

IN THE SENATE

SENATE BILL NO. 1089

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1510, IDAHO CODE, TO PROHIBIT INTERFERENCE WITH CERTAIN LANDS, HIGHWAYS, AND NAVIGABLE STREAMS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 36-1510, Idaho Code, be, and the same is hereby amended to read as follows:

36-1510. INTERFERENCE WITH HUNTING, FISHING, TRAPPING OR WILDLIFE CONTROL. (1) No person shall:

(a) Intentionally interfere with the lawful taking or control of wildlife by another; ~~or~~

(b) Intentionally harass, bait, drive or disturb any animal for the purpose of disrupting lawful pursuit or taking thereof; ~~or~~

(c) Damage or destroy in any way any lawful hunting blind with the intent to interfere with its usage for hunting; ~~or~~

(d) Harass, intimidate or threaten by any means including, but not limited to, personal or written contact, or via telephone, e-mail or website, any person who is or was engaged in the lawful taking or control of fish or wildlife;

(e) Willfully post, sign, or otherwise indicate or communicate that any of the following are privately owned or not open for public use, unless otherwise permitted under a valid existing exclusive control lease or special use permit:

(i) Public land open to use by the public;

(ii) Private land open to use by the public pursuant to a valid easement, access agreement, or right-of-way agreement;

(iii) Highways as defined in section 49-109, Idaho Code; or

(iv) Navigable streams as defined in and as access is permitted by section 36-1601, Idaho Code; or

(f) Willfully obstruct, block, or otherwise interfere with a person's attempt to lawfully enter upon or lawfully use any of the following, unless otherwise permitted under a valid existing exclusive control lease or special use permit:

(i) Public land open to use by the public;

(ii) Private land open to use by the public pursuant to a valid easement, access agreement, or right-of-way agreement;

(iii) Highways as defined in section 49-109, Idaho Code; or

(iv) Navigable streams as defined in and as access is permitted by section 36-1601, Idaho Code.

Nothing in this subsection shall alter or limit, in any way, the use of canals and the facilities for the diversion, appropriation, and use of water as provided in chapters 11 and 12, title 42, Idaho Code.

1 (2) Any fish and game enforcement officer or peace officer who reason-
2 ably believes that a person has violated provisions of this section may ar-
3 rest such person therefor.

4 (3) (a) The conduct declared unlawful in this section does not include
5 any incidental interference arising from lawful activity by land users
6 or interference by a landowner or members of his immediate family aris-
7 ing from activities on his own property.

8 (b) The conduct declared unlawful in this section does not include con-
9 stitutionally protected activity.

10 (4) Every person convicted or entering a plea of guilty or of nolo con-
11 tendere for violation of this section is subject to a fine of not to exceed
12 one thousand five hundred dollars (\$1,500) or confinement for six (6) months
13 in the county jail, or both such fine and confinement.

14 (5) In addition to the penalties provided in subsection (4) of this sec-
15 tion, any person who is damaged by any act prohibited in this section may re-
16 cover treble civil damages. A party seeking civil damages under this sub-
17 section ~~(5)~~ may recover upon proof of a violation of the provisions of this
18 section by a preponderance of the evidence. The state of Idaho, or any per-
19 son, may have relief by injunction against violations of the provisions of
20 this section. Any party recovering judgment under this subsection ~~(5)~~ may be
21 awarded a reasonable attorney's fee.