or cause to be set on fire, any timber or prairie lands in this state, thereby destroying the timber, grass or grain on any such lands, or any person who shall build a camp fire in any woods, or on any prairie, and leave the same without totally extinguishing such fire, or any railway company which shall permit any fire to spread from its right-of-way to the adjoining lands, is guilty of a misdemeanor.

[18-7004, added 1972, ch. 336, sec. 1, p. 974.]

18-7005. DAMAGE TO FORAGE ON PUBLIC LANDS FROM THROWING AWAY OR LEAVING LIGHTED SUBSTANCES. Any person who shall throw any lighted cigarette, cigar, match, ashes, or other flaming or glowing substance or any substance or thing which may cause a fire, from any vehicle, or who shall throw, deposit, or leave any lighted cigarette, cigar, match, ashes or other flaming or glowing substance or any substance or thing which may cause a fire in any place where the same may directly or indirectly cause a fire resulting in damage to for-

age on the lands of the United States or the state of Idaho or to the property of any person, is guilty of a misdemeanor and shall be punished accordingly.

[18-7005, added 1972, ch. 336, sec. 1, p. 974.]

18-7006. TRESPASS OF PRIVACY. It shall be unlawful for any person, upon the private property of another, to intentionally look, peer or peek in the door, window, or other transparent opening of any inhabited building or other structure located thereon, without visible or lawful purpose. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

[18-7006, added 1999, ch. 209, sec. 1, p. 559.]

18-7008. CRIMINAL TRESPASS -- DEFINITIONS AND ACTS CONSTITUTING. (1) Definitions. As used in this section:

- (a) "Crops" means field crops including, but not limited to, grains, feed crops, legumes, fruits and vegetables.
- (b) "Cultivated land" means:
 - (i) Land whose soil is loosened or broken up for the raising of crops;
 - (ii) Land used for the raising of crops; or
 - (iii) Pasturage that is artificially irrigated.
- (c) "Damage" means any injury or damage to real or personal property and includes, but is not limited to, any of the following actions, when conducted without lawful authority, the consent of the landowner or his agent, or a valid license:
 - (i) Cutting down or carrying off any wood, underbrush, tree or timber, or girdling or otherwise injuring any tree or timber on the land of another;
 - (ii) Severing from the property of another anything attached thereto, or the produce thereof;
 - (iii) Digging, taking or carrying away any earth, soil or stone from the property of another;
 - (iv) Tearing down or otherwise damaging any fence on the land of another person, or opening any gate, bar or fence of another person and leaving it open, or using the corral or corrals of another person;
 - (v) Dumping trash or covering up in any manner the property of another person;
 - (vi) The unprovoked, intentional killing or injuring of a domestic animal of another on his property;
 - (vii) Removing, mutilating, damaging or destroying any "no trespassing" signs or markers of similar meaning;
 - (viii) Going through or driving a motor vehicle, as defined in sections [49-114](#) and [49-123](#), Idaho Code, into, upon, over or through any cultivated lands; or
 - (ix) Injuring livestock.
- (d) "Enter" or "enters" means going upon or over real property either in person or by causing any object, substance or force to go upon or over real property.
- (e) "Navigable streams" shall have the meaning set forth in section [36-1601](#), Idaho Code.

(f) "Permission" means written authorization from the owner or his agent to enter upon private land, which shall include the signature of the owner or his agent, the name of the person being given permission, the appropriate dates that the permission is valid and a general description of the property; or another form of permission or invitation recognized by law.

(g) "Remains" means to fail to depart from the real property of another immediately when notified to do so by the owner or his agent.

(2) Acts constituting criminal trespass.

(a) A person commits criminal trespass and is guilty of a misdemeanor, except as provided in subsection (3) (a) (i) of this section, when he enters or remains on the real property of another without permission, knowing or with reason to know that his presence is not permitted. A person has reason to know his presence is not permitted when, except under a landlord-tenant relationship, he fails to depart immediately from the real property of another after being notified by the owner or his agent to do so, or he returns without permission or invitation within one (1) year, unless a longer period of time is designated by the owner or his agent. In addition, a person has reason to know that his presence is not permitted on real property that meets any of the following descriptions:

(i) The property is reasonably associated with a residence or place of business;

(ii) The property is cultivated;

(iii) The property is fenced or otherwise enclosed in a manner that a reasonable person would recognize as delineating a private property boundary. Provided, however, if the property adjoins or is contained within public lands, the fence line adjacent to public land is posted with conspicuous "no trespassing" signs or bright orange or fluorescent paint at the corners of the fence adjoining public land and at all navigable streams, roads, gates and rights-of-way entering the private land from the public land, and is posted in a manner that a reasonable person would be put on notice that it is private land; or

(iv) The property is unfenced and uncultivated but is posted with conspicuous "no trespassing" signs or bright orange or fluorescent paint at all property corners and boundaries where the property intersects navigable streams, roads, gates and rights-of-way entering the land, and is posted in a manner that a reasonable person would be put on notice that it is private land.

(b) Every person who commits a criminal trespass as provided by this section and who causes damage to real or personal property in excess of one thousand dollars (\$1,000) while trespassing is guilty of criminal trespass with damage and is guilty of a misdemeanor, except as provided in subsection (3) (b) (iii) of this section.

(3) Penalties.

(a) Penalties for criminal trespass.

(i) Any person who pleads guilty to or is found guilty of a violation of subsection (2) (a) of this section for the first time:

1. If no damage of any kind was committed during the trespass and the person accused does not remain if ordered to depart by the owner of the real property or his agent, then the per-

son shall be guilty of an infraction and fined in the amount of three hundred dollars (\$300); or

2. Except as provided in subparagraph (i)1. of this paragraph, the person may be sentenced to jail for a period of no more than six (6) months and shall be fined in an amount no less than five hundred dollars (\$500) and no more than one thousand dollars (\$1,000).

(ii) Any person who pleads guilty to or is found guilty of a violation of subsection (2) (a) of this section for a second time within five (5) years:

1. May be sentenced to jail for a period of no more than six (6) months;

2. Shall be fined in an amount no less than one thousand five hundred dollars (\$1,500) and no more than three thousand dollars (\$3,000); and

3. If the trespass can be reasonably construed to have been committed in a manner described in section [36-1603\(a\)](#), Idaho Code, shall have any license issued pursuant to [chapter 3, title 36](#), Idaho Code, suspended for a period of one (1) year.

(iii) Any person who pleads guilty to or is found guilty of a violation of subsection (2) (a) of this section, who previously has been found guilty of or has pled guilty to two (2) or more violations of the provisions of subsection (2) of this section within ten (10) years, notwithstanding the form of the judgments or withheld judgments:

1. May be sentenced to jail for a period no more than one (1) year;

2. Shall be fined an amount no less than five thousand dollars (\$5,000) and no more than ten thousand dollars (\$10,000); and

3. If the trespass can be reasonably construed to have been committed in a manner described in section [36-1603\(a\)](#), Idaho Code, shall have any license issued pursuant to [chapter 3, title 36](#), Idaho Code, suspended for a period of no more than five (5) years.

(b) Penalties for criminal trespass with damage.

(i) Any person who pleads guilty to or is found guilty of a violation of subsection (2) (b) of this section for the first time:

1. May be sentenced to jail for a period of no more than six (6) months; and

2. Shall be fined in an amount no less than one thousand five hundred dollars (\$1,500) and no more than five thousand dollars (\$5,000).

(ii) Any person who pleads guilty to or is found guilty of a violation of subsection (2) (b) of this section for a second time within five (5) years:

1. May be sentenced to jail for a period of no more than six (6) months;

2. Shall be fined in an amount no less than five thousand dollars (\$5,000) and no more than ten thousand dollars (\$10,000); and

3. If the trespass can be reasonably construed to have been committed in a manner described in section [36-1603\(a\)](#), Idaho

Code, shall have any license issued pursuant to [chapter 3, title 36](#), Idaho Code, suspended for a period of one (1) year.

(iii) Any person who pleads guilty to or is found guilty of a violation of subsection (2) (b) of this section, who previously has been found guilty of or has pled guilty to two (2) or more violations of the provisions of subsection (2) of this section within ten (10) years, notwithstanding the form of the judgments or withheld judgments, is guilty of a felony and:

1. Shall be sentenced to the custody of the state board of correction for a period of no less than one (1) year and no more than five (5) years;

2. Shall be fined in an amount no less than fifteen thousand dollars (\$15,000) and no more than fifty thousand dollars (\$50,000); and

3. If the trespass can be reasonably construed to have been committed in a manner described in section [36-1603\(a\)](#), Idaho Code, shall have any license issued pursuant to [chapter 3, title 36](#), Idaho Code, suspended for a period of no less than five (5) years.

(c) In addition to any other penalty prescribed by law, a court shall, for any violation of subsection (2) of this section, order restitution in accordance with section [19-5304](#), Idaho Code.

(4) Posting of navigable streams shall not prohibit access to navigable streams below the high-water mark pursuant to section [36-1601](#), Idaho Code.

(5) Subject to any rights or authorities described in subsection (6) of this section, a landowner or his agent may revoke permission granted under this section to another to enter or remain upon his property at any time, for any reason, orally, in writing, or by any other form of notice reasonably apparent to the permitted person or persons.

(6) A person shall not be guilty of trespass under this section for entering or remaining upon real property if the person entered or remained on the property pursuant to any of the following rights or authorities:

(a) An established right of entry or occupancy of the real property in question, including, but not limited to:

(i) An invitation, whether express or implied, to enter or remain on real property including, but not limited to, the right to enter property that is, at the time, open to the public, if the person is in compliance with lawful conditions imposed on access;

(ii) A license to enter or remain on real property; or

(iii) A lease, easement, contract, privilege or other legal right to enter, remain upon, possess or use the real property;

(b) A lawful authority to enter onto or remain upon the real property in question, including, but not limited to:

(i) Any law enforcement officer during the course and scope of fulfilling his lawful duties;

(ii) Any paramedic, firefighter or other emergency personnel during the course and scope of fulfilling his lawful duties; or

(iii) Any licensed professional otherwise authorized to enter or remain on the real property during the course and scope of fulfilling his lawful duties; or

(c) Any other person with a legally prescribed right to enter or remain upon the real property in question.

(7) Examples of the exclusions in subsection (6) of this section include, but are not limited to: a customer entering and remaining in a store during business hours who has not been asked to depart by the property owner or his agent; a person knocking on a front door of a property that is not posted; a meter reader during the scope and course of his employment; a postal employee delivering mail or packages; power company personnel fixing downed power lines; a bail bondsman arresting a person who is in violation of a bail contract; a tenant pursuant to a valid lease; and the owner or operator of any right-of-way or easement for any ditch, canal or other conduit, acting pursuant to the provisions of chapter 11 or [chapter 12, title 42](#), Idaho Code.

(8) The exclusions set forth in this section shall not relieve any person of civil or criminal liability pursuant to other applicable law for causing damage while entering or remaining on the property in question.

[18-7008, added 2018, ch. 350, sec. 6, p. 828.]

18-7009. DESTRUCTION OF TIMBER ON STATE LANDS. Every person who wilfully and without authority enters upon the public lands of the state and cuts down, destroys or injures any kind of wood or timber, standing or growing upon such lands, or who wilfully and without authority carries away any kind of wood or timber lying on such lands, is guilty of a misdemeanor.

[18-7009, added 1972, ch. 336, sec. 1, p. 975.]

18-7010. CUTTING STATE TIMBER FOR SHIPMENT. Every person who wilfully and without authority enters upon the public lands of the state and cuts down, destroys or injures any kind of wood or timber growing upon such lands, for the purpose of shipping, freighting, floating or otherwise transporting such wood or timber out of the state, or who shall ship, freight or float, or otherwise transport out of the state, any wood or timber cut upon the public lands of the state, shall be guilty of a felony.

[18-7010, added 1972, ch. 336, sec. 1, p. 975.]

18-7012. OPENING GATES AND DESTROYING FENCES. It shall be a misdemeanor for any person to open and leave open any gate not belonging to such person or rightfully under his control, or to cut, break, tear down, or otherwise injure, any fence or wall or any obstruction used for a fence not belonging to such person or rightfully under his control.

[18-7012, added 1972, ch. 336, sec. 1, p. 976.]

18-7013. RESERVOIRS AND TANKS -- POLLUTION WHEN FENCED OR POSTED A MISDEMEANOR. Whenever any individual, individuals or corporation, municipal, public or private, owning, operating or maintaining any reservoir, pond, tank or any structure or place wherein or whereon water is stored, either in whole or in part for domestic use, has the area or ground on or wherein such reservoir, pond, tank, structure or place is located, wholly inclosed by any fence or artificial barrier, and has posted or caused to be posted, warning signs in conspicuous places on such fence or artificial barrier forbidding entry, it shall be unlawful for any person to enter, or to throw or place, or to cause to be thrown or placed, any substance or thing whatsoever, within the area so inclosed by such fence or artificial barrier, without the consent

of such individual, individuals or corporation, and any violation hereof shall constitute a misdemeanor and shall be punishable accordingly.

[I.C., sec. 18-7013, as added by 1972, ch. 336, sec. 1, p. 976.]

18-7014. INJURIES TO CROPS. Every person who maliciously injures or destroys any standing crops, grain, cultivated fruits or vegetables, the property of another, in any case for which a punishment is not otherwise prescribed by this code, is guilty of a misdemeanor.

[18-7014, added 1972, ch. 336, sec. 1, p. 976.]

18-7015. TRESPASS ON INCLOSURE FOR FUR-BEARING ANIMALS. When the owner of any inclosure wherein foxes or other fur-bearing animals are held in captivity, shall erect a fence or other barrier around the same and within the boundaries of the premises under the exclusive dominion and control of such owner, and shall post warning signs in conspicuous places along such fence or barrier prohibiting trespass on the clear space between such fence or barrier and the inclosure aforesaid, it shall be unlawful for any person, without the permission of such owner, to cross such fence or barrier or trespass upon such clear space.

Any person violating the provisions hereof shall be deemed guilty of a misdemeanor.

[18-7015, added 1972, ch. 336, sec. 1, p. 976.]

18-7016. OBLITERATING AND DEFACING BOUNDARY MONUMENTS. Every person who either:

1. Maliciously removes any monument erected for the purpose of designating any point in the boundary of any lot or tract of land; or
 2. Maliciously defaces or alters the marks upon any such monument; or
 3. Maliciously cuts down or removes any tree upon which any such marks have been made for such purpose, with intent to destroy such marks;
- Is guilty of a misdemeanor.

[18-7016, added 1972, ch. 336, sec. 1, p. 977.]

18-7017. DEFACING NATURAL SCENIC OBJECTS. It shall be unlawful for any person to paint, sketch, or place in any manner or form or by any means, upon any rock or rocks or similar natural object or objects, any place within the state of Idaho, any sign, advertisement or picture or commercial or business name, for business or commercial purposes. Any person who violates the provisions of this section shall be deemed guilty of a misdemeanor.

[18-7017, added 1972, ch. 336, sec. 1, p. 977.]

18-7018. INJURING JAILS. Every person who wilfully and intentionally breaks down, pulls down or otherwise destroys or injures any public jail or other place of confinement, is punishable by fine not exceeding \$10,000, and by imprisonment in the state prison not exceeding five years.

[18-7018, added 1972, ch. 336, sec. 1, p. 977.]

18-7019. INJURING DAMS, CANALS, AND OTHER STRUCTURES -- PENALTY. Every person who wilfully and maliciously cuts, breaks, injures or destroys any

bridge, dam, canal, flume, aqueduct, levee, embankment, reservoir or other structure erected to create hydraulic power, or to drain or reclaim any swamp and overflowed or marsh land, or to conduct water for mining, manufacturing, reclamation or agricultural purposes, or any embankment necessary to the same, or either of them; or wilfully or maliciously makes, or causes to be made, any aperture in such dam, canal, flume, aqueduct, reservoir, embankment, levee or structure, with intent to injure or destroy the same, is punishable by a fine not exceeding \$1,000, or by imprisonment in the state prison not exceeding two years, or by both.

[18-7019, added 1972, ch. 336, sec. 1, p. 977.]

18-7020. DESTROYING LUMBER, POLES, RAFTS, AND VESSELS. Every person who willfully and maliciously burns, injures, marks, brands or defaces or destroys any pile, piling, telegraph pole, telephone pole or electric transmission line pole, fence post, pile or raft of wood, plank, boards or other lumber, or any part thereof, or cuts loose or sets adrift any such raft or part thereof, or cuts, breaks, injures, sinks or sets adrift any vessel the property of another, is punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding six (6) months, or by both such fine and imprisonment.

[18-7020, added 1972, ch. 336, sec. 1, p. 977; am. 2006, ch. 71, sec. 18, p. 222.]

18-7021. INJURING MONUMENTS, ORNAMENTS, AND PUBLIC IMPROVEMENTS. Every person, not the owner thereof, who wilfully mars, disfigures, breaks or otherwise injures, or molests, removes or destroys, any work of art, monument, landmark, historic structure, shade tree, shrub, ornamental plant, or useful or ornamental improvement, is guilty of a misdemeanor.

[18-7021, added 1972, ch. 336, sec. 1, p. 978.]

18-7022. INJURING GAS OR WATER PIPES. Every person who wilfully breaks, digs up, obstructs or injures any pipe or main for conducting gas or water, or any works erected for supplying buildings with gas or water or any appurtenances or appendages therewith connected, is guilty of a misdemeanor.

[I.C., sec. 18-7022, as added by 1972, ch. 336, sec. 1, p. 978.]

18-7023. DESTROYING MINING AND WATER RIGHT NOTICES. Every person who intentionally defaces, obliterates, tears down or destroys any notice posted on any lode or placer mining claim, or ditch, or water right, or location, or who removes, takes down or destroys any post or monument erected or placed to mark or indicate any such claim, right or location, or any part or boundary thereof, or part thereon, is guilty of a misdemeanor.

[18-7023, added 1972, ch. 336, sec. 1, p. 978.]

18-7024. UNDERGROUND WORKINGS OF MINES -- SETTING FIRE TO. It shall be unlawful for any person or persons to set fire, wilfully or maliciously, in or within any of the underground tunnels, shafts, or any of the underground workings of any mine in the state of Idaho that shall result in the burning

of, destruction of, or injury to any of the timbering or workings of any such mine or any part thereof.

[18-7024, added 1972, ch. 336, sec. 1, p. 978.]

18-7025. PUNISHMENT FOR VIOLATION OF PRECEDING SECTION. Any person or persons violating any of the provisions of this act shall be guilty of a felony and upon conviction thereof shall be punished by not less than five (5) nor more than twenty (20) years imprisonment in the state penitentiary.

[18-7025, added 1972, ch. 336, sec. 1, p. 978.]

18-7026. SABOTAGE. Any person who wilfully, maliciously or mischievously drives or causes to be driven or imbedded any nail, spike or piece of iron, steel or other metallic substance, or any rock or stone, into any log or timber intended to be manufactured into boards, lath, shingles or other lumber, or to be marketed for such purpose, is punishable by imprisonment in the state prison not more than five (5) years or by imprisonment in the county jail not less than six (6) months, or by fine not to exceed \$5000, in the discretion of the court.

[18-7026, added 1972, ch. 336, sec. 1, p. 978.]

18-7027. DESECRATION OF GRAVE, CEMETERY, HEADSTONE OR PLACE OF BURIAL PROHIBITED. It shall be unlawful for any person, not acting in full compliance with all the terms of the law to desecrate or molest in any way any portion of any grave, cemetery, headstone, grave marker, mausoleum, crypt, or other place of burial, whether of whole bodies or ashes, or other evidence of remains of a deceased human body. Any person convicted or found guilty of violating the provisions of this section is guilty of a misdemeanor.

[18-7027, added 1984, ch. 73, sec. 2, p. 136.]

18-7028. UNLAWFUL REMOVAL OF HUMAN REMAINS -- MALICE -- INTENT TO SELL. Every person who removes any part of any human remains from any place where it has been interred, or from any place where it is deposited while awaiting interment, with intent to sell it or to dissect it, without authority of law, or from malice or wantonness is guilty of a felony punishable by imprisonment in the state penitentiary for not more than five (5) years, by a fine not greater than ten thousand dollars (\$10,000) or by both such fine and imprisonment.

[18-7028, added 1984, ch. 73, sec. 3, p. 136.]

18-7029. PLACING POSTERS OR PROMOTIONAL MATERIAL ON PUBLIC OR PRIVATE PROPERTY WITHOUT PERMISSION. It shall be unlawful for any person to erect, install, attach or paint, or cause to be erected, installed, attached or painted, election posters or signs upon public or private property, real or personal, in the state of Idaho, without permission from the owner or occupant of such property, and it shall be unlawful for any person to place or leave any literature or other political, promotional or sales materials upon public or private property, real or personal, in the state of Idaho when the owner or occupant of such property, by a sign conspicuously posted on the property, or by other written or audio communication to such person, has for-

bidden the placing or leaving of literature or other political, promotional or sales material upon that property. Provided, however, that the granting of such permission by any public utility company on behalf of any candidate for public office shall constitute the granting of like permission by such public utility company to all other candidates for the same public office. Any violation of this section shall be a misdemeanor.

[I.C., sec. 18-7029, as added by 1972, ch. 336, sec. 1, p. 979; am. 1994, ch. 167, sec. 8, p. 377.]

18-7031. PLACING DEBRIS ON PUBLIC OR PRIVATE PROPERTY. It shall constitute an infraction for any person, natural or artificial, to deposit upon any public or private property within this state any debris, paper, litter, glass bottles, glass, nails, tacks, hooks, hoops, cans, barbed wire, boards, trash, garbage, lighted material or other waste substances on any place not authorized by any county, city, village or the owner of such property, and is punishable by a fine of one hundred fifty dollars (\$150). A second conviction under this section within two (2) years of the commission of the prior offense for which the person was convicted shall constitute an infraction and be punishable by a fine not exceeding three hundred dollars (\$300). A third conviction under this section within three (3) years of the first offense for which the person was convicted shall constitute a misdemeanor and be punishable by a fine not exceeding one thousand dollars (\$1,000) and by imprisonment in the county jail not exceeding thirty (30) days. Additionally, a peace officer or state fish and game personnel supervised public service of not less than eight (8) hours and not more than forty (40) hours may be imposed to clean up and to properly dispose of debris from public property, or from private property with the written consent of the private property owner, as ordered by the court.

[18-7031, added 1972, ch. 336, sec. 1, p. 979; am. 1994, ch. 119, sec. 1, p. 269; am. 2006, ch. 71, sec. 19, p. 222; am. 2015, ch. 177, sec. 2, p. 578.]

18-7032. TAMPERING WITH PARKING METERS, COIN TELEPHONES OR VENDING MACHINES -- POSSESSION OF KEYS. Any person who without lawful authority, wilfully and wrongfully, opens, removes or damages any parking meter, coin telephone or other vending machine dispensing goods or services, or a part thereof; or possesses a key or device specifically designed to open or break any parking meter, coin telephone or other vending machine dispensing goods or services; or possesses a drawing, print or mold of a key or device specifically designed to open or break any parking meter, coin telephone or other vending machine dispensing goods or services, shall be guilty of a misdemeanor.

[I.C., sec. 18-7032, as added by 1972, ch. 381, sec. 15, p. 1102.]

18-7033. USE OF UNAUTHORIZED VEHICLES ON AIRPORTS. It shall be a misdemeanor offense for any unauthorized vehicle to drive upon, cross or traverse any public or public use airport without the consent of the owner or his designated representative. The owner, operator or lessee or any of them guilty of operating a vehicle upon airport landing surfaces shall be liable for damage caused to the airport surfaces and for any injuries or damages to persons or property resulting from such damage. The operator, owner or lessee of an

unauthorized vehicle involved in a collision with an aircraft while operating upon a public or public use airport shall be held liable for damages to persons or property, both the owner and lessee shall be thus liable, and may be sued jointly, or either or both of them may be sued separately.

[I.C., sec. 18-7033, as added by 1974, ch. 81, sec. 1, p. 1171.]

18-7034. UNLAWFUL ENTRY. (1) Every person, except under landlord-tenant relationship, who enters any dwelling house, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, closed vehicle, closed trailer, airplane, railroad car or outbuilding, without the consent of the owner of such property or his agent or any person in lawful possession thereof, is guilty of a misdemeanor.

(2) Any person who enters any permanent or temporary dwelling without the consent of the owner of such property or his agent or any person in lawful possession thereof while being pursued by a peace officer is guilty of a felony. For purposes of this subsection "pursued" means "fresh pursuit" as defined in section [19-705](#), Idaho Code.

[18-7034, added 1981, ch. 322, sec. 1, p. 671; am. 1994, ch. 216, sec. 1, p. 673; am. 2017, ch. 274, sec. 1, p. 720.]

18-7035. DAMAGING CAVES OR CAVERNS UNLAWFUL -- PENALTY. It shall be unlawful for any person, without prior permission of the federal, state or private landowner, to willfully or knowingly break, break off, crack, carve upon, write or otherwise mark upon, or in any manner destroy, mutilate [mutilate], injure, deface, remove, displace, mar or harm any natural material found in any cave or cavern, such as stalactites, stalagmites, helictites, anthodites, gypsum flowers or needles, flowstone, draperies, columns, tufa dams, clay or mud formations or concretions, or other similar crystalline mineral formations or otherwise; to kill, harm or in any manner or degree disturb any plant or animal life found therein; to otherwise disturb or alter the natural conditions of such cave or cavern through the disposal therein of any solid or liquid materials such as refuse, food, containers or fuel of any nature, whether or not malice is intended; to disturb, excavate, remove, displace, mar or harm any archaeological artifacts found within a cave or cavern including petroglyphs, projectile points, human remains, rock or wood carvings or otherwise, pottery, basketry or any handwoven articles of any nature, or any pieces, fragments or parts of any such articles; or to break, force, tamper with, remove of [or] otherwise disturb a lock, gate, door, or other structure or obstruction designed to prevent entrance to a cave or cavern, without the permission of the owner thereof, whether or not entrance is gained. For purposes of this section, "cave" means any natural geologically formed void or cavity beneath the surface of the earth, not including any mine, tunnel, aqueduct or other manmade excavation, which is large enough to permit a person to enter. Any person violating the provisions of this section shall be guilty of a misdemeanor.

[18-7035, added 1982, ch. 283, sec. 1, p. 717.]

18-7036. INJURY BY GRAFFITI. No person shall purposely or knowingly vandalize, deface or otherwise damage the property of another by painting, writing, drawing, or otherwise inscribing thereon in any fashion that which is commonly known as graffiti. Graffiti includes any form of painting, writ-

ing, or inscription regardless of the content or the nature of the materials used which is applied to any public or private surface without the consent of the owner of the property. Every person who is convicted of a violation of the provisions of this section is guilty of a misdemeanor.

[18-7036, added 1987, ch. 274, sec. 1, p. 567.]

18-7037. UNAUTHORIZED RELEASE OF CERTAIN ANIMALS, BIRDS OR AQUATIC SPECIES -- PENALTIES. (1) Any person who without expressed permission from the owner or agent releases an animal, a bird, or an aquatic species which has been lawfully confined for agriculture, science, research, commerce, public propagation, protective custody, or education is liable: (a) to the owner or agent exercising possession of the animal, bird or aquatic species for damages and replacement costs, including the costs of restoring the animal, bird, or aquatic species to confinement and to its health condition prior to release; and (b) for damage to personal and real property caused by the release of the animal, bird or aquatic species. If the release causes the failure of an experiment, the person is liable for all costs of repeating the experiment, including replacement of the animal, bird or aquatic species.

(2) Any person who intentionally and without permission releases an animal, a bird, or an aquatic species which has been lawfully confined for agriculture, science, research, commerce, public propagation, protective custody, or education is guilty of a misdemeanor.

[18-7037, added 1990, ch. 38, sec. 1, p. 58.]

18-7038. DESTROYING LIVESTOCK. (1) Any person who shall, without the permission of the owner:

(a) Wilfully and intentionally destroy; or

(b) Destroy and remove the body or any body parts of any livestock with a value as set forth in subsection (1) (b) of section [18-2407](#), Idaho Code, shall be guilty of a felony.

(2) If the value of the livestock is less than that set forth in subsection (1) (b) of section [18-2407](#), Idaho Code, a violation of the provisions of this section shall be a misdemeanor.

(3) The provisions of this section shall not apply to any peace officer, veterinarian or officially designated animal control officer who, in the discharge of his official duties is called upon the scene of injured livestock and cannot contact the owner or caretaker of the injured animal within thirty (30) minutes, and he reasonably determines that the injured animal is suffering to such a degree that humane destruction is warranted, and he humanely destroys or causes the animal to be humanely destroyed.

[[18-7037] 18-7038, added 1990, ch. 126, sec. 1, p. 297; am. and redesignated, 1991, ch. 102, sec. 1, p. 229.]

18-7039. KILLING AND OTHERWISE MISTREATING POLICE DOGS, POLICE HORSES, SEARCH AND RESCUE DOGS AND ACCELERANT DETECTION DOGS. (1) Definitions:

(a) "Police dog" shall include:

(i) "Bomb detection dog" means a dog trained to locate bombs or explosives by scent;

(ii) "Narcotic detection dog" means a dog trained to locate narcotics by scent;

(iii) "Patrol dog" means a dog trained to protect a peace officer and to apprehend a person;

(iv) "Tracking dog" means a dog trained to track and find a missing person, escaped inmate or fleeing felon.

(b) "Police horse" means any horse which is owned, or the service of which is employed, by a law enforcement agency for the principal purpose of aiding in detection of criminal activity, enforcement of laws and apprehension of offenders.

(c) "Search and rescue dog" means a dog which is trained to locate lost or missing persons, victims of natural or man-made disasters, and human bodies.

(d) "Accelerant detection dog" means a dog which is used exclusively for accelerant detection, commonly referred to as arson canines.

(2) The provisions of this section shall apply to police dogs and police horses used by peace officers, including any used by a corrections officer in the performance of the officer's duties, and to search and rescue dogs and accelerant detection dogs used by peace officers or certified handlers under the supervision of a peace officer. The provisions of this section shall apply when the animals are on duty and when not on duty.

(3) Any person who willfully and maliciously and with no legal justification, and with intent to inflict such injury or death, personally causes the death, destruction, or serious physical injury including bone fracture, loss or impairment of function of any bodily organ, wounds requiring extensive suturing, or serious crippling, of any police dog, police horse, search and rescue dog or accelerant detection dog, shall be guilty of a felony under this section and shall be punished by imprisonment in the state penitentiary for a period not to exceed five (5) years, or by a fine not to exceed ten thousand dollars (\$10,000), or by both such fine and imprisonment.

(4) Any person who willfully, maliciously and with no legal justification, throws, hurls or projects at a police dog, police horse or search and rescue dog, any rock, object or other substance which is used in such a manner as to be capable of producing injury and likely to produce injury or kicks, strikes, beats, or torments any police dog, police horse or search and rescue dog is guilty of a misdemeanor and shall be punished by imprisonment for not more than one (1) year or by a fine not exceeding one thousand dollars (\$1,000), or by both such fine and imprisonment.

(5) Any person who willfully and maliciously and with no legal justification, interferes with or obstructs any police dog, police horse or search and rescue dog being used by any peace officer in the discharge of the officer's duties by teasing, agitating, harassing such animals, or who causes another person or persons, animal or animals, to do likewise, is guilty of a misdemeanor and shall be punished by imprisonment for not more than one (1) year or by a fine not exceeding one thousand dollars (\$1,000), or by both such fine and imprisonment.

(6) In any case in which a defendant is convicted of a violation of the provisions of this section, the defendant shall be ordered to make restitution to the agency owning the animal and employing the peace officer for any veterinary bills, replacement costs of the animal if it is disabled or killed, and the salary of the peace officer for the period of time his or her services are lost to the agency.

(7) The provisions of this subsection do not apply to peace officers or veterinarians who terminate the life of such a police dog, police horse

or search and rescue dog for the purpose of relieving the police dog, police horse or search and rescue dog of undue pain or suffering.

[18-7039, added 1994, ch. 157, sec. 1, p. 357.]

18-7040. INTERFERENCE WITH AGRICULTURAL RESEARCH. (1) A person commits the crime of interference with agricultural research if the person knowingly:

- (a) Damages any property at an agricultural research facility with the intent to damage or hinder agricultural research or experimentation;
- (b) Obtains any property of an agricultural research facility with the intent to damage or hinder agricultural research or experimentation;
- (c) Obtains access to an agricultural research facility by misrepresentation with the intent to perform acts that would damage or hinder agricultural research or experimentation;
- (d) Enter an agricultural research facility with the intent to damage, alter, duplicate or obtain unauthorized possession of records, data, materials, equipment or specimens related to agricultural research or experimentation;
- (e) Without the authorization of the agricultural research facility, obtains or exercises control over records, data, materials, equipment or specimens of the agricultural research facility with the intent to destroy or conceal the records, data, materials, equipment or specimens; or
- (f) Releases or steals an animal from, or causes the death, injury or loss of an animal at an agricultural research facility.

(2) A person found guilty of committing the crime of interference with agricultural research shall be guilty of a felony and shall be punished by a term of imprisonment of not more than twenty (20) years or by a fine not in excess of ten thousand dollars (\$10,000), or by both such fine and imprisonment.

(3) For purposes of this section:

- (a) "Agricultural research facility" means any structure or land, whether privately or publicly owned, leased or operated, that is being used for agricultural research or experimentation.
- (b) "Agricultural research or experimentation" means the lawful study, analysis or testing of plants or animals, or the use of plants or animals to conduct studies, analyses, testing or teaching, for the purpose of improving farming, forestry or animal husbandry.

(4) In addition to any other penalty imposed for a violation of this section, the court shall require any person convicted, found guilty or who pleads guilty to a violation of this section to make restitution to the victim of the offense in accordance with the terms of section [19-5304](#), Idaho Code; provided, that such award shall be in an amount equal to twice the value of the crop, crop product, timber, timber product, livestock or equipment damaged or destroyed. In ordering restitution under this section, the court shall, in the determination of value, consider:

- (a) The market value of the crop, crop product, timber, timber product, livestock, or equipment that has been damaged or destroyed;
- (b) Production, research, testing, replacement and development costs directly related to the crop, crop product, timber, timber product, livestock or equipment that has been damaged or destroyed;
- (c) the costs of repeating an experiment, including the replacement of the records, data, equipment, specimens, labor and materials, if

acts constituting the violation cause the failure of an experiment in progress or irreparably damage completed research or experimentation.

[18-7040, added 2002, ch. 263, sec. 1, p. 785.]

18-7041. DAMAGE TO AQUACULTURE OPERATIONS. (1) It is unlawful for any person to knowingly transfer, damage, vandalize, poison, or knowingly attempt to transfer, damage, vandalize or poison the product or facilities of a posted commercial aquaculture operation in Idaho, or to knowingly release or knowingly allow another person to release any poisonous or dangerous substance that comes in contact with any species in production in an aquaculture operation and causes damage to either the species in production or the aquaculture facility itself.

(2) Any person or persons violating any provision of this section when the value of the damage to either the species in production or the aquaculture facility itself is one thousand dollars (\$1,000) or less shall be guilty of a misdemeanor. Any person or persons violating any provisions of this section when the value of the damage to either the species in production or the aquaculture facility itself is in excess of one thousand dollars (\$1,000) shall be guilty of a felony and upon conviction thereof shall be punished by a term of imprisonment of not more than twenty (20) years or by a fine not in excess of ten thousand dollars (\$10,000), or by both such fine and imprisonment.

(3) Nothing in this section shall be construed to limit the court's power to order restitution equal to the extent of the damage suffered by the aquaculture operation.

(4) Nothing in this section shall be construed to limit an aquaculture operation from proceeding in a civil action to seek any lawful civil remedy.

[18-7041, added 2004, ch. 143, sec. 1, p. 473.]

18-7042. INTERFERENCE WITH AGRICULTURAL PRODUCTION. (1) A person commits the crime of interference with agricultural production if the person knowingly:

(a) Is not employed by an agricultural production facility and enters an agricultural production facility by force, threat, misrepresentation or trespass;

(b) Obtains records of an agricultural production facility by force, threat, misrepresentation or trespass;

(c) Obtains employment with an agricultural production facility by force, threat, or misrepresentation with the intent to cause economic or other injury to the facility's operations, livestock, crops, owners, personnel, equipment, buildings, premises, business interests or customers;

(d) Enters an agricultural production facility that is not open to the public and, without the facility owner's express consent or pursuant to judicial process or statutory authorization, makes audio or video recordings of the conduct of an agricultural production facility's operations; or

(e) Intentionally causes physical damage or injury to the agricultural production facility's operations, livestock, crops, personnel, equipment, buildings or premises.

(2) For purposes of this section:

(a) "Agricultural production" means activities associated with the production of agricultural products for food, fiber, fuel and other lawful uses and includes without limitation:

- (i) Construction, expansion, use, maintenance and repair of an agricultural production facility;
- (ii) Preparing land for agricultural production;
- (iii) Handling or applying pesticides, herbicides or other chemicals, compounds or substances labeled for insects, pests, crops, weeds, water or soil;
- (iv) Planting, irrigating, growing, fertilizing, harvesting or producing agricultural, horticultural, floricultural and viticultural crops, fruits and vegetable products, field grains, seeds, hay, sod and nursery stock, and other plants, plant products, plant byproducts, plant waste and plant compost;
- (v) Breeding, hatching, raising, producing, feeding and keeping livestock, dairy animals, swine, furbearing animals, poultry, eggs, fish and other aquatic species, and other animals, animal products and animal byproducts, animal waste, animal compost, and bees, bee products and bee byproducts;
- (vi) Processing and packaging agricultural products, including the processing and packaging of agricultural products into food and other agricultural commodities;
- (vii) Manufacturing animal feed.

(b) "Agricultural production facility" means any structure or land, whether privately or publicly owned, leased or operated, that is being used for agricultural production.

(3) A person found guilty of committing the crime of interference with agricultural production shall be guilty of a misdemeanor and shall be punished by a term of imprisonment of not more than one (1) year or by a fine not in excess of five thousand dollars (\$5,000), or by both such fine and imprisonment.

(4) In addition to any other penalty imposed for a violation of this section, the court shall require any person convicted, found guilty or who pleads guilty to a violation of this section to make restitution to the victim of the offense in accordance with the terms of section [19-5304](#), Idaho Code. Provided however, that such award shall be in an amount equal to twice the value of the damage resulting from the violation of this section.

[18-7042, added 2014, ch. 30, sec. 1, p. 44.]

18-7043. INTENTIONAL BREACH OF BIOSECURITY. (1) It is unlawful for a person to knowingly commit any of the following acts in the state of Idaho with the intent to damage, poison or infect the crops, livestock, products or facilities of an agricultural facility or agricultural operation as defined in section [22-4502](#), Idaho Code, without the knowledge and consent of the owner of the agricultural facility or agricultural operation:

- (a) Release or spread any type of contagious, communicable or infectious disease or poison;
- (b) Attempt to release or spread any type of contagious, communicable or infectious disease or poison;
- (c) Aid, abet or conspire with another person to release or spread any type of contagious, communicable or infectious disease or poison.

(2) Any person or persons violating any provision of this section shall be:

(a) Guilty of a misdemeanor when the damage to the crops, livestock, products or consumers of such products, agricultural facility or agricultural operation itself is one thousand dollars (\$1,000) or less;

(b) Guilty of a felony and upon conviction thereof shall be punished by a term of imprisonment of not more than twenty (20) years or by a fine not in excess of ten thousand dollars (\$10,000), or by both such fine and imprisonment, when the value of the damage to the crops, livestock, products or consumers of such products, agricultural facility or agricultural operation itself is in excess of one thousand dollars (\$1,000).

(3) Nothing in this section shall be construed to limit the court's power to order restitution equal to the extent of the damage suffered to the crops, livestock, products or consumers of such products, agricultural facility or agricultural operation.

(4) Nothing in this section shall be construed to limit an agricultural facility or agricultural operation from proceeding in a civil action to seek any lawful civil remedy.

(5) The provisions of this section are hereby declared severable and if any provision of this section or the application of such provision to any person or circumstances is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this section.

[18-7043, added 2016, ch. 286, sec. 1, p. 789.]

18-7044. IMMUNITY -- AID TO PERSON IN VEHICLE. (1) A person shall not be prosecuted under this title for entry, including forced entry and any resulting property damage, into a motor vehicle for the purpose of removing another person from the vehicle, provided that the person entering:

(a) Has a reasonable, good-faith belief that the other person is in imminent danger of suffering death or serious bodily harm;

(b) Contacts law enforcement before and immediately after entering, if feasible; and

(c) Uses no more force than reasonably necessary to gain entry.

(2) This section shall not be construed to prevent prosecution for physical harm caused to the person in the vehicle or for any other crime unrelated to the act of entering the vehicle as provided in subsection (1) of this section.

[18-7044, added 2018, ch. 285, sec. 2, p. 673.]

CHAPTER 71
VAGRANCY -- [REPEALED]