

IN THE SENATE

SENATE BILL NO. 1220

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

1 RELATING TO FISH AND GAME; AMENDING SECTION 36-1404, IDAHO CODE, TO REQUIRE
2 REIMBURSEMENT TO THE STATE RELATING TO THE ILLEGAL KILLING, POSSES-
3 SION OR WASTE OF PROTECTED WILDLIFE CLASSIFIED BY THE FISH AND GAME
4 COMMISSION, TO CLARIFY REIMBURSEMENT PROVISIONS RELATING TO WILD CHI-
5 NOOK SALMON AND TO PROVIDE FOR REIMBURSEMENT FOR ANY OTHER PROTECTED
6 WILDLIFE CLASSIFIED BY THE FISH AND GAME COMMISSION IN ADDITION TO THOSE
7 SPECIFICALLY IDENTIFIED.
8

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

10 SECTION 1. That Section 36-1404, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 36-1404. UNLAWFUL KILLING, POSSESSION OR WASTE OF WILD ANIMALS, BIRDS
13 AND FISH -- REIMBURSABLE DAMAGES -- SCHEDULE -- ASSESSMENT BY MAGISTRATES --
14 INSTALLMENT PAYMENTS -- DEFAULT JUDGMENTS -- DISPOSITION OF MONEYS. (a) In
15 addition to the penalties provided for violating any of the provisions of ti-
16 tle 36, Idaho Code, any person who pleads guilty, is found guilty of or is
17 convicted of the illegal killing or the illegal possession or illegal waste
18 of ~~game animals or birds or fish~~ protected wildlife classified by the fish
19 and game commission shall reimburse the state for each animal so killed or
20 possessed or wasted as follows:

21 1. Elk, seven hundred fifty dollars (\$750) per animal killed, possessed
22 or wasted.

23 2. Caribou, bighorn sheep, mountain goat and moose, one thousand five
24 hundred dollars (\$1,500) per animal killed, possessed or wasted.

25 3. Any other species of big game, four hundred dollars (\$400) per animal
26 killed, possessed or wasted.

27 4. Wild turkey and swan, two hundred fifty dollars (\$250) per bird
28 killed, possessed or wasted.

29 5. Sturgeon, wild chinook salmon, and wild steelhead, two hundred fifty
30 dollars (\$250) per fish killed, possessed or wasted.

31 6. Bull trout, one hundred fifty dollars (\$150) per fish killed, pos-
32 sessed or wasted.

33 7. Any other ~~game bird, game fish or furbearer~~ protected wildlife clas-
34 sified by the fish and game commission, fifty dollars (\$50.00) per ani-
35 mal killed, possessed or wasted.

36 Provided further, that any person who pleads guilty, is found guilty
37 of, or is convicted of a flagrant violation, in accordance with section
38 36-1402(e), Idaho Code, involving the illegal killing, illegal possession
39 or illegal waste of a trophy big game animal as defined in section 36-202(h),
40 Idaho Code, shall reimburse the state for each animal so killed, possessed or
41 wasted, as follows:

- 1 1. Trophy mule deer: two thousand dollars (\$2,000) per animal killed,
2 possessed or wasted;
- 3 2. Trophy white-tailed deer: two thousand dollars (\$2,000) per animal
4 killed, possessed or wasted;
- 5 3. Trophy elk: five thousand dollars (\$5,000) per animal killed, pos-
6 sessed or wasted;
- 7 4. Trophy bighorn sheep: ten thousand dollars (\$10,000) per animal
8 killed, possessed or wasted;
- 9 5. Trophy moose: ten thousand dollars (\$10,000) per animal killed,
10 possessed or wasted;
- 11 6. Trophy mountain goat: ten thousand dollars (\$10,000) per animal
12 killed, possessed or wasted;
- 13 7. Trophy pronghorn antelope: two thousand dollars (\$2,000) per animal
14 killed, possessed or wasted;
- 15 8. Trophy caribou: ten thousand dollars (\$10,000) per animal killed,
16 possessed or wasted.

17 For each additional animal of the same category killed, possessed or
18 wasted during any twelve (12) month period, the amount to be reimbursed shall
19 double from the amount for each animal previously illegally killed, pos-
20 sessed or wasted. For example, the reimbursable damages for three (3) elk
21 illegally killed during a twelve (12) month period would be five thousand
22 two hundred fifty dollars (\$5,250), calculated as follows: seven hundred
23 fifty dollars (\$750) for the first elk; one thousand five hundred dollars
24 (\$1,500) for the second elk; and three thousand dollars (\$3,000) for the
25 third elk. In the case of three (3) trophy elk illegally killed in a twelve
26 (12) month period, the reimbursable damages would be thirty-five thousand
27 dollars (\$35,000) calculated as follows: five thousand dollars (\$5,000)
28 for the first elk, ten thousand dollars (\$10,000) for the second elk, and
29 twenty thousand dollars (\$20,000) for the third elk. Provided however, that
30 wildlife possessing a fifty dollar (\$50.00) reimbursement value shall be
31 figured at the same rate per each animal in violation, without compounding.

32 (b) In every case of a plea of guilty, a finding of guilt or a convic-
33 tion of unlawfully releasing any fish species into any public body of water
34 in the state, the court before whom the plea of guilty, finding of guilt, or
35 conviction is obtained shall enter judgment ordering the defendant to reim-
36 burse the state for the cost of the expenses, not to exceed ten thousand dol-
37 lars (\$10,000), incurred by the state to correct the damage caused by the un-
38 lawful release. For purposes of this subsection, "unlawfully releasing any
39 fish species" shall mean a release of any species of live fish, or live eggs
40 thereof, in the state without the permission of the director of the depart-
41 ment of fish and game; provided, that no permission is required when fish are
42 being freed from a hook and released at the same time and place where caught
43 or when crayfish are being released from a trap at the same time and place
44 where caught.

45 (c) In every case of a plea of guilty, a finding of guilt or a convic-
46 tion, the court before whom such plea of guilty, finding of guilt or convic-
47 tion is obtained shall enter judgment ordering the defendant to reimburse
48 the state in a sum or sums as hereinbefore set forth including postjudgment
49 interest. If two (2) or more defendants are convicted of the illegal tak-

1 ing, killing or the illegal possession or wasting of the game animal, bird or
2 fish, such judgment shall be declared against them jointly and severally.

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

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

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

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