

Senate Engrossed

**FILED**

**MICHELE REAGAN**  
**SECRETARY OF STATE**

State of Arizona  
Senate  
Fifty-third Legislature  
First Regular Session  
2017

**CHAPTER 13**  
**SENATE BILL 1154**

AN ACT

AMENDING SECTIONS 5-331, 17-314, 17-315, 17-320, 17-332 AND 17-340,  
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; requirements; exception

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

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

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

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

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

26 17-314. Civil penalty for illegally taking, wounding or  
27 possessing wildlife; recovery of civil penalty

28 A. ~~The commission or any officer charged with enforcement of the~~  
29 ~~laws relating to game and fish, if so directed by the commission, may~~  
30 ~~bring a civil action in the name of the state~~ MAY IMPOSE A CIVIL PENALTY  
31 against any person unlawfully taking, wounding or killing, or unlawfully  
32 in possession of, any of the following wildlife, or part thereof, ~~and seek~~  
33 to recover the following minimum sums ~~as damage~~:

- |    |   |            |
|----|---|------------|
| 34 | 1. For each turkey or javelina                        | \$ 500.00  |
| 35 | 2. For each bear, mountain lion, PRONGHORN (antelope) |            |
| 36 | or deer, other than trophy                            | \$1,500.00 |
| 37 | 3. For each elk or eagle, other than trophy or        |            |
| 38 | endangered species                                    | \$2,500.00 |
| 39 | 4. For each predatory, fur-bearing or nongame animal  | \$ 250.00  |
| 40 | 5. For each small game or aquatic wildlife animal     | \$ 50.00   |
| 41 | 6. For each trophy or endangered species animal       | \$8,000.00 |

42 B. THE COMMISSION MAY BRING A CIVIL ACTION IN THE NAME OF THIS  
43 STATE TO ENFORCE THE CIVIL PENALTY. ~~No~~ THE CIVIL PENALTY, OR A verdict or  
44 judgment ~~recovered by the state in such action~~ TO ENFORCE THE CIVIL  
45 PENALTY, shall NOT be ~~for~~ less than the sum fixed in this section. The

1 minimum sum that the commission may ~~seek to recover as damages~~ from a  
2 person pursuant to this section may be doubled for a second VIOLATION,  
3 verdict or judgment and tripled for a third VIOLATION, verdict or  
4 judgment. The action ~~for damages~~ TO ENFORCE THE CIVIL PENALTY may be  
5 joined with an action for possession, and recovery had for the possession  
6 as well as the ~~damages~~ CIVIL PENALTY.

7 C. The pendency or determination of an action ~~for damages~~ TO  
8 ENFORCE THE CIVIL PENALTY or FOR payment of THE CIVIL PENALTY OR a  
9 judgment, or the pendency or determination of a criminal prosecution for  
10 the same taking, wounding, killing or possession, is not a bar to the  
11 other, nor does either affect the right of seizure under any other  
12 provision of the laws relating to game and fish.

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

15 Sec. 3. Section 17-315, Arizona Revised Statutes, is amended to  
16 read:

17 17-315. Wildlife theft prevention fund; authorized  
18 expenditures

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

- 21 1. Monies received from ~~damage assessments~~ CIVIL PENALTIES pursuant  
22 to section 17-314.
- 23 2. Money received from donations to the fund.
- 24 3. Monies appropriated by the legislature for the purposes provided  
25 in this article.
- 26 4. Monies received as fines, forfeitures and penalties collected  
27 for violations of this title.

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

- 30 1. The financing of reward payments to persons, other than peace  
31 officers, game and fish department personnel and members of their  
32 immediate families, responsible for information leading to the arrest of  
33 any person for unlawfully taking, wounding or killing, possessing,  
34 transporting or selling wildlife and attendant acts of vandalism. The  
35 commission shall establish the schedule of rewards to be paid for  
36 information received and payment shall be made from monies available for  
37 this purpose.
- 38 2. The financing of a statewide telephone reporting system under  
39 the name of "operation game thief", which shall be established by the  
40 director under the guidance of the commission.
- 41 3. The promotion of the public recognition and awareness of the  
42 wildlife theft prevention program.
- 43 4. Investigations of the unlawful ~~commercial~~ TAKING, POSSESSION OR  
44 use of wildlife.

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

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

7 Sec. 4. Section 17-320, Arizona Revised Statutes, is amended to  
8 read:

9 17-320. Jaguar; protection; violations; classification; civil  
10 liability; exceptions

11 A. Notwithstanding section 17-239 or any other provision of this  
12 title, if the secretary of the interior publishes in the federal register  
13 a determination for the removal of jaguar (*felis onca*) from the list as  
14 required under section 4(c) of the endangered species act of 1973, as  
15 amended, (P.L. 93-205; 87 Stat. 884; 16 United States Code sections 1531  
16 through 1544):

17 1. It is unlawful for a person to knowingly kill, wound or possess  
18 a jaguar or any part thereof.

19 2. A person who unlawfully kills, wounds or possesses a jaguar or  
20 any part thereof:

21 (a) Is guilty of a class 1 misdemeanor.

22 (b) Is liable for civil damages of not more than seventy-two  
23 thousand five hundred dollars for each violation ~~pursuant to procedures~~  
24 ~~set forth in section 17-314.~~

25 B. Subsection A of this section does not apply to:

26 1. A jaguar or parts of a jaguar that were lawfully possessed under  
27 state and federal law before August 21, 1997.

28 2. Any person who kills or wounds a jaguar, if it can be shown by a  
29 preponderance of the evidence that the person committed an act based on a  
30 good faith belief that the person was acting to protect himself, a member  
31 of the person's family or any other individual from bodily harm from  
32 ~~a~~ THE jaguar.

33 C. A person shall notify the department within five days after  
34 killing or wounding a jaguar under subsection B, paragraph 2 of this  
35 section. A jaguar THAT IS killed or wounded pursuant to subsection B,  
36 paragraph 2 of this section shall not be retained, sold or removed from  
37 the site without authorization from the department.

38 Sec. 5. Section 17-332, Arizona Revised Statutes, is amended to  
39 read:

40 17-332. Form and content of license; duplicate licenses;  
41 transfer of license prohibited; exceptions; period  
42 of validity

43 A. Licenses and license materials shall be prepared by the  
44 department and may be furnished and charged to dealers THAT ARE authorized  
45 to issue licenses. The license shall be issued in the name of the

1 department. Except as provided by rule adopted by the commission, each  
2 license shall be signed by the licensee in ink on the face of the license  
3 and any license THAT IS not signed is invalid. With each license  
4 authorizing the taking of big game, the department shall provide such tags  
5 as the commission may prescribe, which the licensee shall attach to the  
6 big game animal in ~~such~~ THE manner ~~as~~ prescribed by the commission. The  
7 commission shall limit the number of big game permits issued to  
8 nonresidents in a random drawing to ten ~~per cent~~ PERCENT or fewer of the  
9 total hunt permits, but in extraordinary circumstances, at a public  
10 meeting the commission may increase the number of permits issued to  
11 nonresidents in a random drawing if, on separate roll call votes, the  
12 members of the commission unanimously:

13 1. Support the finding of a specifically described extraordinary  
14 circumstance.

15 2. Adopt the increased number of nonresident permits for the hunt.

16 B. The commission shall issue with each license a shipping permit  
17 entitling the holder of the license to a shipment of game or fish as  
18 provided by article 4 of this chapter.

19 C. It is unlawful, except as provided by the commission, for any  
20 person to apply for or obtain in any one license year more than one  
21 original license permitting the taking of big game. A duplicate license  
22 or tag may be issued by the department or by a license dealer if the  
23 person requesting such A license or tag furnishes the information deemed  
24 necessary by the commission.

25 D. ~~No~~ A license or permit is NOT transferable, ~~nor shall such~~  
26 ~~license or permit~~ AND MAY NOT be used by anyone except the person to whom  
27 ~~such~~ THE license or permit was issued, except that:

28 1. The commission may prescribe the manner and conditions of  
29 transferring and using permits and tags under this paragraph, including an  
30 application process for a qualified organization, to allow a person to  
31 transfer the person's big game permit or tag to a qualified organization  
32 for use by:

33 (a) A minor child who has a life-threatening medical condition or  
34 ~~by a minor child who has~~ a permanent physical disability. If a child with  
35 a physical disability is under fourteen years of age, the child must  
36 satisfactorily complete the Arizona hunter education course or another  
37 comparable hunter education course that is approved by the director.

38 (b) A veteran of the armed forces of the United States who has a  
39 service-connected disability. For the purposes of this paragraph:

40 (i) "Disability" means a permanent physical impairment that  
41 substantially limits one or more major life activities ~~requiring~~ AND THAT  
42 REQUIRES the assistance of another person or a mechanical device for  
43 physical mobility.

44 (ii) "Qualified organization" means a nonprofit organization that  
45 is qualified under section 501(c)(3) of the United States internal revenue

1 code and that affords opportunities and experiences to children with  
2 life-threatening medical conditions or with physical disabilities or to  
3 veterans with service-connected disabilities.

4 2. A parent, grandparent or legal guardian may allow the parent's,  
5 grandparent's or guardian's minor child or minor grandchild to use the  
6 parent's, grandparent's or guardian's big game permit or tag to take big  
7 game pursuant to the following requirements:

8 (a) The parent, grandparent or guardian must transfer the permit or  
9 tag to the MINOR child in a manner prescribed by the commission.

10 ~~(b) The parent or guardian must accompany the child in the field~~  
11 ~~or, if a grandparent allows a minor grandchild to use the grandparent's~~  
12 ~~permit or tag, the grandparent, the parent or the child's guardian must~~  
13 ~~accompany the child in the field.~~

14 ~~(c)~~ (b) The MINOR child must possess a valid hunting license and,  
15 if under fourteen years of age, must satisfactorily complete, BEFORE THE  
16 BEGINNING OF THE HUNT, the Arizona hunter education course or another  
17 comparable hunter education course that is approved by the director.

18 ~~(d)~~ (c) Any big game that is taken counts toward the MINOR child's  
19 bag limit.

20 E. ~~No~~ Refunds may NOT be made for the purchase of a license or  
21 permit.

22 F. Licenses are valid for a license year as prescribed in rule by  
23 the commission. Lifetime licenses and benefactor licenses are valid for  
24 the lifetime of the licensee.

25 Sec. 6. Section 17-340, Arizona Revised Statutes, is amended to  
26 read:

27 17-340. Revocation, suspension and denial of privilege of  
28 taking wildlife; civil penalty; notice; violation;  
29 classification

30 A. On conviction or after adjudication as a delinquent juvenile as  
31 defined in section 8-201 and in addition to other penalties prescribed by  
32 this title, the commission, after a public hearing, may revoke or suspend  
33 a license issued to any person under this title and deny the person the  
34 right to secure another license to take or possess wildlife for a period  
35 of not to exceed five years for:

36 1. Unlawful taking, unlawful selling, unlawful offering for sale,  
37 unlawful bartering or unlawful possession of wildlife.

38 2. Careless use of firearms that ~~has~~ resulted in the injury or  
39 death of any person.

40 3. Destroying, injuring or molesting livestock, or damaging or  
41 destroying growing crops, personal property, notices or signboards, or  
42 other improvements while hunting, trapping or fishing.

43 4. Littering public hunting or fishing areas while taking wildlife.

44 5. Knowingly allowing another person to use the person's big game  
45 tag, except as provided by section 17-332, subsection D.

1           6. A violation of section 17-303, 17-304, 17-316 or 17-341 or  
2 section 17-362, subsection A.

3           7. A violation of section 17-309, subsection A, paragraph 5  
4 involving a waste of edible portions other than meat damaged due to the  
5 method of taking as follows:

6           (a) Upland game birds, migratory game birds and wild turkey:  
7 breast.

8           (b) Deer, elk, pronghorn (antelope), bighorn sheep, bison (buffalo)  
9 and peccary (javelina): hind quarters, front quarters and loins.

10           (c) Game fish: fillets of the fish.

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

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

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

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

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

28           C. IN ACCORDANCE WITH TITLE 41, CHAPTER 6, ARTICLE 10 AND  
29 NOTWITHSTANDING SUBSECTION A OF THIS SECTION, a person ~~who is assessed~~  
30 ~~civil damages~~ AGAINST WHOM THE COMMISSION IMPOSES A CIVIL PENALTY under  
31 section 17-314 ~~shall not apply for or~~ FOR THE UNLAWFUL TAKING, WOUNDING,  
32 KILLING OR POSSESSION OF WILDLIFE MAY BE DENIED THE RIGHT TO obtain a  
33 license ~~during the pendency of an action for damages, while measures are~~  
34 ~~pursued to collect damages or prior to~~ TAKE WILDLIFE UNTIL the PERSON HAS  
35 MADE full payment of ~~damages~~ THE CIVIL PENALTY.

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

43           E. In carrying out this section, the director shall notify the  
44 licensee, within one hundred eighty days after conviction, to appear and  
45 show cause why the license should not be revoked, suspended or denied.

1 The notice may be served personally or by certified mail sent to the  
2 address appearing on the license.

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

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

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

**APPROVED BY THE GOVERNOR MARCH 14, 2017.**

**FILED IN THE SECRETARY OF STATES OFFICE MARCH 14, 2017**

Passed the House March 9, 2017,

Passed the Senate February 9, 2017,

by the following vote: 45 Ayes,

by the following vote: 21 Ayes,

14 Nays, 1 Not Voting

8 Nays, 1 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

14 day of March, 2017,

at 1:43 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 14<sup>th</sup> day of

March, 2017,

at 3:24 o'clock P. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 14 day of March, 2017,

at 5:19 o'clock P. M.

[Signature]  
Secretary of State

S.B. 1154