

23-20-4 Wanton destruction of protected wildlife -- Penalties.

- (1) A person is guilty of wanton destruction of protected wildlife if that person:
 - (a) commits an act in violation of Section 23-13-4, 23-13-5, 23-13-13, 23-15-6 through 23-15-9, 23-16-5, or Subsection 23-20-3(1);
 - (b) captures, injures, or destroys protected wildlife; and
 - (c)
 - (i) does so with intentional, knowing, or reckless conduct as defined in Section 76-2-103;
 - (ii) intentionally abandons protected wildlife or a carcass;
 - (iii) commits the offense at night with the use of a weapon;
 - (iv) is under a court or division revocation of a license, tag, permit, or certificate of registration;or
 - (v) acts for pecuniary gain.
- (2) Subsection (1) does not apply to actions taken in accordance with:
 - (a) Title 4, Chapter 14, Utah Pesticide Control Act;
 - (b) Title 4, Chapter 23, Agricultural and Wildlife Damage Prevention Act; or
 - (c) Section 23-16-3.1.
- (3) Wanton destruction of wildlife is punishable:
 - (a) as a third degree felony if:
 - (i) the aggregate value of the protected wildlife determined by the values in Subsection (4) is more than \$500; or
 - (ii) a trophy animal was captured, injured, or destroyed;
 - (b) as a class A misdemeanor if the aggregate value of the protected wildlife, determined by the values established in Subsection (4) is more than \$250, but does not exceed \$500; and
 - (c) as a class B misdemeanor if the aggregate value of the protected wildlife determined by the values established in Subsection (4) is \$250 or less.
- (4) Regardless of the restitution amounts imposed under Subsection 23-20-4.5(2), the following values are assigned to protected wildlife for the purpose of determining the offense for wanton destruction of wildlife:
 - (a) \$1,000 per animal for:
 - (i) bison;
 - (ii) bighorn sheep;
 - (iii) rocky mountain goat;
 - (iv) moose;
 - (v) bear;
 - (vi) peregrine falcon;
 - (vii) bald eagle; or
 - (viii) endangered species;
 - (b) \$750 per animal for:
 - (i) elk; or
 - (ii) threatened species;
 - (c) \$500 per animal for:
 - (i) cougar;
 - (ii) golden eagle;
 - (iii) river otter; or
 - (iv) gila monster;
 - (d) \$400 per animal for:
 - (i) pronghorn antelope; or
 - (ii) deer;

- (e) \$350 per animal for bobcat;
 - (f) \$100 per animal for:
 - (i) swan;
 - (ii) sandhill crane;
 - (iii) turkey;
 - (iv) pelican;
 - (v) loon;
 - (vi) egrets;
 - (vii) herons;
 - (viii) raptors, except those that are threatened or endangered;
 - (ix) Utah milk snake; or
 - (x) Utah mountain king snake;
 - (g) \$35 per animal for furbearers, except:
 - (i) bobcat;
 - (ii) river otter; and
 - (iii) threatened or endangered species;
 - (h) \$25 per animal for trout, char, salmon, grayling, tiger muskellunge, walleye, largemouth bass, smallmouth bass, and wiper;
 - (i) \$15 per animal for game birds, except:
 - (i) turkey;
 - (ii) swan; and
 - (iii) sandhill crane;
 - (j) \$10 per animal for game fish not listed in Subsection (4)(h);
 - (k) \$8 per pound dry weight of processed brine shrimp including eggs; and
 - (l) \$5 per animal for protected wildlife not listed.
- (5) For purposes of sentencing for a wildlife violation, a person who has been convicted of a third degree felony under Subsection (3)(a) is not subject to the mandatory sentencing requirements prescribed in Subsection 76-3-203.8(4).
- (6) As part of a sentence imposed, the court shall impose a sentence of incarceration of not less than 20 consecutive days for a person convicted of a third degree felony under Subsection (3)(a)(ii) who captured, injured, or destroyed a trophy animal for pecuniary gain.
- (7) If a person has already been convicted of a third degree felony under Subsection (3)(a)(ii) once, each separate additional offense under Subsection (3)(a)(ii) is punishable by, as part of a sentence imposed, a sentence of incarceration of not less than 20 consecutive days.
- (8) The court may not sentence a person subject to Subsection (6) or (7) to less than 20 consecutive days of incarceration or suspend the imposition of the sentence unless the court finds mitigating circumstances justifying lesser punishment and makes that finding a part of the court record.

Amended by Chapter 250, 2009 General Session