

REFERENCE TITLE: G&F; law enforcement; omnibus

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HB 2038

Introduced by
Representative Borrelli

AN ACT

AMENDING SECTIONS 5-331, 17-314 AND 17-315, ARIZONA REVISED STATUTES;
RELATING TO THE ARIZONA GAME AND FISH DEPARTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 5-331, Arizona Revised Statutes, is amended to
3 read:

4 5-331. Personal flotation devices; exceptions

5 A. All watercraft, ~~except~~ INCLUDING sailboards AND STAND-UP
6 PADDLEBOARDS, shall carry United States coast guard approved personal
7 flotation devices of the type and category prescribed by regulations of the
8 commission. There shall be one such device in good and serviceable condition
9 for each person on board and so placed as to be readily accessible for
10 immediate use.

11 B. Any person WHO IS being towed behind a watercraft shall wear a
12 ~~buoyant belt or~~ WEARABLE personal flotation device while being towed except
13 for a performer WHO IS engaged in a professional exhibition.

14 C. A child WHO IS twelve years of age or under AND WHO IS on board a
15 watercraft shall wear a CORRECTLY SIZED United States coast guard approved
16 ~~type I, II or III~~ WEARABLE personal flotation device whenever the watercraft
17 is underway.

18 D. ~~The provisions of~~ Subsection C ~~shall~~ OF THIS SECTION DOES not apply
19 to small passenger vessels that are not for hire on navigable waters, that
20 maintain a coast guard certificate of inspection and that are being operated
21 by United States coast guard licensed pilots within a distance of one-fourth
22 mile from the nearest shore as a means of transporting passengers and when
23 the duration of time the vessel is underway on the water does not exceed ten
24 minutes.

25 Sec. 2. Section 17-314, Arizona Revised Statutes, is amended to read:

26 17-314. Civil liability for illegally taking, wounding,
27 killing, possessing or feeding wildlife; recovery of
28 damages

29 A. The commission or any officer charged with enforcement of the laws
30 relating to game and fish, if ~~so~~ directed by the commission, may bring a
31 civil action in the name of ~~the~~ THIS state against any person unlawfully
32 taking, wounding or killing, or unlawfully in possession of, any of the
33 following wildlife, or part thereof, OR ANY PERSON CONVICTED OF UNLAWFULLY
34 FEEDING WILDLIFE PURSUANT TO SECTION 13-2927 THAT RESULTS IN THE LETHAL
35 REMOVAL OF ANY OF THE FOLLOWING WILDLIFE AS DIRECTED BY THE DEPARTMENT, and
36 seek to recover the following minimum sums as damage:

- | | |
|--|------------|
| 37 1. For each turkey or javelina | \$500.00 |
| 38 2. For each bear, mountain lion, PRONGHORN (antelope) | |
| 39 or deer, other than trophy | \$1,500.00 |
| 40 3. For each elk or eagle, other than trophy or | |
| 41 endangered species | \$2,500.00 |
| 42 4. For each predatory, fur-bearing or nongame animal | \$ 250.00 |
| 43 5. For each small game or aquatic wildlife animal | \$ 50.00 |
| 44 6. For each trophy or endangered species animal | \$8,000.00 |

45 B. ~~No~~ A verdict or judgment recovered by ~~the~~ THIS state in such AN
46 action shall NOT be for less than the sum fixed in this section. The minimum

sum that the commission may seek to recover as damages from a person pursuant to this section may be doubled for a second verdict or judgment and tripled for a third verdict or judgment. The action for damages may be joined with an action for possession, and recovery had for the possession as well as the damages.

C. The pendency or determination of an action for damages or payment of a judgment, or the pendency or determination of a criminal prosecution for the same taking, wounding, killing or possession, is not a bar to the other, nor does either affect the right of seizure under any other provision of the laws relating to game and fish.

D. All monies recovered pursuant to this section shall be placed in the wildlife theft prevention fund.

Sec. 3. Section 17-315, Arizona Revised Statutes, is amended to read:
17-315. Wildlife theft prevention fund; authorized expenditures; exemption

A. ~~A~~ THE wildlife theft prevention fund is established consisting of:

1. Monies received from damage assessments pursuant to section 17-314.
2. Money received from donations to the fund.
3. Monies appropriated by the legislature for the purposes provided in this article.

4. Monies received as fines, forfeitures and penalties collected for violations of this title.

B. Monies in the wildlife theft prevention fund shall be expended only for the following purposes:

1. The financing of reward payments to persons, other than peace officers, game and fish department personnel and members of their immediate families, WHO ARE responsible for information leading to the arrest of any person for unlawfully taking, wounding or killing, possessing, transporting or selling wildlife and attendant acts of vandalism. The commission shall establish the schedule of rewards to be paid for information received, and payment shall be made from monies available for this purpose.

2. The financing of a statewide telephone reporting system under the name of "operation game thief", which shall be established by the director under the guidance of the commission.

3. The promotion of the public recognition and awareness of the wildlife theft prevention program.

4. Investigations of the unlawful ~~commercial~~ TAKING, POSSESSION OR use of wildlife.

5. INVESTIGATIONS OF FRAUD RELATED TO LICENSES, PERMITS, TAGS OR STAMPS.

C. The wildlife theft prevention fund shall be expended in conformity with the laws governing state financial operations. Balances remaining at the end of the fiscal year are exempt from the provisions of section 35-190 relating to lapsing of appropriations.