

COMMITTEE ON LAND, AGRICULTURE & RURAL AFFAIRS
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2603
(Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[~~GREEN STRIKEOUT IN BRACKETS~~] indicates new text removed from statute or previously enacted session law.

[~~Green strikeout in brackets~~] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<~~Green strikeout in carets~~>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 <<Section. 1. Section 17-309, Arizona Revised Statutes, is amended
3 to read:

4 17-309. Violations: classification

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

7 1. Violate any provision of this title or any rule adopted pursuant
8 to this title.

9 2. Take, possess, transport, release, buy, sell or offer or expose
10 for sale wildlife except as expressly permitted by this title.

11 3. Destroy, injure or molest livestock, growing crops, personal
12 property, notices or signboards[~~,~~] or other improvements while hunting,
13 trapping or fishing.

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

17 5. Take a game bird, game mammal or game fish and knowingly
18 [~~permit~~][ALLOW] an edible portion thereof to go to waste, except as
19 provided in section 17-302.

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

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

5 8. Obtain a license or take wildlife during the period for which
6 the person's license has been revoked or suspended or the person has been
7 denied a license.

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

9 10. Take wildlife during the closed season.

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

11 12. Take wildlife with an unlawful device.

12 13. Take wildlife by an unlawful method.

13 14. Take wildlife in excess of the bag limit.

14 15. Possess wildlife in excess of the possession limit.

15 16. Possess or transport any wildlife or parts of the wildlife that
16 was unlawfully taken.

17 17. Possess or transport the carcass of big game without a valid tag
18 being attached.

19 18. Use the edible parts of any game mammal or any part of any game
20 bird or nongame bird as bait.

21 19. Possess or transport the carcass or parts of a carcass of any
22 wildlife that cannot be identified as to species and legality.

23 20. Take game animals, game birds and game fish with an explosive
24 compound, [A] poison or any other deleterious substances.

25 21. Import into this state or export from this state the carcass or
26 parts of a carcass of any wildlife unlawfully taken or possessed.

27 B. Unless a different or other penalty or punishment is
28 specifically prescribed, a person who violates any provision of this
29 title, or who violates or fails to comply with a lawful order or rule of
30 the commission, is guilty of a class 2 misdemeanor.

1 C. A person who knowingly takes any big game during a closed season
2 or who knowingly possesses, transports or buys any big game that was
3 unlawfully taken during a closed season is guilty of a class 1
4 misdemeanor.

5 D. A person is guilty of a class 6 felony who knowingly:

6 1. Barters, sells or offers for sale any big game or parts of big
7 game taken unlawfully.

8 2. Barters, sells or offers for sale any wildlife or parts of
9 wildlife unlawfully taken during a closed season.

10 3. Barters, sells or offers for sale any wildlife or parts of
11 wildlife imported or purchased in violation of this title or a lawful rule
12 of the commission.

13 4. Assists another person for monetary gain with the unlawful
14 taking of big game.

15 5. Takes or possesses wildlife while under permanent revocation
16 under section 17-340, subsection ~~[B-]~~[C], paragraph 3.

17 E. A peace officer who knowingly fails to enforce a lawful rule of
18 the commission or this title is guilty of a class 2 misdemeanor.>>

19 Sec. 2. Section 17-340, Arizona Revised Statutes, is amended to
20 read:

21 17-340. Revocation, suspension and denial of privilege of
22 taking wildlife; civil penalty; notice; violation;
23 classification

24 A. On conviction, ON ENTERING A DEFERRED PROSECUTION AGREEMENT or
25 after adjudication as a delinquent juvenile as defined in section 8-201
26 and in addition to other penalties prescribed by this title, the
27 commission, after a public hearing, may revoke or suspend a license issued
28 to any person under this title and deny the person the right to secure
29 another license to take or possess wildlife for a period of not to exceed
30 five years for:

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

3 2. Careless use of firearms that resulted in the injury or death of
4 any person.

5 3. Destroying, injuring or molesting livestock, ~~or~~ or damaging or
6 destroying growing crops, personal property, notices or signboards or
7 other improvements while hunting, trapping or fishing.

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

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

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

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

16 (a) Upland game birds, migratory game birds and wild turkey:
17 breast.

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

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

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

24 [9. A VIOLATION OF TITLE 13 INVOLVING THE TAKING OR POSSESSION OF
25 WILDLIFE.

26 B. AN ACTIVE LICENSE REVOCATION FOR AN AGREEMENT TO DEFER
27 PROSECUTION TERMINATES AFTER THE LICENSEE PROVIDES PROOF TO THE COMMISSION
28 THAT:

29 1. THE LICENSEE SATISFACTORILY COMPLETED THE TERMS AND OBLIGATIONS
30 OF A DEFERRED PROSECUTION PROGRAM.

31 2. THE CRIMINAL CHARGES FILED AGAINST THE LICENSEE ARE DISMISSED.

1 3. THE LICENSEE COMPLETED ALL REQUIRED TRAINING COURSES.

2 4. THE LICENSEE PAID IN FULL ALL CIVIL PENALTIES IMPOSED PURSUANT
3 TO SECTION 17-314.]

4 ~~[B.]~~ [C.] On conviction or after adjudication as a delinquent
5 juvenile and in addition to any other penalties prescribed by this title:

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

10 2. [NOTWITHSTANDING SUBSECTION B OF THIS SECTION,] for a second
11 conviction[, ON ENTERING A SECOND AGREEMENT TO DEFER PROSECUTION] or [FOR]
12 a second adjudication as a delinquent juvenile[.] for unlawfully taking or
13 wounding wildlife at any time or place, the commission, after a public
14 hearing, may revoke, suspend or deny the person's privilege to take
15 wildlife for a period of up to ten years.

16 3. [NOTWITHSTANDING SUBSECTION B OF THIS SECTION,] for a third
17 conviction[, ON ENTERING A THIRD AGREEMENT TO DEFER PROSECUTION] or [FOR]
18 a third adjudication as a delinquent juvenile, for unlawfully taking or
19 wounding wildlife at any time or place, the commission, after a public
20 hearing, may revoke, suspend or deny the person's privilege to take
21 wildlife permanently.

22 ~~[C.]~~ [D.] In accordance with title 41, chapter 6, article 10 and
23 notwithstanding subsection A of this section, a person against whom the
24 commission imposes a civil penalty under section 17-314 for the unlawful
25 taking, wounding, killing or possession of wildlife may be denied the
26 right to obtain a license to take wildlife until the person ~~has made full~~
27 ~~payment of~~ PAYS the civil penalty IN FULL.

28 ~~[D.]~~ [E.] On receiving a report from the licensing authority of a
29 state that is a party to the wildlife violator compact adopted under
30 chapter 5 of this title that a resident of this state has failed to comply
31 with the terms of a wildlife citation, the commission, after a public

1 hearing, may suspend any license issued under this title to take wildlife
2 until the licensing authority furnishes satisfactory evidence of
3 compliance with the terms of the wildlife citation.

4 ~~[F.]~~ [E.] In carrying out this section, the director shall notify
5 the licensee, within one hundred eighty days after conviction, to appear
6 and show cause why the license should not be revoked, suspended or denied.
7 The notice may be served personally or by certified mail sent to the
8 address appearing on the license.

9 ~~[F.]~~ [G.] The commission shall furnish to license dealers the
10 names and addresses of persons whose licenses have been revoked or
11 suspended, and the periods for which they have been denied the right to
12 secure licenses.

13 ~~[G.]~~ [H.] The commission may use the services of the office of
14 administrative hearings to conduct hearings and to make recommendations to
15 the commission pursuant to this section.

16 ~~[H.]~~ [I.] Except for a person who takes or possesses wildlife
17 while under permanent revocation, a person who takes wildlife in this
18 state, or attempts to obtain a license to take wildlife, at a time when
19 the person's privilege to do so is suspended, revoked or denied under this
20 section is guilty of a class 1 misdemeanor.

21 Enroll and engross to conform
22 Amend title to conform
And, as so amended, it do pass

LUPE DIAZ
CHAIRMAN

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