

TITLE 36
FISH AND GAME

CHAPTER 15
PUBLIC SAFETY

36-1501. REVOCATION OF LICENSE FOR IMPROPER HANDLING OF A WEAPON. The director of the Idaho department of fish and game shall revoke the hunting license of any person, and deny them the right to secure any hunting license, in the manner hereinafter provided, for any of the following acts, and for the periods specified. For purposes of this section, the term "weapon" shall mean firearm, gun, crossbow, or bow and arrow. The director, or a referee he may appoint, shall have authority to hold a hearing, subpoena any witness requested by the complainant or by the person accused, administer oaths, and require and receive evidence, oral or in written deposition, in any case where any person who, according to information received, while hunting is alleged:

(a) To have carelessly handled a weapon that caused accident and injury to person or property;

(b) To have carelessly handled a weapon that caused injury to livestock of another;

(c) To have carelessly injured a human being by use of a weapon;

(d) To have caused accidental injury or death to a person by use of a weapon and fled or failed to render assistance;

(e) To have caused injury or death to a person by use of a weapon, and not furnished proof to the director or his referee that he has been released from all liability for ambulance, hospital, medical, funeral bills, and other related expense, from the injured person, or his heirs in case of death; provided that a satisfaction of any judgment rendered against the person accused because of any such act shall be deemed a satisfactory release hereunder;

(f) To have caused damage to livestock by use of a weapon, and not furnished proof to the director or his referee, that he has been released from all liability by the owner of such livestock therefor; provided that a satisfaction of any judgment rendered against the person accused because of any such act shall be deemed a satisfactory release hereunder.

[36-1501, added 1976, ch. 95, sec. 2, p. 364; am. 1995, ch. 66, sec. 1, p. 168.]

36-1502. PREFERRING CHARGES FOR IMPROPER HANDLING OF A WEAPON -- HEARING -- PROCEDURE. Any person may prefer charges, based on any of the above grounds, against any hunting licensee. Such charges shall be in writing, and shall be sworn to and filed with said director. All charges, unless dismissed by the director as unfounded or trivial, shall be heard by the director or his referee as a contested case under the provisions of [chapter 52, title 67](#), Idaho Code. The hearing shall be held either in the county where the offense is alleged to have occurred or in the county of the defendant's residence. In the event that such licensee resides outside the state of Idaho, such notice shall be served by registered mail with return receipt, mailed to the last known address of such licensee. Any person who shall be subpoenaed before said director or his referee and shall fail to appear before him, without furnishing satisfactory reason for failure to do so, shall be subject to the penalties of contempt upon application to any district court.

[36-1502, added 1976, ch. 95, sec. 2, p. 365; am. 1995, ch. 66, sec. 2, p. 169.]

36-1503. PERIOD OF REVOCATION. Upon a finding of violation of the acts specified in section [36-1501](#), Idaho Code, the director is hereby required to revoke the license of the offender and to deny him the right to hunt in Idaho for the following periods:

- (a) For the first offense, for a period to be fixed by the director, with or without the recommendation of his referee, not to exceed five (5) years;
- (b) For each additional offense a period of five (5) years.

[36-1503, added 1976, ch. 95, sec. 2, p. 365; am. 1995, ch. 66, sec. 3, p. 169.]

36-1504. COURT REVOCATION. Any court having jurisdiction in any case coming before it involving any of the offenses contained in this act, shall have authority to revoke a hunter's license, and to deny the right to secure a license to hunt in Idaho, for the several periods herein indicated. Certified notices of such revocation shall be submitted to the director within thirty (30) days following such order by a court.

[36-1504, added 1976, ch. 95, sec. 2, p. 366.]

36-1505. SURRENDER OF LICENSE. Upon revocation of a hunting license then in force for any period, the director shall send a written notice to that effect to such person at his last known address either by registered mail, or have it delivered in person by a representative of the department of fish and game, and such licensee shall thereupon surrender his hunting license to the director.

[36-1505, added 1976, ch. 95, sec. 2, p. 366.]

36-1507. APPEAL FROM ORDER OF REVOCATION. Any person dissatisfied by any action of the director made hereunder may appeal to any district court of competent jurisdiction, which shall require a trial de novo of all matters of fact and law. Such appeal shall be perfected by filing with the clerk of such district court, within thirty (30) days after the action of which complaint is made, a petition setting forth the action complained of. Such petition shall constitute the complaint, and summons may be issued thereon directed to the director as defendant, and served upon him. The pleadings thereafter shall conform to the practice in other civil proceedings. The court in its decree may sustain, modify, or reverse the action of the director, and shall render its opinion and judgment on the case appealed.

[36-1507, added 1976, ch. 95, sec. 2, p. 366.]

36-1508. SHOOTING FROM PUBLIC HIGHWAY -- CHILDREN IN POSSESSION OF FIREARMS. No person shall:

(a) Shoot from Public Highway. Discharge any firearm from or across a public highway.

(b) Children with Firearms. No person under the age of ten (10) years shall have in his possession any shotgun, rifle or other firearm while in the fields or forests or in any tent, camp, auto or any other vehicle in the state of Idaho, except that the holder of a valid hunting license or a participant

in a mentored hunting program as prescribed by rules of the commission, if accompanied by an adult licensed to hunt in the state of Idaho, may possess a firearm for hunting while in the fields or forests.

[36-1508, added 1976, ch. 95, sec. 2, p. 366; am. 1992, ch. 81, sec. 34, p. 246; am. 2002, ch. 234, sec. 9, p. 695; am. 2012, ch. 104, sec. 1, p. 280.]

36-1509. HOLES IN ICE -- SIZE LIMITS -- PENALTY -- EXCEPTION. (a) No person shall:

(1) Cut an opening larger than ten (10) inches across the longest part through the ice of any of the streams, lakes or ponds of the state for the purpose of fishing;

(2) Fish through a man-made opening in ice which is larger than ten (10) inches across the longest part.

(b) The provisions of this section shall not apply to Bear Lake when an opening in the ice larger than ten (10) inches across the longest part is necessary for dip netting Cisco.

[36-1509, added 1977, ch. 38, sec. 1, p. 70; am. 1992, ch. 81, sec. 35, p. 247.]

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.

(2) Any fish and game enforcement officer or peace officer who reasonably believes that a person has violated provisions of this section may arrest such person therefor.

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

(b) The conduct declared unlawful in this section does not include constitutionally protected activity.

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

(5) In addition to the penalties provided in subsection (4) of this section, any person who is damaged by any act prohibited in this section may recover treble civil damages. A party seeking civil damages under this subsection (5) may recover upon proof of a violation of the provisions of this section by a preponderance of the evidence. The state of Idaho, or any person may have relief by injunction against violations of the provisions of

this section. Any party recovering judgment under this subsection (5) may be awarded a reasonable attorney's fee.

[36-1510, added 1987, ch. 288, sec. 1, p. 609; am. 1992, ch. 81, sec. 36, p. 247; am. 2010, ch. 245, sec. 3, p. 633.]

36-1511. REVOCATION OF LICENSE FOR TAKING OF ANIMALS WITHIN BOUNDARIES OF A NATIONAL PARK. (1) The director of the Idaho department of fish and game may revoke the hunting license of any person, and deny him the right to secure any hunting license, for conviction of any violation of any state or federal fish and game law relating to the taking of animals within the boundaries of a national park.

(2) For the purposes of this section, the term "conviction" shall mean a finding of guilt; an entry of a guilty plea by a defendant and its acceptance by the court; a forfeiture of a bail bond or collateral deposited to secure a defendant's appearance; a suspended sentence; probation; or a withheld judgment.

(3) The director or a referee he may appoint, shall have authority to hold a hearing in the same manner as set forth in sections [36-1501](#) and [36-1502](#), Idaho Code. Upon proof of conviction, the director may revoke the hunting license of the offender and deny him the right to hunt in Idaho for a period to be fixed by the director, with or without the recommendation of his referee, not to exceed twenty (20) years.

[36-1511, added 1995, ch. 280, sec. 1, p. 940.]