

Moved by Foreman (6)

Seconded by Carlson

IN THE SENATE
SENATE AMENDMENT TO S.B. NO. 1231

AMENDMENT TO SECTION 1

On page 2 of the printed bill, delete lines 3 through 8, and insert:

"(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 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. Any person who otherwise fails to comply with the requirements of a citation in connection with any such offense, may shall, 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)".

On page 3, in line 40, following "finest" insert: "or judgments of reimbursement or restitution"; and in line 42, following "permit." insert: "Lifetime licenses shall be suspended until all fines, reimbursements, and restitution are paid in full. The provisions of this subsection shall not apply to violators on court-approved time payment plans that are not ninety (90) days or more in arrears.".

AMENDMENT TO BILL

On page 3, following line 42, insert:

"SECTION 2. That Section 36-1404, Idaho Code, be, and the same is hereby amended to read as follows:

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.

1 5. Sturgeon, two hundred fifty dollars (\$250) per fish killed, pos-
2 sessed or wasted.

3 6. Bull trout, anadromous salmon and steelhead, one hundred fifty dol-
4 lars (\$150) per fish killed, possessed or wasted.

5 7. Any other game bird, game fish or furbearer, fifty dollars (\$50.00)
6 per animal killed, possessed or wasted.

7 Provided further, that any person who pleads guilty, is found guilty of,
8 or is convicted of illegal killing, illegal possession or illegal waste of a
9 trophy big game animal as defined in section 36-202(h), Idaho Code, shall re-
10 imburse the state for each animal so killed, possessed or wasted, as follows:

11 1. Trophy mule deer: two thousand dollars (\$2,000) per animal killed,
12 possessed or wasted;

13 2. Trophy white-tailed deer: two thousand dollars (\$2,000) per animal
14 killed, possessed or wasted;

15 3. Trophy elk: five thousand dollars (\$5,000) per animal killed, pos-
16 sessed or wasted;

17 4. Trophy bighorn sheep: ten thousand dollars (\$10,000) per animal
18 killed, possessed or wasted;

19 5. Trophy moose: ten thousand dollars (\$10,000) per animal killed,
20 possessed or wasted;

21 6. Trophy mountain goat: ten thousand dollars (\$10,000) per animal
22 killed, possessed or wasted;

23 7. Trophy pronghorn antelope: two thousand dollars (\$2,000) per animal
24 killed, possessed or wasted;

25 8. Trophy caribou: ten thousand dollars (\$10,000) per animal killed,
26 possessed or wasted;

27 9. Trophy grizzly bear: ten thousand dollars (\$10,000) per animal
28 killed, possessed or wasted.

29 For each additional animal of the same category killed, possessed or
30 wasted during any twelve (12) month period, the amount to be reimbursed shall
31 double from the amount for each animal previously illegally killed, pos-
32 sessed or wasted. For example, the reimbursable damages for three (3) elk
33 illegally killed during a twelve (12) month period would be five thousand
34 two hundred fifty dollars (\$5,250), calculated as follows: seven hundred
35 fifty dollars (\$750) for the first elk; one thousand five hundred dollars
36 (\$1,500) for the second elk; and three thousand dollars (\$3,000) for the
37 third elk. In the case of three (3) trophy elk illegally killed in a twelve
38 (12) month period, the reimbursable damages would be thirty-five thousand
39 dollars (\$35,000) calculated as follows: five thousand dollars (\$5,000)
40 for the first elk, ten thousand dollars (\$10,000) for the second elk, and
41 twenty thousand dollars (\$20,000) for the third elk. Provided however, that
42 wildlife possessing a fifty dollar (\$50.00) reimbursement value shall be
43 figured at the same rate per each animal in violation, without compounding.

44 (b) In every case of a plea of guilty, a finding of guilt or a conviction
45 of unlawfully releasing any fish species into any public body of water in the
46 state, the court before whom the plea of guilty, finding of guilt, or con-
47 viction is obtained shall enter judgment ordering the defendant to reimburse
48 the state for the cost of the expenses, not to exceed ten thousand dollars
49 (\$10,000), incurred by the state to correct the damage caused by the unlawful
50 release. For purposes of this subsection, "unlawfully releasing any fish

1 species" means a release of any species of live fish, or live eggs thereof,
2 in the state without the permission of the director of the department of fish
3 and game; provided, that no permission is required when fish are being freed
4 from a hook and released at the same time and place where caught or when cray-
5 fish are being released from a trap at the same time and place where caught.

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

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

18 (e) A defaulted judgment or any installment payment thereof may be col-
19 lected by any means authorized for the enforcement of a judgment under the
20 provisions of the Idaho Code.

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

25 (g) The court shall retain jurisdiction over the case. If at any time
26 the defendant is in arrears ninety (90) days or more, the court ~~may~~ shall
27 revoke the defendant's hunting, fishing or trapping privileges until the
28 defendant completes payment of the judgment."; and renumber the subsequent
29 section accordingly.

30 CORRECTION TO TITLE

31 On page 1, in line 4, following "PERMITS" insert: ", TO PROVIDE THAT CER-
32 TAIN VIOLATORS MAY HAVE THEIR HUNTING, FISHING, OR TRAPPING PRIVILEGES RE-
33 VOKED, TO PROVIDE THAT CERTAIN VIOLATORS SHALL HAVE THEIR HUNTING, FISHING,
34 OR TRAPPING PRIVILEGES REVOKED, TO PROVIDE FOR SUSPENSION OF LIFETIME LI-
35 CENSES, TO PROVIDE AN EXCEPTION,"; and in line 5, following "CORRECTIONS;"
36 insert: "AMENDING SECTION 36-1404, IDAHO CODE, TO PROVIDE THAT CERTAIN PER-
37 SONS SHALL HAVE THEIR HUNTING, FISHING, OR TRAPPING PRIVILEGES REVOKED;".