

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

SENATE BILL 1211

AN ACT

AMENDING SECTIONS 3-2401 AND 17-302, ARIZONA REVISED STATUTES; AMENDING TITLE 17, CHAPTER 3, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 17-321; 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 3-2401, Arizona Revised Statutes, is amended to
3 read:

4 3-2401. Control of destructive animals and noxious rodents;
5 agreements and cooperation with federal agencies;
6 exception

7 A. The director shall cooperate with the animal and plant health
8 inspection service of the United States department of agriculture in the
9 control and destruction or relocation of predatory wildlife, noxious rodents
10 and related animals that are injurious to livestock, poultry, game,
11 agriculture, other industries and the public health in accordance with
12 organized and systematic plans of the animal and plant health inspection
13 service. For such purposes, the director shall enter into written agreements
14 with the animal and plant health inspection service regarding the methods and
15 procedure to be followed, the extent of supervision to be exercised by the
16 state and federal agencies, respectively, and the use and expenditure of
17 state funds. The director, in cooperation with the animal and plant health
18 inspection service, may also enter into cooperative agreements with other
19 governmental agencies and counties of the state to promote the control and
20 destruction of predatory wildlife, noxious rodents and related animals.

21 B. The authority to destroy predatory wildlife, noxious rodents and
22 related animals does not include big game animals as defined in section
23 17-101, except:

- 24 1. Bear and mountain lion taken pursuant to section 17-302.
- 25 2. To protect public health and safety.

26 C. PURSUANT TO AN AGREEMENT BETWEEN THE DEPARTMENT AND THE UNITED
27 STATES FISH AND WILDLIFE SERVICE, AN EMPLOYEE OF THE DEPARTMENT MAY TAKE ANY
28 WOLF THAT HAS BEEN DOCUMENTED OR CAUGHT IN THE ACT OF KILLING LIVESTOCK. ANY
29 WOLF THAT THREATENS THE PUBLIC HEALTH OR SAFETY IS SUBJECT TO A TAKING UNDER
30 THIS SECTION AND SECTION 17-302.

31 Sec. 2. Section 17-302, Arizona Revised Statutes, is amended to read:

32 17-302. Taking of bear, wolf or mountain lion for protection of
33 property; report

34 A. Other provisions of this title notwithstanding, a landowner or
35 lessee, who is a livestock operator, ~~and~~ who has recently had livestock
36 attacked or killed by bear or mountain lion, ~~may, if he~~ AND WHO complies with
37 subsection ~~B,~~ C OF THIS SECTION MAY lawfully exercise such measures as
38 necessary to prevent further damage from the offending bear or MOUNTAIN lion,
39 including the taking of such bear or mountain lion in the following manner:

40 1. All traps shall be inspected within seventy-two hours and nontarget
41 animals released without further injury. The department shall provide
42 technical advice and assistance in the release of nontarget bears and
43 MOUNTAIN lions. Nontarget animals THAT ARE seriously injured and unable to
44 leave the scene ~~upon~~ ON release shall be humanely dispatched. Target bears
45 and MOUNTAIN lions shall be humanely dispatched immediately.

- 1 2. Bears and MOUNTAIN lions may be taken only by means of:
2 (a) ~~Leg hold~~ LEGHOLD traps without teeth and with an open jaw spread
3 not exceeding eight and one-half inches.
4 (b) Leg snares.
5 (c) Firearms.
6 (d) Other legal hunting weapons and devices.
7 3. All traps and snares shall be identified as to the person or agency
8 setting the trap or snare.
9 4. A livestock operator taking a MOUNTAIN lion or bear pursuant to
10 this section shall notify a department office within five days after setting
11 traps or initiating pursuit in any manner. The notification for ~~both~~ bears
12 and MOUNTAIN lions shall include information on the number and kind of
13 livestock attacked or killed and the name and address of the livestock
14 operator experiencing depredation. Such information shall not be public
15 information.
16 5. A livestock operator taking a bear or MOUNTAIN lion pursuant to
17 this section shall provide reasonable evidence of having livestock recently
18 attacked or killed if a person authorized by the director requests such
19 evidence within forty-eight hours of the department being notified pursuant
20 to paragraph 4 OF THIS SUBSECTION. Information shall include location
21 description of sufficient detail to allow the site of depredation and traps
22 set to be located. Such information shall not be public information.
23 6. Dogs may be used to facilitate the pursuit of depredating bears and
24 MOUNTAIN lions.
25 B. A LANDOWNER OR LESSEE, WHO IS A LIVESTOCK OPERATOR OR THEIR AGENTS
26 MAY TAKE ANY WOLF UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:
27 1. ANY WOLF ACTUALLY ENGAGED IN THE ACT OF KILLING, WOUNDING OR BITING
28 LIVESTOCK.
29 2. BY LIVESTOCK GUARDING DOGS, WHEN THE DOGS ARE USED IN THE
30 TRADITIONAL MANNER TO PROTECT LIVESTOCK.
31 3. IN SELF DEFENSE OR THE DEFENSE OF THE LIVES OF OTHERS, PROVIDED THE
32 TAKING IS REPORTED WITHIN TWENTY-FOUR HOURS TO THE UNITED STATES DEPARTMENT
33 OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE'S MEXICAN WOLF
34 RECOVERY COORDINATOR OR A DESIGNATED REPRESENTATIVE OF THE SERVICE.
35 ~~B-~~ C. A license or tag shall not be required for the taking of a bear
36 or mountain lion under this section, but within ten days after the taking,
37 the livestock operator shall file a written report with the department. The
38 location of the take, THE identity of the livestock operator filing the
39 report and THE location and date of livestock depredation are not public
40 information. Such report shall also contain the following information:
41 1. THE name and address of THE livestock operator experiencing
42 depredation losses.
43 2. THE number, ages and kinds of livestock lost.
44 3. THE numbers and location of bears or MOUNTAIN lions taken.
45 4. THE sex and estimated age of each bear or MOUNTAIN lion taken.

1 5. THE location and date of livestock depredation.

2 ~~C.~~ D. No portion of an animal taken pursuant to this section shall be
3 retained or sold by any person except as authorized by the commission.

4 ~~D.~~ E. No animal trapped or taken alive under this section shall be
5 held in captivity.

6 ~~E.~~ F. In addition to other penalties provided by law, persons not in
7 compliance with ~~the provisions of~~ this section may be ordered by the
8 department to remove devices not in compliance with the requirements of this
9 section and to cease and desist current pursuit activities intended to take
10 the depredating bear or MOUNTAIN lion ~~which the livestock operator has failed~~
11 ~~to comply with the provisions of this section.~~

12 ~~F.~~ G. A livestock operator entitled to take a bear or MOUNTAIN lion
13 under ~~the provisions of~~ this section may contract with another person for the
14 taking of the depredating bear or MOUNTAIN lion. The person under contract
15 shall comply with all of the provisions of this section.

16 Sec. 3. Title 17, chapter 3, article 1, Arizona Revised Statutes, is
17 amended by adding section 17-321, to read:

18 17-321. Mexican wolf recovery program; DNA profile; reporting

19 THE ARIZONA GAME AND FISH DEPARTMENT SHALL:

20 1. REQUEST FROM THE UNITED STATES FISH AND WILDLIFE SERVICE A FULL DNA
21 PROFILE ON EACH ANIMAL REINTRODUCED IN THIS STATE AS A PART OF THE MEXICAN
22 WOLF RECOVERY PROGRAM.

23 2. REQUEST A QUARTERLY REPORT FROM THE UNITED STATES FISH AND WILDLIFE
24 SERVICE OF ALL INCIDENCES IN WHICH A WOLF HARMS, KILLS OR HARASSES A HUMAN.

25 3. REQUEST A QUARTERLY REPORT FROM THE UNITED STATES FISH AND WILDLIFE
26 SERVICE OF ALL INCIDENCES IN WHICH A WOLF HARMS, KILLS OR HARASSES LIVESTOCK.

27 4. NOTIFY IN WRITING PRIVATE LANDOWNERS AND PERMITTEES OR LESSEES OF
28 FEDERAL LANDS LOCATED WITHIN THE ALLOTMENTS WHERE WOLVES ARE RELEASED OR HEAD
29 FOR RELEASE AT THE TIME OF THE PLACEMENT OF THE WOLVES IN THE AREA.