

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

CHAPTER 282

HOUSE BILL 2358

AN ACT

AMENDING SECTIONS 17-101 AND 17-340, ARIZONA REVISED STATUTES; RELATING TO
GAME AND FISH.

(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 which 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. "Falconry" means the sport of hunting or taking quarry with a
22 trained raptor.

23 8. "Fishing" means to lure, attract or pursue aquatic wildlife in such
24 a manner that the wildlife may be captured or killed.

25 9. "Fur dealer" means any person engaged in the business of buying for
26 resale the raw pelts or furs of wild mammals.

27 ~~10. "Guide" means a person who, for pay, aids or assists any person in
28 taking wildlife.~~

29 10. "GUIDE" MEANS A PERSON WHO DOES ANY OF THE FOLLOWING:

30 (a) ADVERTISES FOR GUIDING SERVICES.

31 (b) HOLDS HIMSELF OUT TO THE PUBLIC FOR HIRE AS A GUIDE.

32 (c) IS EMPLOYED BY A COMMERCIAL ENTERPRISE AS A GUIDE.

33 (d) ACCEPTS COMPENSATION IN ANY FORM COMMENSURATE WITH THE MARKET
34 VALUE IN THIS STATE FOR GUIDING SERVICES IN EXCHANGE FOR AIDING, ASSISTING,
35 DIRECTING, LEADING OR INSTRUCTING A PERSON IN THE FIELD TO LOCATE AND TAKE
36 WILDLIFE.

37 (e) IS NOT A LANDOWNER OR LESSEE WHO, WITHOUT FULL FAIR MARKET
38 COMPENSATION, ALLOWS ACCESS TO THE LANDOWNER'S OR LESSEE'S PROPERTY AND
39 DIRECTS AND ADVISES A PERSON IN TAKING WILDLIFE.

40 11. "License year" means the twelve-month period between January 1 and
41 December 31, inclusive.

42 12. "Nonresident" means a citizen of the United States or an alien who
43 has not been a bona fide resident of the state of Arizona for six months
44 immediately preceding the date of application for a license.

- 1 13. "Open season" means the time during which wildlife may be lawfully
2 taken.
- 3 14. "Possession limit" means the maximum limit, in number or amount of
4 wildlife, which may be possessed at one time by any one person.
- 5 15. "Resident" means a person who has been a bona fide resident of the
6 state of Arizona for six months immediately preceding the date of application
7 for a license, or a member of the armed forces who has been stationed in
8 Arizona for a period of thirty days immediately preceding the date of
9 application for a license.
- 10 16. "Road" means any maintained right-of-way for public conveyance.
- 11 17. "Statewide" means all lands except those areas lying within the
12 boundaries of state and federal refuges, parks and monuments, unless
13 specifically provided differently by commission order.
- 14 18. "Take" means pursuing, shooting, hunting, fishing, trapping,
15 killing, capturing, snaring or netting wildlife or the placing or using of
16 any net or other device or trap in a manner that may result in the capturing
17 or killing of wildlife.
- 18 19. "Taxidermist" means any person who engages for hire in the
19 mounting, refurbishing, maintaining, restoring or preserving of any display
20 specimen.
- 21 20. "Traps" or "trapping" means taking wildlife in any manner except
22 with a gun or other implement in hand.
- 23 21. "Wild" means, in reference to mammals and birds, those species
24 which are normally found in a state of nature.
- 25 22. "Wildlife" means all wild mammals, wild birds and the nests or eggs
26 thereof, reptiles, amphibians, mollusks, crustaceans, and fish, including
27 their eggs or spawn.
- 28 23. "Zoo" means a commercial facility open to the public where the
29 principal business is holding wildlife in captivity for exhibition purposes.
- 30 B. The following definitions of wildlife shall apply:
- 31 1. Aquatic wildlife are all fish, amphibians, mollusks, crustaceans
32 and soft-shelled turtles.
- 33 2. Game mammals are deer, elk, bear, pronghorn (antelope), bighorn
34 sheep, bison (buffalo), peccary (javelina), mountain lion, tree squirrel and
35 cottontail rabbit.
- 36 3. Big game are wild turkey, deer, elk, pronghorn (antelope), bighorn
37 sheep, bison (buffalo), peccary (javelina), bear and mountain lion.
- 38 4. "Trophy" means:
- 39 (a) A mule deer buck with at least four points on one antler, not
40 including the eye-guard point.
- 41 (b) A whitetail deer buck with at least three points on one antler,
42 not including the eye-guard point.
- 43 (c) A bull elk with at least six points on one antler, including the
44 eye-guard point and the brow tine point.

- 1 (d) A pronghorn (antelope) buck with at least one horn exceeding or
2 equal to fourteen inches in total length.
- 3 (e) Any bighorn sheep.
- 4 (f) Any bison (buffalo).
- 5 5. Small game are cottontail rabbits, tree squirrels, upland game
6 birds and migratory game birds.
- 7 6. Fur-bearing animals are muskrats, raccoons, otters, weasels,
8 bobcats, beavers, badgers and ringtail cats.
- 9 7. Predatory animals are foxes, skunks, coyotes and bobcats.
- 10 8. Nongame animals are all wildlife except game mammals, game birds,
11 fur-bearing animals, predatory animals and aquatic wildlife.
- 12 9. Upland game birds are quail, partridge, grouse and pheasants.
- 13 10. Migratory game birds are wild waterfowl, including ducks, geese and
14 swans; sandhill cranes; all coots, all gallinules, common snipe, wild doves
15 and bandtail pigeons.
- 16 11. Nongame birds are all birds except upland game birds and migratory
17 game birds.
- 18 12. Raptors are birds that are members of the order of falconiformes or
19 strigiformes and include falcons, hawks, owls, eagles and other birds that
20 the commission may classify as raptors.
- 21 13. Game fish are trout of all species, bass of all species, catfish of
22 all species, sunfish of all species, northern pike, walleye and yellow perch.
- 23 14. Nongame fish are all the species of fish except game fish.
- 24 15. Trout means all species of the family salmonidae, including
25 grayling.
- 26 Sec. 2. Section 17-340, Arizona Revised Statutes, is amended to read:
27 17-340. Revocation, suspension and denial of privilege of
28 taking wildlife; notice; violation; classification
29 A. Upon ON conviction or after adjudication as a delinquent juvenile
30 as defined in section 8-201 and in addition to other penalties prescribed by
31 this title, the commission, after a public hearing, may revoke or suspend a
32 license issued to any person under this title and deny the person the right
33 to secure another license to take or possess wildlife for a period of not to
34 exceed five years for:
35 1. Unlawful taking, unlawful selling, unlawful offering for sale,
36 unlawful bartering or unlawful possession of wildlife.
37 2. Careless use of firearms which has resulted in the injury or death
38 of any person.
39 3. Destroying, injuring or molesting livestock, or damaging or
40 destroying growing crops, personal property, notices or signboards, or other
41 improvements while hunting, trapping or fishing.
42 4. Littering public hunting or fishing areas while taking wildlife.
43 5. Knowingly allowing another person to use the person's big game tag,
44 except as provided by section 17-332, subsection D.

1 6. A violation of section 17-303, 17-304 or 17-341 OR SECTION 17-362,
2 SUBSECTION A.

3 7. A VIOLATION OF SECTION 17-309, SUBSECTION A, PARAGRAPH 5 INVOLVING
4 A WASTE OF EDIBLE PORTIONS OTHER THAN MEAT DAMAGED DUE TO THE METHOD OF
5 TAKING AS FOLLOWS:

6 (a) UPLAND GAME BIRDS, MIGRATORY GAME BIRDS AND WILD TURKEY: BREAST.

7 (b) DEER, ELK, PRONGHORN (ANTELOPE), BIGHORN SHEEP, BISON (BUFFALO)
8 AND PECCARY (JAVELINA): HIND QUARTERS, FRONT QUARTERS AND LOINS.

9 (c) GAME FISH: FILLETS OF THE FISH.

10 ~~7.~~ 8. A violation of section 17-309, subsection A, paragraph 1
11 involving any unlawful use of aircraft to take, assist in taking, harass,
12 chase, drive, locate or assist in locating wildlife.

13 B. On conviction or after adjudication as a delinquent juvenile and in
14 addition to any other penalties prescribed by this title:

15 1. For a first conviction or a first adjudication as a delinquent
16 juvenile, for unlawfully taking or wounding wildlife at any time or place,
17 the commission, after a public hearing, may revoke, suspend or deny a
18 person's privilege to take wildlife for a period of up to five years.

19 2. For a second conviction or a second adjudication as a delinquent
20 juvenile, for unlawfully taking or wounding wildlife at any time or place,
21 the commission, after a public hearing, may revoke, suspend or deny a
22 person's privilege to take wildlife for a period of up to ten years.

23 3. For a third conviction or a third adjudication as a delinquent
24 juvenile, for unlawfully taking or wounding wildlife at any time or place,
25 the commission, after a public hearing, may revoke, suspend or deny a
26 person's privilege to take wildlife permanently.

27 C. In accordance with title 41, chapter 6, article 10 and
28 notwithstanding subsection A of this section, any person who is assessed
29 civil damages under section 17-314 for the unlawful taking or possession of
30 wildlife may be denied the right to secure a license to take wildlife until
31 damages have been paid in full.

32 D. On receiving a report from the licensing authority of a state which
33 is a party to the wildlife violator compact, adopted under chapter 5 of this
34 title, that a resident of this state has failed to comply with the terms of a
35 wildlife citation, the commission, after a public hearing, may suspend any
36 license issued under this title to take wildlife until the licensing
37 authority furnishes satisfactory evidence of compliance with the terms of the
38 wildlife citation.

39 E. In carrying out ~~the provisions of~~ this section the director shall
40 notify the licensee, within one hundred eighty days after conviction, to
41 appear and show cause why the license should not be revoked, suspended or
42 denied. The notice may be served personally or by certified mail sent to the
43 address appearing on the license.

1 F. The commission shall furnish to license dealers the names and
2 addresses of persons whose licenses have been revoked or suspended, and the
3 periods for which they have been denied the right to secure licenses.

4 G. The commission may use the services of the office of administrative
5 hearings to conduct hearings and to make recommendations to the commission
6 pursuant to this section.

7 H. Except for a person who takes or possesses wildlife while under
8 permanent revocation, a person who takes wildlife in this state, or attempts
9 to obtain a license to take wildlife, at a time when the person's privilege
10 to do so is suspended, revoked or denied under this section is guilty of a
11 class 1 misdemeanor.

APPROVED BY THE GOVERNOR APRIL 27, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 27, 2011.

Passed the House February 24, 20 11

by the following vote: 57 Ayes,

1 Nays, 2 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate April 19, 20 11

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

[Signature]
President of the Senate

Charmine Bellinger
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

 day of , 20

at o'clock M.

Secretary to the Governor

Approved this day of

at o'clock M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this day of , 20

at o'clock M.

Secretary of State

H.B. 2358

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 20, 2011,

by the following vote: 35 Ayes,

23 Nays, 2 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

20 day of April, 2011,

at 8:30 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 27th day of

April, 2011,

at 2:40 o'clock P. M.

[Signature]
Governor of Arizona

H.B. 2358

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 27th day of April, 2011,

at 4:45 o'clock P. M.

[Signature]
Secretary of State