

TITLE 36
FISH AND GAME

CHAPTER 14
GENERAL PENAL PROVISIONS

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.

(A) Fish from a raft or boat with motor attached in waters where motors are prohibited.

(B) Fish with hooks larger than allowed in that water.

(C) Fish with barbed hooks in waters where prohibited.

(D) Exceed any established bag limit for fish by one (1) fish, except bag limits for anadromous fish, landlocked chinook salmon, kamloops rainbow trout, lake trout, or bull trout.

(E) Fish with more than the approved number of lines or hooks.

(F) Fail to leave head and/or tail on fish while fish are in possession or being transported.

(G) Snag or hook fish other than in the head and fail to release, excluding anadromous fish.

- (H) Fail to attend fishing line and keep it under surveillance at all times.
- (I) Fail to comply with mandatory check and report requirements.
- (J) Fail to leave evidence of sex or species attached as required on game birds.
- (K) Hunt or take migratory game birds or upland game birds with shot exceeding the allowable size.
- (L) Fail to release, report or turn in nontarget trapped animals.
- (M) Fail to complete required report on trapped furbearer.
- (N) Fail to present required furbearer animal parts for inspection.
- (O) Fail to attach identification tags to traps.
- (P) Possess not more than one (1) undersized bass.
- (Q) Park or camp in a restricted area, except length of stay violations.
- (R) Fail to leave evidence of sex attached as required on game animals.
- (S) Fail to purchase sage grouse or sharp-tailed grouse hunting permit when hunting for sage grouse or sharp-tailed grouse anywhere within the state, except licensed shooting preserves.
- (T) Fail to wear at least thirty-six (36) square inches of visible hunter orange above the waist when hunting on wildlife management areas where pheasants are stocked.
- (U) Fail to comply with upland game bird shooting hours restrictions established by commission rule or proclamation.
- (V) Public use restrictions. Activities prohibited unless specifically authorized by the commission or under lease, permit, contract or agreement issued by the director, regional supervisor or other authorized agent:
 - (i) Use watercraft on any waters that are posted against such use;
 - (ii) Conduct dog field trials of any type during the period of October 1 through July 31. All dog field trials and dog training with the use of artificially propagated game birds between August 1 and September 30 will be under department permit as authorized by the director;
 - (iii) Construct blinds, pits, platforms or tree stands where the soil is disturbed, trees are cut or altered, and artificial fasteners such as wire, rope or nails are used. All blinds shall be available to the public on a first-come, first-served basis. Portable manufactured blinds and tree stands are allowed but may not be left overnight;
 - (iv) Shoot within, across or into posted safety zones;
 - (v) Leave decoys unattended. Decoys cannot be put in place any earlier than two (2) hours prior to official shooting hours for waterfowl, and all decoys must be picked up and removed from the hunting site no later than two (2) hours after official shooting hours for waterfowl that particular day;
 - (vi) Discharge any paintball guns;
 - (vii) Place a geocache;
 - (viii) Use for group events of more than fifteen (15) people;

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

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

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

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

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

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

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

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

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

[36-1401, added 1976, ch. 95, sec. 2, p. 363; am. 1991, ch. 44, sec. 2, p. 83; am. 1991, ch. 130, sec. 1, p. 285; am. 1992, ch. 172, sec. 1, p. 536; am. 1994, ch. 94, sec. 2, p. 216; am. 1997, ch. 270, sec. 1, p. 781; am. 1997, ch. 347, sec. 1, p. 1032; am. 1998, ch. 58, sec. 1, p. 214; am. 1998, ch. 170, sec. 12, p. 586; am. 1999, ch. 32, sec. 3, p. 67; am. 2000, ch. 211, sec. 31, p. 569; am. 2012, ch. 107, sec. 2, p. 287; am. 2015, ch. 106, sec. 1, p. 259; am. 2017, ch. 124, sec. 1, p. 293.]

36-1402. PENALTY -- INFRACTION -- MISDEMEANOR -- FELONY -- REVOCATION OF LICENSE -- DISPOSITION OF MONEYS. (a) Infraction Penalty. Except as provided for in subsection (b) of this section, any person who pleads guilty to or is found guilty of an infraction of this code, or rules or proclamations promulgated pursuant thereto, shall be subject to a fine of seventy-two dollars (\$72.00).

(b) A violation of section [36-1401](#)(a)1.(K) through (L) or (a)2.(S) through (X), Idaho Code, shall constitute an infraction subject to a fine of two hundred fifty dollars (\$250).

(c) Misdemeanor Penalty. Any person entering a plea of guilty for, found guilty of or convicted of a misdemeanor under the provisions of this title or rules or proclamations promulgated pursuant thereto shall, except in cases where a higher penalty is prescribed, be fined in a sum of not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000) and/or by commitment to jail for not more than six (6) months. The minimum fine, per animal, fish or bird, for the illegal taking, illegal

possession or the illegal waste of the following animals, fish or birds shall be as indicated below:

Animal, Fish or Bird	Minimum Fine
Bighorn sheep, mountain goat and moose	\$500
Elk	\$300
Any other big game animal	\$200
Wild turkey, swan and sturgeon	\$200
Chinook salmon, wild steelhead and bull trout	\$100
Any other game bird, game fish or furbearer	\$ 25

(d) Felony Penalty. Any person entering a plea of guilty for, found guilty of or convicted of a felony under the provisions of this title shall be punished in accordance with section [18-112](#), Idaho Code. Provided further, that the judge hearing the case shall forthwith revoke for life, the hunting, fishing or trapping license and privileges of any person who, within a five (5) year period, pleads guilty to, is found guilty of or is convicted of three (3) or more felony violations of the provisions of this title.

(e) License Revocation. Any person entering a plea of guilty or being found guilty or convicted of violating any of the provisions of this title, or who otherwise fails to comply with the requirements of a citation in connection with any such offense, may, in addition to any other penalty assessed by the court, have his hunting, fishing, or trapping privileges revoked for such period of time as may be determined by the court not to exceed three (3) years, except that violations classified as felonies under section [36-1401](#), Idaho Code, or as flagrant violations as defined in subsection (f) of this section, shall authorize the court to impose license revocations for periods of time up to and including life, with said period beginning on the date of conviction, finding of guilt or the entry of the plea of guilty. Provided further, that the magistrate hearing the case shall forthwith revoke the hunting, fishing, or trapping privileges for a period of not less than one (1) year for any of the following offenses:

1. Taking or possessing upland game birds, migratory waterfowl, salmon, steelhead, sturgeon, or any big game animal during closed season.
2. Exceeding the daily bag or possession limit of upland game birds, migratory waterfowl or big game animals.
3. Taking any fish by unlawful methods as set forth in section [36-902](#) (a) or (c), Idaho Code.
4. Unlawfully purchasing, possessing or using any license, tag or permit as set forth in section [36-405](#) (c), Idaho Code.
5. Violating section [36-1603](#), Idaho Code.
6. The unlawful release of any species of live fish into any public body of water in the state. For purposes of this paragraph, an "unlawful release of any species of live fish" shall mean a release of any species of live fish, or live eggs thereof, in the state without the permission of the director of the department of fish and game; provided, that no permission is required when fish are being freed from a hook and released at the same time and place where caught or when crayfish are being released from a trap at the same time and place where caught.

Provided further, that the magistrate hearing the case of a first-time hunting violation offender under the age of twenty-one (21) years may re-

quire that the offender attend a remedial hunter education course at the offender's expense. Upon successful completion of the course, the remainder of the revocation period shall be subject to a withheld judgment as long as the offender is not convicted of any additional hunting violations during the period. The cost of the course shall be seventy-five dollars (\$75.00) to be paid to the department. The commission shall establish by rule the curriculum of the hunter education remedial course.

The revocation shall consist of cancellation of an existing license for the required length of time and/or denial of the privilege of purchasing an applicable license for the length of time required to meet the revocation period decreed. In the case of persons pleading guilty, convicted or found guilty of committing multiple offenses, the revocation periods may run consecutively. In the case of pleas of guilty, convictions or findings of guilt involving taking big game animals during closed season or exceeding the daily bag or possession limit of big game, the magistrate hearing the case shall revoke the hunting, fishing or trapping privileges of any person convicted or found guilty of those offenses for a period of not less than one (1) year for each big game animal illegally taken or possessed by the person convicted or found guilty.

It shall be a misdemeanor for any person to hunt, fish, or trap or purchase a license to do so during the period of time for which such privilege is revoked.

For the purpose of this title, the term "conviction" shall mean either a withheld judgment or a final conviction.

(f) **Flagrant Violations.** In addition to any other penalties assessed by the court, the magistrate hearing the case shall forthwith revoke the hunting, fishing or trapping privileges for a period of not less than one (1) year and may revoke the privileges for a period up to and including the person's lifetime, for any person who enters a plea of guilty, who is found guilty, or who is convicted of any of the following flagrant violations:

1. Taking a big game animal after sunset by spotlighting, with use of artificial light, or with a night vision enhancement device.
2. Unlawfully taking two (2) or more big game animals within a twelve (12) month period.
3. Taking a big game animal with a rimfire or centerfire cartridge firearm during an archery or muzzleloader only hunt.
4. Hunting, fishing, trapping or purchasing a license when license privileges have been revoked pursuant to this section or section [36-1501](#), Idaho Code.
5. Taking any big game animal during a closed season.
6. Any felony violation provided in section [36-1401](#), Idaho Code.

(g) For purposes of the wildlife violator compact, section [36-2301](#), Idaho Code, et seq., the department shall:

1. Suspend a violator's license for failure to comply with the terms of a citation from a party state. A copy of a report of failure to comply from the licensing authority of the issuing state shall be conclusive evidence.
2. Revoke a violator's license for a conviction in a party state. A report of conviction from the licensing authority of the issuing state shall be conclusive evidence.

(h) **Disposition of Fines and Forfeitures.** Distribution of fines and forfeitures remitted shall be in accordance with section [19-4705](#), Idaho Code.

[36-1402, added 1976, ch. 95, sec. 2, p. 363; am. 1978, ch. 92, sec. 4, p. 176; am. 1979, ch. 95, sec. 1, p. 234; am. 1981, ch. 42, sec. 1, p. 64; am. 1984, ch. 112, sec. 1, p. 256; am. 1985, ch. 188, sec. 3, p. 486; am. 1987, ch. 176, sec. 1, p. 349; am. 1987, ch. 261, sec. 1, p. 552; am. 1990, ch. 4, sec. 1, p. 6; am. 1990, ch. 5, sec. 1, p. 9; am. 1990, ch. 364, sec. 2, p. 995; am. 1991, ch. 49, sec. 3, p. 89; am. 1991, ch. 128, sec. 1, p. 282; am. 1992, ch. 172, sec. 2, p. 538; am. 1992, ch. 216, sec. 1, p. 651; am. 1995, ch. 318, sec. 1, p. 1080; am. 1997, ch. 219, sec. 1, p. 648; am. 1997, ch. 270, sec. 2, p. 783; am. 1997, ch. 365, sec. 1, p. 1077; am. 1997, ch. 379, sec. 1, p. 1209; am. 1998, ch. 170, sec. 13, p. 588; am. 1998, ch. 251, sec. 1, p. 819; am. 2000, ch. 256, sec. 1, p. 724; am. 2005, ch. 34, sec. 1, p. 148; am. 2015, ch. 106, sec. 2, p. 262; am. 2016, ch. 47, sec. 20, p. 113; am. 2018, ch. 350, sec. 9, p. 834.]

36-1403. MAGISTRATE TO REPORT REVOCATIONS. Records of all revocations of fishing, trapping, and/or hunting privileges shall be submitted to the department by the magistrates concerned.

[36-1403, added 1976, ch. 95, sec. 2, p. 364; am. 2003, ch. 200, sec. 1, p. 528; am. 2005, ch. 20, sec. 1, p. 57.]

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 dollars (\$750) per animal killed, possessed or wasted.
2. Caribou, bighorn sheep, mountain goat, grizzly bear and moose, one thousand five hundred dollars (\$1,500) per animal killed, possessed or wasted.
3. Any other species of big game, four hundred dollars (\$400) 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;
5. Trophy moose: ten thousand dollars (\$10,000) per animal killed, possessed or wasted;
6. Trophy mountain goat: ten thousand dollars (\$10,000) per animal killed, possessed or wasted;
7. Trophy pronghorn antelope: two thousand dollars (\$2,000) per animal killed, possessed or wasted;
8. Trophy caribou: ten thousand dollars (\$10,000) per animal killed, possessed or wasted;
9. Trophy grizzly bear: ten thousand dollars (\$10,000) per animal killed, possessed or wasted.

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

(b) In every case of a plea of guilty, a finding of guilt or a conviction of unlawfully releasing any fish species into any public body of water in the state, the court before whom the plea of guilty, finding of guilt, or conviction is obtained shall enter judgment ordering the defendant to reimburse the state for the cost of the expenses, not to exceed ten thousand dollars (\$10,000), incurred by the state to correct the damage caused by the unlawful release. For purposes of this subsection, "unlawfully releasing any fish species" means a release of any species of live fish, or live eggs thereof, in the state without the permission of the director of the department of fish and game; provided, that no permission is required when fish are being freed from a hook and released at the same time and place where caught or when crayfish are being released from a trap at the same time and place where caught.

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

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

(e) A defaulted judgment or any installment payment thereof may be collected by any means authorized for the enforcement of a judgment under the provisions of the Idaho Code.

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

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

[36-1404, added 1978, ch. 172, sec. 1, p. 393; am. 1980, ch. 62, sec. 1, p. 127; am. 1983, ch. 62, sec. 1, p. 144; am. 1987, ch. 176, sec. 2, p. 351; am. 1988, ch. 291, sec. 1, p. 929; am. 1990, ch. 4, sec. 2, p. 8; am. 1997, ch. 219, sec. 2, p. 650; am. 1997, ch. 270, sec. 3, p. 785; am. 1997, ch. 365, sec. 2, p. 1079; am. 1998, ch. 175, sec. 2, p. 618; am. 1999, ch. 66, sec. 1, p. 175; am. 2000, ch. 257, sec. 1, p. 727; am. 2015, ch. 97, sec. 1, p. 237; am. 2015, ch. 106, sec. 3, p. 264; am. 2017, ch. 61, sec. 9, p. 149.]

36-1405. ADDITIONAL FINE IMPOSED. In addition to the fines imposed in sections [36-1402](#) and [36-1404](#), Idaho Code, there is hereby imposed an additional fine of seven dollars and fifty cents (\$7.50) against each person convicted as provided in those sections, to be deposited directly to the credit of the search and rescue account created in section [67-2913](#), Idaho Code.

[36-1405, added 1990, ch. 380, sec. 1, p. 1054; am. 1996, ch. 57, sec. 1, p. 168.]

36-1406. STATUTE OF LIMITATION FOR MISDEMEANORS. (1) Notwithstanding any other provision of law, a prosecution for misdemeanors under the provisions of this title must be commenced by the issuance of a citation or filing of a complaint within two (2) years after its commission for the unlawful sale or purchase of wildlife as set forth in section [36-501](#), Idaho Code.

(2) Notwithstanding any other provision of law, a prosecution for misdemeanors under the provisions of this title must be commenced by the issuance of a citation or filing of a complaint within five (5) years after its commission: (a) for unlawfully taking or possessing any big game animal, caribou or grizzly bear; or (b) for unlawfully purchasing, possessing or using any license, tag or permit by any person who does not reside in the state of Idaho at the time of purchase.

(3) The prosecution for all other misdemeanors under this title must be commenced as provided in section [19-403](#), Idaho Code.

[36-1406, added 1993, ch. 307, sec. 1, p. 1137; am. 2006, ch. 288, sec. 1, p. 885.]

36-1407. PROCESSING FEE IMPOSED ON VIOLATORS. (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, or is convicted of or received a withheld judgment for the illegal killing or the illegal possession or illegal waste of game animals shall be assessed a processing fee as follows:

(1) Moose or elk, two hundred fifty dollars (\$250) per animal killed, possessed or wasted.

(2) Deer, pronghorn antelope, seventy-five dollars (\$75.00) per animal killed, possessed or wasted.

(3) Bighorn sheep, caribou and mountain goat, one hundred twenty-five dollars (\$125) per animal killed, possessed or wasted.

(b) In every case of a plea of guilty, a finding of guilt, a conviction or a withheld judgment, the court before whom such plea of guilty, finding of guilt or conviction is obtained or who enters a withheld judgment shall enter judgment ordering the defendant to pay the state in a sum or sums as hereinbefore set forth including post-judgment interest. If two (2) or more defendants are convicted of the illegal taking, killing or the illegal possession or wasting of the game animal, such judgment shall be declared against them jointly and severally.

(c) The judgment shall fix the manner and the time of payment. A defaulted judgment or any installment payment thereof may be collected by any means authorized for the enforcement of a judgment under the provisions of the Idaho Code.

(d) All courts ordering such judgments of processing fees shall order such payments to be made to the department which shall deposit them with the state treasurer, and the treasurer shall place them in the state fish and game set-aside account. These fees shall be available for the processing of the meat of moose, elk, deer, pronghorn antelope, bighorn sheep, caribou and mountain goat which have been illegally taken, accidentally killed, taken as a result of depredation problems or donated by sportsmen. The processed meat thereof shall be distributed by charitable organizations free to needy Idaho residents or utilized by charitable organizations.

[36-1407, added 1994, ch. 149, sec. 1, p. 342; am. 2009, ch. 188, sec. 1, p. 610; am. 2011, ch. 57, sec. 1, p. 121.]