

HB0168S01 compared with HB0168

~~{Omitted text}~~ shows text that was in HB0168 but was omitted in HB0168S01

inserted text shows text that was not in HB0168 but was inserted into HB0168S01

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1 **Hunting and Fishing Amendments**
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Rex P. Shipp
Senate Sponsor: Evan J. Vickers



2
3 **LONG TITLE**

4 **General Description:**

5 This bill addresses practices related to hunting and fishing.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ creates the Poaching Mitigation Fund;
- 9 ▶ provides for restitution money to be deposited into the Poaching Mitigation Fund for use by the
10 Division of Law Enforcement within the Department of Natural Resources;
- 11 ▶ removes references to spotters;
- 12 ▶ provides that money in the Guide and Outfitter Fund be used by the Division of Law
13 Enforcement within the Department of Natural Resources;
- 14 ▶ removes outdated language related to the Division of Professional Licensing;
- 15 ▶ modifies definitions related to guide and outfitter provisions, including the definition of a guide
16 or outfitter;
- 17 ▶ **modifies fee provisions;**
- 17 ▶

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amends under certain circumstances the total number of individuals allowed to provide guide services or outfitting services at a time;

- 19 ▶ clarifies the relationship between guides and outfitters and the retention of outfitters;
 - 20 ▶ addresses unlawful activity of a pilot of an aircraft;
 - 21 ▶ requires certain reimbursements of investigatory expenses for violations of title;
 - 22 ▶ modifies provisions related to unlawful taking of protected wildlife related to a guide or outfitter;
- and
- 24 ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

23A-3-216 , as enacted by Laws of Utah 2025, Chapter 140

23A-4-1106 , as last amended by Laws of Utah 2025, Chapters 173, 208

23A-4-1201 , as enacted by Laws of Utah 2025, Chapter 140

23A-4-1202 , as enacted by Laws of Utah 2025, Chapter 140

23A-4-1203 , as enacted by Laws of Utah 2025, Chapter 140

23A-4-1204 , as enacted by Laws of Utah 2025, Chapter 140

23A-5-309 , as last amended by Laws of Utah 2025, Chapter 140

23A-5-312 , as last amended by Laws of Utah 2024, Chapter 347

ENACTS:

23A-3-217 , Utah Code Annotated 1953

23A-5-301.5 , Utah Code Annotated 1953

23A-5-315.5 , Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **23A-3-216** is amended to read:

23A-3-216. Guide and Outfitter Fund.

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(1) There is created an expendable special revenue fund known as the "Guide[;] and Outfitter[; ~~and~~ ~~Spotter~~] Fund."

49 (2) The Guide[;] and Outfitter[; ~~and~~ ~~Spotter~~] Fund shall consist of:

50 (a) revenue from fees collected under Section 23A-4-1202;

51 (b) money appropriated by the Legislature; and

52 (c) interest, dividends, or other income earned on fund money.

53 (3) The ~~[division]~~ Division of Law Enforcement within the department shall use the money in the Guide[;] and Outfitter[; ~~and~~ ~~Spotter~~] Fund to administer Chapter 4, Part 12, Guide[;] and Outfitter[; ~~and~~ ~~Spotter~~].

57 Section 2. Section 2 is enacted to read:

58 **23A-3-217. Poaching Mitigation Fund.**

58 (1) There is created an expendable special revenue fund known as the "Poaching Mitigation Fund."

60 (2) The Poaching Mitigation Fund shall consist of:

61 (a) reimbursement money collected under Section 23A-5-301.5;

62 (b) restitution collected under Section 23A-5-312;

63 (c) money appropriated by the Legislature; and

64 (d) interest, dividends, or other income earned on fund money.

65 (3) The Division of Law Enforcement within the department shall use the money in the Poaching Mitigation Fund for activities and programs to help stop poaching, including:

67 (a) educational programs on wildlife crime prevention;

68 (b) acquisition and development of wildlife crime detection equipment;

69 (c) operation and maintenance of anti-poaching projects; and

70 (d) wildlife law enforcement training.

72 Section 3. Section **23A-4-1106** is amended to read:

73 **23A-4-1106. Suspension of license or permit privileges -- Suspension of certificates of registration.**

74 (1) As used in this section:

75 (a) "License or permit privileges" means the privilege of applying for, purchasing, and exercising the benefits conferred by a license or permit issued by the division.

77 (b) "Livestock guardian dog" means the same as that term is defined in Section 76-6-111.

78 (2) A hearing officer, appointed by the division, may suspend a person's license or permit privileges if:

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- 80 (a) in a court of law, the person:
- 81 (i) is convicted of:
- 82 (A) violating this title or a rule of the Wildlife Board;
- 83 (B) killing or injuring domestic livestock or a livestock guardian dog while engaged in an activity
regulated under this title;
- 85 (C) violating Section 76-6-111; or
- 86 (D) violating Section 76-11-209 while engaged in an activity regulated under this title;
- 88 (ii) enters into a plea in abeyance agreement, in which the person pleads guilty or no contest to an
offense listed in Subsection (2)(a)(i), and the plea is held in abeyance; or
- 91 (iii) is charged with committing an offense listed in Subsection (2)(a)(i), and the person enters into a
diversion agreement which suspends the prosecution of the offense; and
- 94 (b) the hearing officer determines the person committed the offense intentionally, knowingly, or
recklessly, as defined in Section 76-2-103.
- 96 (3)
- (a) The Wildlife Board shall make rules establishing guidelines that a hearing officer shall consider in
determining:
- 98 (i) the type of license or permit privileges to suspend; and
- 99 (ii) the duration of the suspension.
- 100 (b) The Wildlife Board shall ensure that the guidelines established under Subsection (3)(a) are
consistent with Subsections (4), (5), and (6).
- 102 (4) Except as provided in Subsections (5) and (6), a hearing officer may suspend a person's license or
permit privileges according to Subsection (2) for a period of time not to exceed:
- 105 (a) seven years for:
- 106 (i) a felony conviction;
- 107 (ii) a plea of guilty or no contest to an offense punishable as a felony, which plea is held in abeyance
[pursuant to] in accordance with a plea in abeyance agreement; or
- 109 (iii) being charged with an offense punishable as a felony, the prosecution of which is suspended
[pursuant to] in accordance with a diversion agreement;
- 111 (b) five years for:
- 112 (i) a class A misdemeanor conviction;
- 113

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- (ii) a plea of guilty or no contest to an offense punishable as a class A misdemeanor, which plea is held in abeyance [~~pursuant to~~] in accordance with a plea in abeyance agreement; or
- 116 (iii) being charged with an offense punishable as a class A misdemeanor, the prosecution of which is suspended [~~pursuant to~~] in accordance with a diversion agreement;
- 119 (c) three years for:
- 120 (i) a class B misdemeanor conviction;
- 121 (ii) a plea of guilty or no contest to an offense punishable as a class B misdemeanor when the plea is held in abeyance according to a plea in abeyance agreement; or
- 123 (iii) being charged with an offense punishable as a class B misdemeanor, the prosecution of which is suspended [~~pursuant to~~] in accordance with a diversion agreement; and
- 126 (d) one year for:
- 127 (i) a class C misdemeanor conviction;
- 128 (ii) a plea of guilty or no contest to an offense punishable as a class C misdemeanor, when the plea is held in abeyance according to a plea in abeyance agreement; or
- 130 (iii) being charged with an offense punishable as a class C misdemeanor, the prosecution of which is suspended according to a diversion agreement.
- 132 (5) The hearing officer may double a suspension period established in Subsection (4) for offenses:
- 134 (a) committed in violation of an existing suspension or revocation order issued by the courts, division, or Wildlife Board; or
- 136 (b) involving the unlawful taking of a trophy animal, as defined in Section 23A-1-101.
- 137 (6)
- (a) A hearing officer may suspend, according to Subsection (2), a person's license or permit privileges for a particular license or permit only once for each single criminal episode, as defined in Section 76-1-401.
- 140 (b) If a hearing officer addresses two or more single criminal episodes in a hearing, the suspension periods of license or permit privileges of the same type suspended, according to Subsection (2), may run consecutively.
- 143 (c) If a hearing officer suspends, according to Subsection (2), license or permit privileges of the type that have been previously suspended by a court, a hearing officer, or the Wildlife Board and the suspension period has not expired, the suspension periods may run consecutively.
- 147 (7)

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- (a) A hearing officer, appointed by the division, may suspend a person's privilege of applying for, purchasing, and exercising the benefits conferred by a certificate of registration if:
- 150 (i) the hearing officer determines the person intentionally, knowingly, or recklessly, as defined in Section 76-2-103, violated:
- 152 (A) this title;
- 153 (B) a rule or order of the Wildlife Board;
- 154 (C) the terms of a certificate of registration; or
- 155 (D) the terms of a certificate of registration application or agreement; or
- 156 (ii) the person, in a court of law:
- 157 (A) is convicted of an offense that the hearing officer determines bears a reasonable relationship to the person's ability to safely and responsibly perform the activities authorized by the certificate of registration;
- 160 (B) pleads guilty or no contest to an offense that the hearing officer determines bears a reasonable relationship to the person's ability to safely and responsibly perform the activities authorized by the certificate of registration, and the plea is held in abeyance in accordance with a plea in abeyance agreement; or
- 164 (C) is charged with an offense that the hearing officer determines bears a reasonable relationship to the person's ability to safely and responsibly perform the activities authorized by the certificate of registration, and prosecution of the offense is suspended in accordance with a diversion agreement.
- 168 (b) A hearing officer shall suspend a certificate of registration for the harvesting of brine shrimp eggs, as defined in Section 59-23-3, if the hearing officer determines the holder of the certificate of registration has violated Section 59-23-5.
- 171 (8)
- (a) The director shall appoint a qualified person as a hearing officer to perform the adjudicative functions provided in this section.
- 173 (b) The director may not appoint a division employee who investigates or enforces wildlife violations.
- 175 (9)
- (a) The courts may suspend, in criminal sentencing, a person's privilege to apply for, purchase, or exercise the benefits conferred by a license, permit, or certificate of registration.
- 178 (b) The courts shall promptly notify the division of suspension orders or recommendations entered.
- 180

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(c) The division, upon receiving notification of suspension from the courts, shall prohibit the person from applying for, purchasing, or exercising the benefits conferred by a license, permit, or certification of registration for the duration and of the type specified in the court order.

184 (d) The hearing officer shall consider a recommendation made by a sentencing court concerning
suspension before issuing a suspension order.

186 (10) Before suspension under this section, the division shall give a person:

187 (a) written notice of action the division intends to take; and

188 (b) an opportunity for a hearing.

189 (11)

(a) A person may file an appeal of a hearing officer's decision with the Wildlife Board.

191 (b) The Wildlife Board shall review the hearing officer's findings and conclusions and any written
documentation submitted at the hearing.

193 (c) The Wildlife Board may:

194 (i) take no action;

195 (ii) vacate or remand the decision; or

196 (iii) amend the period or type of suspension.

197 (12) The division shall suspend and reinstate all hunting, fishing, trapping, and falconry privileges
consistent with Chapter 2, Part 5, Wildlife Violator Compact.

199 [~~(13) Within 30 days after the day on which an individual's privilege to hunt or fish is suspended under
this title, the division shall report to the Division of Professional Licensing the:~~]

202 [~~(a) identifying information for the individual; and]~~

203 [~~(b) time period of the suspension.]~~

204 [~~(14)~~] (13) The Wildlife Board may make rules to implement this section in accordance with Title 63G,
Chapter 3, Utah Administrative Rulemaking Act.

207 Section 4. Section **23A-4-1201** is amended to read:

207 **Part 12. Guide and Outfitter**

209 **23A-4-1201. Definitions.**

As used in this part:

210 (1) "Compensation" means anything of economic value in excess of \$100 that is paid, loaned, granted,
given, donated, or transferred to a guide[;] or outfitter[; ~~or spotter~~] for or in consideration of a
service, material, or property.

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- 213 (2) "Guide" means an individual who is employed or affiliated with an outfitter and offers or provides
guide services on public lands for compensation.
- 215 (3) "Guide services" means to guide, lead, or assist an individual in hunting protected wildlife.
- 217 (4)
- (a) "Hunting" means to locate, pursue, chase, catch, capture, trap, or kill protected wildlife or assist in
an action described in this Subsection (4).
- 219 (b) "Hunting" includes fishing.
- 220 (5) "Outfitter" means [~~an individual who~~] a person that offers or provides outfitting[~~or guide~~] services
for compensation to [~~another~~] an individual for hunting protected wildlife on public lands.
- 223 (6)
- (a) "Outfitting services" means, for hunting protected wildlife on public lands, providing, either directly
or through an individual compensated by the outfitter { ~~Ĥ~~ → { } } { ~~, either directly or through an
individual compensated by the outfitter~~ } { } ← ~~Ĥ~~ } :
- 225 (i) transportation of people, equipment, supplies, or protected wildlife to or from a location;
- 227 (ii) cooking for the participants who are hunting, including fishing;
- 228 (iii) packing, protecting, or supervising services; or
- 229 (iv) guide services.
- 230 (b) "Outfitting services" does not include an activity undertaken by the division or a division employee,
associate, volunteer, contractor, or agent under authority granted in this title.
- 233 (7)
- (a) "Public lands" means any lands owned by the United States, the state, or a political subdivision or
independent entity of the state that are open to the public for purposes of engaging in a wildlife
related activity.
- 236 (b) "Public lands" does not include lands owned by the United States, the state, or a political
subdivision or independent entity of the state that are included in a cooperative wildlife management
unit under Subsection 23A-7-204(6) [~~so long as~~] if the guiding and outfitting services furnished
by the cooperative wildlife management unit are limited to hunting species of wildlife specifically
authorized by the division in the unit's management plan.
- 242 (8) "Retain" [~~or "retained"~~] means a written or oral agreement for the delivery of guide services
or [~~outfitter~~] outfitting services between [~~a guide or~~] an outfitter and the recipient of [~~those
services~~] the guide services or outfitting services.

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- 245 [(9) "Spotter" means an individual compensated by a guide or outfitter to locate or monitor the location
of protected wildlife on public land.]
- 248 Section 5. Section **23A-4-1202** is amended to read:
- 249 **23A-4-1202. Registration as guide or outfitter -- Rulemaking.**
- 249 (1) [~~Beginning July 1, 2025, to~~] To provide the services of a guide[;] or outfitter[; ~~or spotter an
individual is required to~~] a person shall annually obtain a certificate of registration with the division
under this part.
- 252 (2) The division shall issue to [~~an individual who~~] a person that qualifies under this part a certificate to
operate as[-a]:
- 254 (a) a guide; or
- 255 (b) an outfitter[; or] .
- 256 [~~(c) spotter.~~]
- 257 (3) The division shall maintain a record of each [~~individual who~~] person that is registered with the
division under this part.
- 259 (4)
- (a) To register as a guide, a resident shall:
- 260 (i) submit an application in a form [~~prescribed by~~]the division approves, subject to rules of the
Wildlife Board;
- 262 (ii) have the appropriate hunting or fishing license under this chapter to engage in the activity for
which the guide provides guide services; and
- 264 (iii) pay an annual registration fee [~~of~~] set in accordance with Section 63J-1-504:
- 265 (A) [~~\$250 if the resident~~] for a resident who provides guide services related to the hunting of big game
or bear; or
- 267 (B) [~~\$175 if the resident~~] for a resident who only provides guide services related to the hunting,
including fishing, of protected wildlife other than big game or bear.
- 269 (b) To register as a guide, a nonresident shall:
- 270 (i) submit an application in a form [~~prescribed by~~]the division approves, subject to rules of the Wildlife
Board;
- 272 (ii) have the appropriate hunting or fishing license under this chapter to engage in the activity for which
the guide provides guide services; and
- 274 (iii) pay an annual registration fee [~~of~~] set in accordance with Section 63J-1-504:

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- 275 (A) ~~[\$750 if the nonresident]~~ for a nonresident who provides guide services related to the hunting of
big game or bear; or
- 277 (B) ~~[\$500 if the nonresident]~~ for a nonresident who only provides guide services related to the hunting,
including fishing, of protected wildlife other than big game or bear.
- 279 (5)
- (a) To register as an outfitter, a resident shall:
- 280 (i) submit an application in a form [~~prescribed by~~]the division approves, subject to rules of the
Wildlife Board;
- 282 (ii)
- (A) have the appropriate hunting or fishing license under this chapter to engage in the activity for which
the outfitter provides [~~outfitter~~] outfitting services; or
- 284 (B) if the outfitter is an entity, have at least one individual designated by the outfitter hold the
appropriate hunting or fishing license under this chapter to engage in the activity for which the
outfitter provides outfitting services; and
- 287 (iii) pay an annual registration fee [~~of~~] set in accordance with Section 63J-1-504:
- 288 (A) ~~[\$500 if the resident]~~ for a resident that provides services related to the hunting of big game or
bear; or
- 290 (B) ~~[\$350 if the resident]~~ for a resident that only provides services related to the hunting, including
fishing, of protected wildlife other than big game or bear.
- 292 (b) To register as an outfitter, a nonresident shall:
- 293 (i) submit an application in a form [~~prescribed by~~]the division approves, subject to rules of the Wildlife
Board;
- 295 (ii)
- (A) have the appropriate hunting or fishing license under this chapter to engage in the activity for which
the outfitter provides [~~outfitter~~] outfitting services; or
- 297 (B) if the outfitter is an entity, have at least one individual designated by the outfitter hold the
appropriate hunting or fishing license under this chapter to engage in the activity for which the
outfitter provides outfitting services; and
- 300 (iii) pay an annual registration fee [~~of~~] set in accordance with Section 63J-1-504:
- 301 (A) ~~[\$1,500 if the nonresident]~~ for a nonresident that provides services related to the hunting of big
game or bear; or

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- 303 (B) ~~[\$1,000 if the nonresident]~~ for a nonresident that only provides services related to the hunting,
including fishing, of protected wildlife other than big game or bear.
- 305 ~~[(6)~~
- (a) ~~To register as a spotter, a resident shall:]~~
- 306 ~~[(i) submit an application in a form prescribed by the division, subject to rules of the Wildlife
Board;]~~
- 308 ~~[(ii) have the appropriate hunting license under this chapter to engage in the activity for which the
spotter provides services; and]~~
- 310 ~~[(iii) pay an annual registration fee of \$125.]~~
- 311 ~~[(b) To register as a spotter, a nonresident shall:]~~
- 312 ~~[(i) submit an application in a form prescribed by the division, subject to rules of the Wildlife Board;]~~
- 314 ~~[(ii) have the appropriate hunting license under this chapter to engage in the activity for which the
spotter provides services; and]~~
- 316 ~~[(iii) pay an annual registration fee of \$375.]~~
- 317 ~~[(7){ } {(6)}]~~
- (a) ~~Notwithstanding a fee amount described in Subsections (4){ } ;{ } and}{(5){ } , and (6){ } , the
Wildlife Board may increase or decrease the fee amount under this section.]~~
- 319 ~~[(b) An adjustment made by the Wildlife Board under Subsection { } (7)(a){ } (6)(a)} takes effect
when the Legislature adopts the fee schedule in the general session immediately following the
adjustment.]~~
- 322 ~~[(8)] (7){ (6)} The division shall deposit fees collected under this section into the Guide[;] and
Outfitter[; and Spotter] Fund created in Section 23A-3-216.~~
- 324 ~~[(9)] (8){ (7)} A registration automatically expires on the expiration date shown on the registration
unless the registrant renews the registration.~~
- 326 ~~[(10)] (9){ (8)} In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
Wildlife Board may make rules to address:~~
- 328 (a) the form of an application submitted under this section;
- 329 (b) a prohibited activity under Section 23A-4-1203; or
- 330 (c) an operation of a guide[;] or outfitter[; ~~or spotter~~] regulated under Section 23A-4-1204.
- 336 Section 6. Section **23A-4-1203** is amended to read:
- 337 **23A-4-1203. Grounds for denial or revoking of registration -- Prohibited activities.**

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- 335 (1) The division shall refuse to register an applicant, refuse to renew, or revoke the certificate of
registration of a registrant during the time period that the division suspends the applicant's or
registrant's privilege to:
- 338 (a) hunt, if the applicant or registrant provides services requiring registration under this part related to
hunting; or
- 340 (b) fish, if the applicant or registrant provides services requiring registration under this part related to
fishing.
- 342 (2) If the division suspends the privilege to hunt or fish under this title of the chief executive officer of
an outfitter under which an applicant or registrant provides guide services[;] or outfitting services[;
or spotting services]:
- 345 (a) during the time period that the division suspends the chief executive officer's privilege to hunt[is
suspended], the division shall:
- 347 (i) refuse to issue a registration to the applicant for services requiring registration under this part related
to hunting; and
- 349 (ii) refuse to renew or shall revoke the registration of the registrant for services requiring registration
under this part related to hunting; and
- 351 (b) during the time period that the division suspends the chief executive officer's privilege to fish[is
suspended], the division shall:
- 353 (i) refuse to issue a registration to the applicant for services requiring registration under this part related
to fishing; and
- 355 (ii) refuse to renew or shall revoke the registration of the registrant for services requiring registration
under this part related to fishing.
- 357 (3) [~~An individual~~] A person may not use the title "guide[;]" or "outfitter[;]" [~~or "spotter"~~] or any other
title or designation to indicate that the [~~individual~~] person is a guide[;] or outfitter[; ~~or spotter~~] or
acting as a guide[;] or outfitter[; ~~or spotter~~] unless the [~~individual~~] person is registered as a guide[;]
or outfitter[; ~~or spotter~~] under this part.
- 361 (4) [~~An individual~~] A person may not:
- 362 (a) engage in an activity that would place a registrant's client's, prospective client's, or third party's
safety at risk, recognizing the inherent risks associated with hunting wildlife and the activity
engaged in being above and beyond those inherent risks;
- 365

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(b) use false, deceptive, or misleading advertising related to providing services~~[as a guide, outfitter, or spotter]~~;

367 (c) misrepresent services, outcomes, facilities, equipment, or fees to a client or prospective client; or

369 (d) fail to provide the division with active and current contact information within 30 days of any change to the registrant's contact information ~~[that was]~~ the registrant provided to the division during registration or the renewal of registration as a guide~~;~~ or outfitter~~[-or spotter]~~.

373 (5)

(a) If ~~[an individual]~~ a person violates this part, the division may:

374 (i) revoke the certificate of registration of the ~~[individual]~~ person; and

375 (ii) suspend the individual's privilege to hunt or fish under this title.

376 (b) ~~[An individual who]~~ A person that violates Subsection (3) or (4) is guilty of a class B misdemeanor in accordance with Section 23A-5-301.

382 Section 7. Section **23A-4-1204** is amended to read:

383 **23A-4-1204. Operations of a guide or outfitter -- Limits on retaining outfitter or compensating a guide.**

381 (1) Except as provided in Subsections (2) and (3), a person may not compensate ~~[an individual]~~ another person to provide guide services~~;~~ or outfitting services~~[-or spotting services]~~ in connection with or in furtherance of ~~[taking]~~ hunting protected wildlife on public land.

385 (2) ~~[A person may compensate a guide or]~~ An individual may retain an outfitter to help the ~~[person locate and take]~~ individual hunt protected wildlife on public land if:

387 (a) ~~[the guide or outfitter is]~~ the persons providing guide services or outfitting services are registered and in good standing under this part;

389 (b) the ~~[person has retained the guide or]~~ individual who retains the outfitter ~~[and]~~ is the recipient of the guide services or outfitting services;

391 ~~[(e) the person possesses the licenses and permits required to take protected wildlife;]~~

392 ~~[(d)]~~ (c) subject to Subsection (4), in total the number of individuals providing services requiring registration under this part does not exceed:

394 (i) two individuals; or

395 (ii) three individuals, if ~~[a guide or outfitter is retained for purposes of taking a moose, bison, bighorn sheep, or mountain goat]~~ the individual who retains the outfitter retains the outfitter for a big game once-in-a-lifetime or limited entry hunt; and

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- 399 [~~(e) subject to Subsection (2)(d), the retained guide or outfitter uses no more than two spotters; and]~~
401 [~~(f) (d) the [person] individual who retains the [guide or] outfitter is not simultaneously using another[~~
~~guide or] outfitter to assist in [taking] hunting the same species and sex of protected wildlife.~~
- 404 [~~(3) A registered guide or registered outfitter in good standing may use a spotter if:]~~
405 [~~(a) the guide or outfitter is retained by the recipient of the guide services or outfitting services to assist~~
~~the recipient to take protected wildlife on public land; and]~~
- 407 [~~(b) the guide or outfitter does not use more than the number of spotters allowed under Subsections (2)~~
~~(d) and (e).]~~
- 409 [~~(4) (3)~~
- (a) A person ~~[who]~~ that knowingly retains ~~[an individual]~~ a person that is not registered under this part
as ~~[a guide or]~~ an outfitter or who knowingly ~~[retains a spotter]~~ compensates a guide in violation
of this section is guilty of a class B misdemeanor, except that, notwithstanding Section 76-3-204, a
court may not sentence the person to imprisonment or probation.
- 414 (b) The division may suspend ~~[a person's]~~ an individual's privilege to hunt or fish under this title if the
~~[person] individual~~ knowingly retains ~~[an individual]~~ a person that is not registered under this part
as ~~[a guide or]~~ an outfitter or knowingly ~~[retains a spotter]~~ compensates a guide in violation of this
section.
- 418 (4) The limitations of Subsection (2)(c) do not apply to an individual compensated by an outfitter to
perform tasks that are not associated with hunting of protected wildlife on public land, including an
individual who:
- 421 (a) does not provide guide services or outfitting services; or
422 (b) assists after the protected wildlife is tagged in accordance with Section 23A-4-709.
- 427 Section 8. Section **8** is enacted to read:
- 428 **23A-5-301.5. Reimbursement of investigation operational expenses.**
- 425 (1) As used in this section:
- 426 (a) "Contraband" means a property, item, or substance that is unlawful to produce or to possess under
state or federal law.
- 428 (b) "Operational expense" means money expended by the Division of Law Enforcement to:
- 430 (i) acquire one of the following that is being used in a commercial venture:
- 431 (A) a necessary service;
- 432 (B) a necessary authorization;

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- 433 (C) contraband; or
434 (D) property unlawfully possessed by a person; and
435 (ii) further or sustain an ongoing investigation, including an expense for a covert activity.
437 (2) A person shall reimburse the Division of Law Enforcement for an operational expense from an
investigation when the person in a court of law:
439 (a) is convicted of:
440 (i) unlawful taking, unlawful possession, or wanton destruction of protected wildlife under this title;
442 (ii) a violation of Chapter 4, Part 12, Guide and Outfitter; or
443 (iii) a violation of Subsection 23A-5-309(1)(y);
444 (b) enters into a plea in abeyance agreement, in which the person pleads guilty or no contest to an
offense listed in Subsection (2)(a), and the plea is held in abeyance; or
446 (c) is charged with committing an offense listed in Subsection (2)(a), and the person enters into a
diversion agreement that suspends the prosecution of the offense.
448 (3) The Division of Law Enforcement shall document an operational expense from an investigation.
450 (4) The Division of Law Enforcement shall deposit money collected under this section into the
Poaching Mitigation Fund created in Section 23A-3-217.
456 Section 9. Section **23A-5-309** is amended to read:
457 **23A-5-309. Taking, transporting, selling, purchasing, or engaging in activities related to**
protected wildlife illegal except as authorized -- Criminal penalty.
455 (1) Except as provided in this title or a rule, proclamation, or order of the Wildlife Board, a person may
not:
457 (a) take protected wildlife or wildlife parts;
458 (b) collect, import, possess, transport, propagate, store, donate, transfer, or export protected wildlife or
wildlife parts;
460 (c) take, possess, sell, purchase, barter, donate, or trade protected wildlife or wildlife parts without
having previously procured the necessary licenses, permits, tags, federal stamps, certificates of
registration, authorizations, and receipts required in this title or a rule, proclamation, or order of the
Wildlife Board;
464 (d) take protected wildlife with a weapon, ammunition, implement, tool, device, or any part of any of
these not specifically authorized in this title or a rule, proclamation, or order of the Wildlife Board;
467

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- (e) possess while in pursuit of protected wildlife a weapon, ammunition, implement, tool, device, or any part of any of these not specifically authorized in this title or a rule, proclamation, or order of the Wildlife Board;
- 470 (f) take protected wildlife using a method, means, process, or practice not specifically authorized in this title or a rule, proclamation, or order of the Wildlife Board;
- 472 (g) take protected wildlife outside the season dates, location boundaries, and daily time frames established in rule, proclamation, or order of the Wildlife Board;
- 474 (h) take protected wildlife in excess of the bag and possession limits established in rule, proclamation, or order of the Wildlife Board;
- 476 (i) take protected wildlife in an area closed to hunting, trapping, or fishing by rule, proclamation, or order of the Wildlife Board, or by executive order of the director [~~pursuant to~~] in accordance with Subsection 23A-2-203(4);
- 479 (j) practice falconry or capture, possess, or use birds in falconry;
- 480 (k) take wildlife from an airplane or any other airborne vehicle or device or a motorized terrestrial or aquatic vehicle, including snowmobiles and other recreational vehicles;
- 482 (l) hold in captivity at any time any live protected wildlife;
- 483 (m) use or permit a dog or other domestic or trained animal to take protected wildlife;
- 484 (n) remove, damage, or destroy an occupied nest of protected wildlife;
- 485 (o) release captured or captive wildlife into the wild;
- 486 (p) use spotlighting to take protected wildlife;
- 487 (q) employ or use a means of concealment or camouflage while taking protected wildlife which is prohibited in this title or a rule, proclamation, or order of the Wildlife Board;
- 489 (r) possess or use bait or other attractant to take protected wildlife which is prohibited in this title or a rule, proclamation, or order of the Wildlife Board;
- 491 (s) use a decoy or recorded or electronically amplified call which is prohibited in this title or a rule, proclamation, or order of the Wildlife Board to take protected wildlife;
- 493 (t) commercially harvest protected wildlife, including brine shrimp and brine shrimp eggs;
- 495 (u) use protected wildlife for commercial purposes or financial gain as prohibited by Section 23A-5-304;
- 497 (v) enter, establish, or hold a contest or tournament involving the taking of protected wildlife;
- 499 (w) operate or participate in a commercial hunting area as described in Section 23A-12-202;

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- 501 (x) operate or participate in a cooperative wildlife management unit as defined in Section 23A-7-101; or
503 (y)
- (i) ~~[operate or participate in guide, outfitter, or spotter]~~ take protected wildlife while operating or participating in guide or outfitter services or activities in violation of Chapter 4, Part 12, Guide[;] and Outfitter[; and Spotter]; or
- 506 (ii) ~~[knowingly retain a guide, outfitter, or spotter]~~ take protected wildlife while knowingly retaining a guide or outfitter in violation of Chapter 4, Part 12, Guide[;] and Outfitter[; and Spotter].
- 509 (2) Possession of protected wildlife without a valid license, permit, tag, certificate of registration, bill of sale, or invoice is prima facie evidence that the protected wildlife was illegally taken and is illegally held in possession.
- 512 (3) A person is subject to the penalty under Section 23A-5-301 if the person:
- 513 (a) violates Subsection (1); and
- 514 (b) does so with criminal negligence as defined in Subsection 76-2-103(4).
- 519 Section 10. Section **23A-5-312** is amended to read:
- 520 **23A-5-312. Restitution -- Disposition of money.**
- 517 (1) When a person is adjudged guilty of illegal taking, illegal possession, or wanton destruction of protected wildlife, other than a trophy animal, the court may order the defendant to pay restitution:
- 520 (a) as set forth in Subsection (2); or
- 521 (b) in a greater or lesser amount than the amount established in Subsection (2).
- 522 (2) Suggested minimum restitution values for protected wildlife are as follows:
- 523 (a) \$1,500 per animal for:
- 524 (i) bison;
- 525 (ii) bighorn sheep;
- 526 (iii) rocky mountain goat;
- 527 (iv) moose;
- 528 (v) bear;
- 529 (vi) peregrine falcon;
- 530 (vii) bald eagle; or
- 531 (viii) endangered species;
- 532 (b) \$1,250 per animal for:
- 533 (i) elk; or

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- 534 (ii) threatened species;
- 535 (c) \$750 per animal for:
- 536 (i) golden eagle;
- 537 (ii) river otter; or
- 538 (iii) gila monster;
- 539 (d) \$600 per animal for:
- 540 (i) pronghorn antelope; or
- 541 (ii) deer;
- 542 (e) \$525 per animal for:
- 543 (i) cougar; or
- 544 (ii) bobcat;
- 545 (f) \$150 per animal for:
- 546 (i) swan;
- 547 (ii) sandhill crane;
- 548 (iii) turkey;
- 549 (iv) pelican;
- 550 (v) loon;
- 551 (vi) egrets;
- 552 (vii) herons;
- 553 (viii) raptors, except those that are threatened or endangered;
- 554 (ix) Utah milk snake; or
- 555 (x) Utah mountain king snake;
- 556 (g) \$150 per horn;
- 557 (h) \$53 per animal for furbearers, except:
- 558 (i) bobcat;
- 559 (ii) river otter; and
- 560 (iii) threatened or endangered species;
- 561 (i) \$38 per animal for trout, char, salmon, grayling, tiger muskellunge, walleye, largemouth bass,
smallmouth bass, and wiper;
- 563 (j) \$30 per pound of antler or shed antler;
- 564 (k) \$23 per animal for game birds, except:

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- 565 (i) turkey;
- 566 (ii) swan; and
- 567 (iii) sandhill crane;
- 568 (l) \$15 per animal for game fish not listed in Subsection (2)(i);
- 569 (m) \$12 per pound dry weight of processed brine shrimp including eggs; and
- 570 (n) \$8 per animal for protected wildlife not listed.
- 571 (3) If the court finds that restitution is inappropriate or if the value imposed is less than the suggested
minimum value as provided in Subsection (2), the court shall make the reasons for the decision part
of the court record.
- 574 (4)
- (a) The court shall order a person convicted of a third degree felony under Subsection 23A-5-311(2)(a)
(ii) to pay restitution in accordance with Subsection (4)(b).
- 576 (b) The minimum restitution value for a trophy animal is as follows:
- 577 (i) \$45,000 per animal for bighorn, desert, or rocky mountain sheep;
- 578 (ii) \$12,000 per animal for deer;
- 579 (iii) \$12,000 per animal for elk;
- 580 (iv) \$9,000 per animal for moose or mountain goat;
- 581 (v) \$9,000 per animal for bison; and
- 582 (vi) \$3,000 per animal for pronghorn antelope.
- 583 (5) Restitution paid under [~~Subsection (4) shall be remitted to the division and deposited in the Wildlife
Resources Account~~] this section is to be deposited into the Poaching Mitigation Fund created in
Section 23A-3-217.
- 586 [~~(6) The division shall use restitution money for activities and programs to help stop poaching,
including:~~]
- 588 [~~(a) educational programs on wildlife crime prevention;~~]
- 589 [~~(b) acquisition and development of wildlife crime detection equipment;~~]
- 590 [~~(c) operation and maintenance of anti-poaching projects; and~~]
- 591 [~~(d) wildlife law enforcement training.~~]
- 592 [(7)] (6) If restitution is required, restitution shall be in addition to:
- 593 (a) a fine or penalty imposed for a violation of this title; and
- 594

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(b) a remedial action taken to revoke or suspend a person's license, permit, tag, or certificate of registration.

596 [(8)] (7) A judgment imposed under this section constitutes a lien when recorded in the judgment
docket and shall have the same effect and is subject to the same rules as a judgment for money in a
civil action.

603 Section 11. Section **11** is enacted to read:

604 **23A-5-315.5. Unlawful activity by a pilot.**

601 (1) As used in this section:

602 (a) "Aircraft" means an airplane or other airborne vehicle or device.

603 (b) "Pilot" means an individual who operates the controls of an aircraft while in flight.

604 (2) A pilot may not knowingly, intentionally, or recklessly operate an aircraft if the operation results in
a person taking, including locating, wildlife from the aircraft in violation of Section 23A-5-315.

607 (3) A violation of Subsection (2) is:

608 (a) a class B misdemeanor for the first violation;

609 (b) a class A misdemeanor for the second violation; or

610 (c) a third degree felony for a third or subsequent violation.

611 (4) If a pilot violates this section, the division may revoke a license, tag, certificate of registration, or
permit held by the pilot in accordance with Section 23A-4-1106.

617 Section 12. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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