

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-first Legislature First Regular Session - 2011

IN THE SENATE

SENATE BILL NO. 1015

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1101, IDAHO CODE, TO PROVIDE THAT THE USE OF A MOTORIZED VEHICLE, USED SOLELY FOR TRANSPORTATION PURPOSES, AND NOT OTHERWISE USED IN VIOLATION OF SPECIFIED LAW, SHALL NOT BE PROHIBITED.

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

SECTION 1. That Section 36-1101, Idaho Code, be, and the same is hereby amended to read as follows:

36-1101. TAKING OF WILDLIFE UNLAWFUL EXCEPT BY STATUTE OR COMMISSION RULE OR PROCLAMATION -- METHODS PROHIBITED -- EXCEPTIONS. (a) It is unlawful, except as may be otherwise provided by Idaho law, including this title or commission rules or proclamations promulgated pursuant thereto, for any person to take any of the game animals, birds or fur-bearing animals of this state.

(b) Except as may be otherwise provided under this title or commission rules or proclamations promulgated pursuant thereto, it is unlawful for any person to:

1. Hunt from Motorized Vehicles. Hunt any of the game animals or game birds of this state from or by the use of any motorized vehicle except as provided by commission rule; provided however, that the commission shall promulgate rules which shall allow a physically disabled person to apply for a special permit which would allow the person to hunt from a motorized vehicle which is not in motion. A physically disabled person means a person who has lost the use of one (1) or both lower extremities or both hands, or is unable to walk two hundred (200) feet or more unassisted by another person, or is unable to walk two hundred (200) feet or more without the aid of a walker, cane, crutches, braces, prosthetic device or a wheelchair, or is unable to walk two hundred (200) feet or more without great difficulty or discomfort due to one (1) or more of the following impairments: neurological, orthopedic, respiratory, cardiac, arthritic disorder, blindness, or the loss of function or absence of a limb.

The commission shall specify the form of application for and design of the special permit which shall allow a physically disabled person to hunt from a motorized vehicle which is not in motion. No fee shall be charged for the issuance of the special permit and the issuance of a special permit shall not exempt a person from otherwise properly purchasing or obtaining other necessary licenses, permits and tags in accordance with this title and rules promulgated pursuant thereto. The special permit shall not be transferable and may only be used by the person to whom it is issued. A person who has been issued a special permit which allows a physically disabled person to hunt from a motorized vehicle not in motion shall have that permit promi-

1 nently displayed on any vehicle the person is utilizing to hunt from and the  
2 person shall produce, on demand, the permit and other identification when so  
3 requested by a conservation officer of the department of fish and game. A  
4 person possessing a special permit shall not discharge any firearm from or  
5 across a public highway. In addition to other penalties any unauthorized use  
6 of the special permit shall be grounds for revocation of the permit.

7 2. Molest with Motorized Vehicles. Use any motorized vehicle to mo-  
8 lest, stir up, rally or drive in any manner any of the game animals or  
9 game birds of this state.

10 3. Communicate from Aircraft. Make use of aircraft in any manner to  
11 spot or locate game animals, game birds or fur-bearing animals of this  
12 state from the air and communicate the location or approximate location  
13 thereof by any signals whatsoever, whether radio, visual or otherwise,  
14 to any person then on the ground.

15 4. Hunt from Helicopter. Make use of any helicopter in any manner in  
16 the taking of game or loading, transporting, or unloading hunters,  
17 game or hunting gear in any manner except when such use is at recognized  
18 airports or airplane landing fields, or at heliports which have been  
19 previously established on private land or which have been established  
20 by a department or agency of the federal, state or local government or  
21 when said use is in the course of emergency or search and rescue opera-  
22 tions. Provided however, that nothing in this chapter shall limit or  
23 prohibit the lawful control of wolves through the use of helicopters  
24 when such measures are deemed necessary by federal or state agencies in  
25 accordance with existing laws or management plans.

26 5. Artificial Light. Hunt any animal or bird except raccoon by the aid  
27 of a spotlight, flashlight or artificial light of any kind. The act of  
28 casting or throwing, after sunset, the beam or rays of any spotlight,  
29 headlight or other artificial light capable of utilizing six (6) volts  
30 or more of electrical power upon any field, forest or other place by any  
31 person while having in his possession or under his control any uncased  
32 firearm or contrivance capable of killing any animal or bird, shall  
33 be prima facie evidence of hunting with an artificial light. Provided  
34 nothing in this subsection shall apply where the headlights of a motor  
35 vehicle, operated and proceeding in a normal manner on any highway or  
36 roadway, cast a light upon animals or birds on or adjacent to such high-  
37 way or roadway and there is no intent or attempt to locate such animals  
38 or birds. Provided further, nothing in this subsection shall prevent  
39 the hunting of unprotected or predatory wildlife with the aid of artifi-  
40 cial light when such hunting is for the purpose of protecting property  
41 or livestock, is done by landowners or persons authorized in writing by  
42 them to do so and is done on property they own, lease or control; and pro-  
43 vided further that the hunting and taking of unprotected or predatory  
44 wildlife with the aid of artificial light on public lands is authorized  
45 after obtaining a permit to do so from the director. The director may,  
46 for good cause, refuse to issue such permit.

47 Other provisions of this subsection notwithstanding, the commission  
48 may establish rules allowing the hunting of raccoon with the aid of an  
49 artificial light.

50 6. Regulation of Dogs.

(A) No person shall make use of a dog for the purpose of pursuing, taking or killing any of the big game animals of this state except as otherwise provided by rules of the commission.

(B) Any person who is the owner of, or in possession of, or who harbors any dog found running at large and which is actively tracking, pursuing, harassing or attacking, or which injures or kills deer or any other big game animal within this state shall be guilty as provided in section 36-1401(a)1.(F), Idaho Code. It shall be no defense that such dog or dogs were pursuing said big game animals without the aid or direction of the owner, possessor, or harbinger.

(C) Any dog found running at large and which is actively tracking, pursuing, harassing, attacking or killing deer or any other big game animal may be destroyed without criminal or civil liability by the director, or any peace officer, or other persons authorized to enforce the Idaho fish and game laws.

#### 7. Attempt to take Simulated Wildlife.

(A) Attempt to take, by firearm or any other contrivance capable of killing an animal or bird, simulated wildlife in violation of any of the provisions of this title or commission rules applicable to the taking of the wildlife being simulated, when the simulated wildlife is being used by a conservation officer or other person authorized to enforce Idaho fish and game laws or rules promulgated pursuant thereto. No person shall be found guilty of violating either this subparagraph, or subparagraph (B) of this paragraph, provided that no other law or rule has been violated.

(B) Any person pleading guilty to, convicted of or found guilty for attempting to take simulated wildlife within this state shall be guilty of a misdemeanor and shall be punished as provided in either subsection (b) or (d) of section 36-1402, Idaho Code, and shall pay restitution in an amount of no less than fifty dollars (\$50.00) for the repair or replacement of the simulated wildlife.

#### 8. Devices Accessed via Internet.

(A) No person shall shoot at or kill any bird or animal in Idaho, wild or domestic, including domestic cervidae governed under the provisions of chapter 37, title 25, Idaho Code, with any gun or other device accessed and controlled via an internet connection. Accessing, regulating access to, or regulating the control of a device capable of being operated in violation of this paragraph shall be prima facie evidence of an offense under this paragraph.

(B) Any person pleading guilty to, convicted of or found guilty of a violation of this paragraph shall be guilty of a misdemeanor and shall be punished as provided in section 36-1402, Idaho Code.

(c) The provisions of this section shall not be construed to prohibit the use of a motorized vehicle, used solely for transportation purposes, and not otherwise in violation of the provisions of this section.