

REFERENCE TITLE: **wildlife transportation and release prohibition**

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

SB 1386

Introduced by
Senators Pierce, Allen; Representatives Pratt: Finchem

AN ACT

**AMENDING SECTIONS 17-101, 17-306 AND 17-309, ARIZONA REVISED STATUTES;
RELATING TO THE TAKING AND HANDLING OF WILDLIFE.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 17-101, Arizona Revised Statutes, is amended to
3 read:

4 17-101. Definitions

5 A. In this title, unless the context otherwise requires:

6 1. "Angling" means the taking of fish by one line and not to exceed
7 two hooks, by one line and one artificial lure, which may have attached more
8 than one hook, or by one line and not to exceed two artificial flies or
9 lures.

10 2. "Bag limit" means the maximum limit, in number or amount, of
11 wildlife that may lawfully be taken by any one person during a specified
12 period of time.

13 3. "Closed season" means the time during which wildlife may not be
14 lawfully taken.

15 4. "Commission" means the Arizona game and fish commission.

16 5. "Department" means the Arizona game and fish department.

17 6. "Device" means any net, trap, snare, salt lick, scaffold, deadfall,
18 pit, explosive, poison or stupefying substance, crossbow, firearm, bow and
19 arrow, or other implement used for taking wildlife. Device does not include
20 a raptor or any equipment used in the sport of falconry.

21 7. "Domicile" means a person's true, fixed and permanent home and
22 principal residence. Proof of domicile in this state may be shown as
23 prescribed by rule by the commission.

24 8. "Falconry" means the sport of hunting or taking quarry with a
25 trained raptor.

26 9. "Fishing" means to lure, attract or pursue aquatic wildlife in such
27 a manner that the wildlife may be captured or killed.

28 10. "Fur dealer" means any person engaged in the business of buying for
29 resale the raw pelts or furs of wild mammals.

30 11. "Guide" means a person who does any of the following:

31 (a) Advertises for guiding services.

32 (b) Holds himself out to the public for hire as a guide.

33 (c) Is employed by a commercial enterprise as a guide.

34 (d) Accepts compensation in any form commensurate with the market
35 value in this state for guiding services in exchange for aiding, assisting,
36 directing, leading or instructing a person in the field to locate and take
37 wildlife.

38 (e) Is not a landowner or lessee who, without full fair market
39 compensation, allows access to the landowner's or lessee's property and
40 directs and advises a person in taking wildlife.

41 12. "License classification" means a type of license, permit, tag or
42 stamp authorized under this title and prescribed by the commission by rule to
43 take, handle or possess wildlife.

13. "License year" means the twelve-month period between January 1 and December 31, inclusive, or a different twelve-month period as prescribed by the commission by rule.

14. "Nonresident", for the purposes of applying for a license, permit, tag or stamp, means a citizen of the United States or an alien who is not a resident.

15. "Open season" means the time during which wildlife may be lawfully taken.

16. "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION, GROUP, COMPANY, SOCIETY OR ASSOCIATION, THE FEDERAL GOVERNMENT, A STATE OR LOCAL GOVERNMENT OR ANY POLITICAL SUBDIVISION.

~~16.~~ 17. "Possession limit" means the maximum limit, in number or amount of wildlife, that may be possessed at one time by any one person.

~~17.~~ 18. "Resident", for the purposes of applying for a license, permit, tag or stamp, means a person who is:

(a) A member of the armed forces of the United States on active duty and who is stationed in:

(i) This state for a period of thirty days immediately preceding the date of applying for a license, permit, tag or stamp.

(ii) Another state or country but who lists this state as the person's home of record at the time of applying for a license, permit, tag or stamp.

(b) Domiciled in this state for six months immediately preceding the date of applying for a license, permit, tag or stamp and who does not claim residency privileges for any purpose in any other state or jurisdiction.

~~18.~~ 19. "Road" means any maintained right-of-way for public conveyance.

~~19.~~ 20. "Statewide" means all lands except those areas lying within the boundaries of state and federal refuges, parks and monuments, unless specifically provided differently by commission order.

~~20.~~ 21. "Take" means pursuing, shooting, hunting, fishing, trapping, killing, capturing, snaring or netting wildlife or the placing or using of any net or other device or trap in a manner that may result in the capturing or killing of wildlife.

~~21.~~ 22. "Taxidermist" means any person who engages for hire in the mounting, refurbishing, maintaining, restoring or preserving of any display specimen.

~~22.~~ 23. "Traps" or "trapping" means taking wildlife in any manner except with a gun or other implement in hand.

~~23.~~ 24. "Wild" means, in reference to mammals and birds, those species that are normally found in a state of nature.

~~24.~~ 25. "Wildlife" means all wild mammals, wild birds and the nests or eggs thereof, reptiles, amphibians, mollusks, crustaceans and fish, including their eggs or spawn.

~~25.~~ 26. "Youth" means a person who is under eighteen years of age.

~~26-~~ 27. "Zoo" means a commercial facility open to the public where the principal business is holding wildlife in captivity for exhibition purposes.

B. The following definitions of wildlife shall apply:

1. Aquatic wildlife are all fish, amphibians, mollusks, crustaceans and soft-shelled turtles.

2. Game mammals are deer, elk, bear, pronghorn (antelope), bighorn sheep, bison (buffalo), peccary (javelina), mountain lion, tree squirrel and cottontail rabbit.

3. Big game are wild turkey, deer, elk, pronghorn (antelope), bighorn sheep, bison (buffalo), peccary (javelina), bear and mountain lion.

4. "Trophy" means:

(a) A mule deer buck with at least four points on one antler, not including the eye-guard point.

(b) A whitetail deer buck with at least three points on one antler, not including the eye-guard point.

(c) A bull elk with at least six points on one antler, including the eye-guard point and the brow tine point.

(d) A pronghorn (antelope) buck with at least one horn exceeding or equal to fourteen inches in total length.

(e) Any bighorn sheep.

(f) Any bison (buffalo).

5. Small game are cottontail rabbits, tree squirrels, upland game birds and migratory game birds.

6. Fur-bearing animals are muskrats, raccoons, otters, weasels, bobcats, beavers, badgers and ringtail cats.

7. Predatory animals are foxes, skunks, coyotes and bobcats.

8. Nongame animals are all wildlife except game mammals, game birds, fur-bearing animals, predatory animals and aquatic wildlife.

9. Upland game birds are quail, partridge, grouse and pheasants.

10. Migratory game birds are wild waterfowl, including ducks, geese and swans; sandhill cranes; all coots, all gallinules, common snipe, wild doves and bandtail pigeons.

11. Nongame birds are all birds except upland game birds and migratory game birds.

12. Raptors are birds that are members of the order of falconiformes or strigiformes and include falcons, hawks, owls, eagles and other birds that the commission may classify as raptors.

13. Game fish are trout of all species, bass of all species, catfish of all species, sunfish of all species, northern pike, walleye and yellow perch.

14. Nongame fish are all the species of fish except game fish.

15. Trout means all species of the family salmonidae, including grayling.

1 Sec. 2. Section 17-306, Arizona Revised Statutes, is amended to read:

2 17-306. Importation, transportation, release or possession of
3 live wildlife or threatened, endangered or candidate
4 species; violations; classification

5 A. No person shall import or transport into ~~the~~ THIS state or sell,
6 trade or release within ~~the~~ THIS state or have in ~~his~~ THE PERSON'S possession
7 any live wildlife except as authorized by the commission or as defined in
8 title 3, chapter 16.

9 B. IT IS UNLAWFUL FOR A PERSON TO KNOWINGLY AND WITHOUT LAWFUL
10 AUTHORITY UNDER STATE OR FEDERAL LAW IMPORT AND TRANSPORT INTO THIS STATE AND
11 RELEASE WITHIN THIS STATE A SPECIES OF WILDLIFE THAT IS LISTED AS A
12 THREATENED, ENDANGERED OR CANDIDATE SPECIES UNDER THE ENDANGERED SPECIES ACT
13 OF 1973 (P.L. 93-205; 87 STAT. 884; 16 UNITED STATES CODE SECTIONS 1531
14 THROUGH 1544).

15 C. A PERSON WHO VIOLATES SUBSECTION B OF THIS SECTION IS GUILTY OF A
16 CLASS 4 FELONY.

17 D. A PERSON WHO VIOLATES SUBSECTION B OF THIS SECTION WITH THE INTENT
18 TO DISRUPT OR INTERFERE WITH THE DEVELOPMENT OR USE OF PUBLIC NATURAL
19 RESOURCES TO ESTABLISH THE PRESENCE OF THE SPECIES IN AN AREA NOT CURRENTLY
20 KNOWN TO BE OCCUPIED BY THAT SPECIES IS GUILTY OF A CLASS 2 FELONY.

21 Sec. 3. Section 17-309, Arizona Revised Statutes, is amended to read:

22 17-309. Violations; classification

23 A. Unless otherwise prescribed by this title, it is unlawful for a
24 person to:

25 1. Violate any provision of this title or any rule adopted pursuant to
26 this title.

27 2. Take, possess, transport, RELEASE, buy, sell or offer or expose for
28 sale wildlife except as expressly permitted by this title.

29 3. Destroy, injure or molest livestock, growing crops, personal
30 property, notices or signboards, or other improvements while hunting,
31 trapping or fishing.

32 4. Discharge a firearm while taking wildlife within one-fourth mile of
33 an occupied farmhouse or other residence, cabin, lodge or building without
34 permission of the owner or resident.

35 5. Take a game bird, game mammal or game fish and knowingly permit an
36 edible portion thereof to go to waste, except as provided in section 17-302.

37 6. Take big game, except bear or mountain lion, with the aid of dogs.

38 7. Make more than one use of a shipping permit or coupon issued by the
39 commission.

40 8. Obtain a license or take wildlife during the period for which the
41 person's license has been revoked or suspended or the person has been denied
42 a license.

43 9. Litter hunting and fishing areas while taking wildlife.

44 10. Take wildlife during the closed season.

45 11. Take wildlife in an area closed to the taking of that wildlife.

- 1 12. Take wildlife with an unlawful device.
- 2 13. Take wildlife by an unlawful method.
- 3 14. Take wildlife in excess of the bag limit.
- 4 15. Possess wildlife in excess of the possession limit.
- 5 16. Possess or transport any wildlife or parts of the wildlife that was
- 6 unlawfully taken.
- 7 17. Possess or transport the carcass of big game without a valid tag
- 8 being attached.
- 9 18. Use the edible parts of any game mammal or any part of any game
- 10 bird or nongame bird as bait.
- 11 19. Possess or transport the carcass or parts of a carcass of any
- 12 wildlife that cannot be identified as to species and legality.
- 13 20. Take game animals, game birds and game fish with an explosive
- 14 compound, poison or any other deleterious substances.
- 15 21. Import into this state or export from this state the carcass or
- 16 parts of a carcass of any wildlife unlawfully taken or possessed.
- 17 B. Unless a different or other penalty or punishment is specifically
- 18 prescribed, a person who violates any provision of this title, or who
- 19 violates or fails to comply with a lawful order or rule of the commission, is
- 20 guilty of a class 2 misdemeanor.
- 21 C. A person who knowingly takes any big game during a closed season or
- 22 who knowingly possesses, transports or buys any big game that was unlawfully
- 23 taken during a closed season is guilty of a class 1 misdemeanor.
- 24 D. A person is guilty of a class 6 felony who knowingly:
- 25 1. Barters, sells or offers for sale any big game or parts of big game
- 26 taken unlawfully.
- 27 2. Barters, sells or offers for sale any wildlife or parts of wildlife
- 28 unlawfully taken during a closed season.
- 29 3. Barters, sells or offers for sale any wildlife or parts of wildlife
- 30 imported or purchased in violation of this title or a lawful rule of the
- 31 commission.
- 32 4. Assists another person for monetary gain with the unlawful taking
- 33 of big game.
- 34 5. Takes or possesses wildlife while under permanent revocation under
- 35 section 17-340, subsection B, paragraph 3.
- 36 E. A peace officer who knowingly fails to enforce a lawful rule of the
- 37 commission or this title is guilty of a class 2 misdemeanor.