

IN THE SENATE

SENATE BILL NO. 1062, As Amended

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO TRESPASS; AMENDING SECTIONS 18-7008 AND 36-1603, IDAHO CODE, TO  
2 PROVIDE FOR THE USE OF HIGH VISIBILITY SHADES OF ORANGE PAINT IN POST-  
3 INGS ASSOCIATED WITH TRESPASSING PROHIBITIONS, TO REVISE PROVISIONS  
4 RELATING TO THE PAINTING OF METAL FENCE POSTS AND TO MAKE A TECHNICAL  
5 CORRECTION.  
6

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

8 SECTION 1. That Section 18-7008, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 18-7008. TRESPASS -- ACTS CONSTITUTING. A. Every person who willfully  
11 commits any trespass, by either:

12 1. Cutting down, destroying or injuring any kind of wood or timber be-  
13 longing to another, standing or growing upon the lands of another; or

14 2. Carrying away any kind of wood or timber lying on such lands; or

15 3. Maliciously injuring or severing from the freehold of another, any-  
16 thing attached thereto, or the produce thereof; or

17 4. Digging, taking, or carrying away from any lot situated within the  
18 limits of any incorporated city, without the license of the owner or le-  
19 gal occupant thereof, any earth, soil, or stone; or

20 5. Digging, taking, or carrying away from any land in any of the cities  
21 of the state, laid down on the map or plan of such city, or otherwise rec-  
22 ognized or established as a street, alley, avenue, or park, without the  
23 license of the proper authorities, any earth, soil or stone; or

24 6. Willfully opening, tearing down, or otherwise destroying any fence  
25 on the enclosed land of another, or opening any gate, bar, or fence of  
26 another and willfully leaving it open, or using the corral or corrals of  
27 another without the permission of the owner; or

28 7. Willfully covering up or encumbering in any manner, the land or city  
29 lot of another, without written permission from the owner or custodian  
30 thereof; or

31 8. Every person, except under landlord-tenant relationship, who, being  
32 first notified in writing, or verbally by the owner or authorized agent  
33 of the owner of real property, to immediately depart from the same and  
34 who refuses to so depart, or who, without permission or invitation, re-  
35 turns and enters said property within a year, after being so notified;  
36 or

37 9. Entering without permission of the owner or the owner's agent, upon  
38 the real property of another person which real property is posted with  
39 "No Trespassing" signs, is posted with a minimum of one hundred (100)  
40 square inches of fluorescent orange, bright orange, blaze orange,  
41 safety orange or any similar high visibility shade of orange colored  
42 paint except that when metal fence posts are used, the entire a min-

imum of eighteen (18) inches of the top of the post must be painted ~~fluorescent a high visibility shade of orange~~, or other notices of like meaning, spaced at intervals of not less than one (1) sign, paint area or notice per six hundred sixty (660) feet along such real property; provided that where the geographical configuration of the real property is such that entry can reasonably be made only at certain points of access, such property is posted sufficiently for all purposes of this section if said signs, paint or notices are posted at such points of access; or 10. Entering the property of another and, being unprovoked, intentionally and without the consent of the animal's owner, kills or injures a domestic animal not his own:

Is guilty of a misdemeanor.

B. Every person who while committing any trespass, intentionally and without consent of the animal's owner kills or injures a domestic animal of another, not including upland game birds or birds of any species not protected by law, shall be guilty of a misdemeanor. In addition to any other sentence of jail or a criminal fine imposed, a court may, for violation of this subsection or subsection A.10. of this section, impose a civil penalty in an amount up to double the value of the animal or for injuries sustained and payable to the owner of the animal.

SECTION 2. That Section 36-1603, Idaho Code, be, and the same is hereby amended to read as follows:

36-1603. TRESPASSING ON CULTIVATED LANDS OR IN VIOLATION OF WARNING SIGNS -- POSTING OF PUBLIC LANDS. (a) No person shall enter the real property of another and shoot any weapon or enter such property for the purposes of hunting, retrieving wildlife, fishing or trapping, without the permission of the owner or person in charge of the property, which property is either cultivated or posted with legible "No Trespassing" signs, is posted with a minimum of one hundred (100) square inches of fluorescent orange, bright orange, blaze orange, safety orange or any similar high visibility shade of orange colored paint except that when metal fence posts are used, ~~the entire~~ a minimum of eighteen (18) inches of the top of the post must be painted fluorescent a high visibility shade of orange, or other notices of like meaning, placed in a conspicuous manner on or near all boundaries at intervals of not less than one (1) sign, paint area or notice per six hundred sixty (660) feet provided that where the geographical configuration of the real property is such that entry can reasonably be made only at certain points of access, such property is posted sufficiently for all purposes of this subsection if said signs, paint areas or notices are posted at such points of access. For the purposes of this section, "cultivated" shall mean soil that is being or has been prepared by loosening or breaking up for the raising of crops, or used for the raising of crops, or artificially irrigated pasturage. No person shall fail to depart immediately from the real property of another after being notified in writing or orally by the owner of the real property or the owner's authorized agent.

(b) No person shall post, sign, or indicate that any public lands within this state, not held under an exclusive control lease, are privately owned lands.