

**Hunting and Fishing Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rex P. Shipp**

Senate Sponsor:

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**LONG TITLE****General Description:**

This bill addresses practices related to hunting and fishing.

**Highlighted Provisions:**

This bill:

- creates the Poaching Mitigation Fund;
- provides for restitution money to be deposited into the Poaching Mitigation Fund for use by the Division of Law Enforcement within the Department of Natural Resources;
- removes references to spotters;
- provides that money in the Guide and Outfitter Fund be used by the Division of Law Enforcement within the Department of Natural Resources;
- removes outdated language related to the Division of Professional Licensing;
- modifies definitions related to guide and outfitter provisions, including the definition of a guide or outfitter;
- amends under certain circumstances the total number of individuals allowed to provide guide services or outfitting services at a time;
- clarifies the relationship between guides and outfitters and the retention of outfitters;
- addresses unlawful activity of a pilot of an aircraft;
- requires certain reimbursements of investigatory expenses for violations of title;
- modifies provisions related to unlawful taking of protected wildlife related to a guide or outfitter; and
- 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

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*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.**

- (1) There is created an expendable special revenue fund known as the "Guide[;] and Outfitter[; ~~and Spotter~~] Fund."
- (2) The Guide[;] and Outfitter[; ~~and Spotter~~] Fund shall consist of:
  - (a) revenue from fees collected under Section 23A-4-1202;
  - (b) money appropriated by the Legislature; and
  - (c) interest, dividends, or other income earned on fund money.
- (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~~].

Section 2. Section 23A-3-217 is enacted to read:

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

- (1) There is created an expendable special revenue fund known as the "Poaching Mitigation Fund."
- (2) The Poaching Mitigation Fund shall consist of:
  - (a) reimbursement money collected under Section 23A-5-301.5;
  - (b) restitution collected under Section 23A-5-312;
  - (c) money appropriated by the Legislature; and
  - (d) interest, dividends, or other income earned on fund money.

- (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:
- (a) educational programs on wildlife crime prevention;
  - (b) acquisition and development of wildlife crime detection equipment;
  - (c) operation and maintenance of anti-poaching projects; and
  - (d) wildlife law enforcement training.

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

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

(1) As used in this section:

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

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

(a) in a court of law, the person:

(i) is convicted of:

- (A) violating this title or a rule of the Wildlife Board;
- (B) killing or injuring domestic livestock or a livestock guardian dog while engaged in an activity regulated under this title;
- (C) violating Section 76-6-111; or
- (D) violating Section 76-11-209 while engaged in an activity regulated under this title;
- (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
- (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

(b) the hearing officer determines the person committed the offense intentionally, knowingly, or recklessly, as defined in Section 76-2-103.

(3)(a) The Wildlife Board shall make rules establishing guidelines that a hearing officer shall consider in determining:

- (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
- 101 (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
- 103 license or permit privileges according to Subsection (2) for a period of time not to
- 104 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
- 108 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
- 110 suspended [~~pursuant to~~] in accordance with a diversion agreement;
- 111 (b) five years for:
- 112 (i) a class A misdemeanor conviction;
- 113 (ii) a plea of guilty or no contest to an offense punishable as a class A misdemeanor,
- 114 which plea is held in abeyance [~~pursuant to~~] in accordance with a plea in abeyance
- 115 agreement; or
- 116 (iii) being charged with an offense punishable as a class A misdemeanor, the
- 117 prosecution of which is suspended [~~pursuant to~~] in accordance with a diversion
- 118 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
- 122 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
- 124 prosecution of which is suspended [~~pursuant to~~] in accordance with a diversion
- 125 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,
- 129 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
- 131 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

133 offenses:

134 (a) committed in violation of an existing suspension or revocation order issued by the  
135 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  
138 permit privileges for a particular license or permit only once for each single criminal  
139 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  
141 suspension periods of license or permit privileges of the same type suspended,  
142 according to Subsection (2), may run consecutively.

143 (c) If a hearing officer suspends, according to Subsection (2), license or permit  
144 privileges of the type that have been previously suspended by a court, a hearing  
145 officer, or the Wildlife Board and the suspension period has not expired, the  
146 suspension periods may run consecutively.

147 (7)(a) A hearing officer, appointed by the division, may suspend a person's privilege of  
148 applying for, purchasing, and exercising the benefits conferred by a certificate of  
149 registration if:

150 (i) the hearing officer determines the person intentionally, knowingly, or recklessly,  
151 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  
158 reasonable relationship to the person's ability to safely and responsibly perform  
159 the activities authorized by the certificate of registration;

160 (B) pleads guilty or no contest to an offense that the hearing officer determines  
161 bears a reasonable relationship to the person's ability to safely and responsibly  
162 perform the activities authorized by the certificate of registration, and the plea  
163 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  
165 reasonable relationship to the person's ability to safely and responsibly perform  
166 the activities authorized by the certificate of registration, and prosecution of the

- 167 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  
169 shrimp eggs, as defined in Section 59-23-3, if the hearing officer determines the  
170 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  
172 adjudicative functions provided in this section.
- 173 (b) The director may not appoint a division employee who investigates or enforces  
174 wildlife violations.
- 175 (9)(a) The courts may suspend, in criminal sentencing, a person's privilege to apply for,  
176 purchase, or exercise the benefits conferred by a license, permit, or certificate of  
177 registration.
- 178 (b) The courts shall promptly notify the division of suspension orders or  
179 recommendations entered.
- 180 (c) The division, upon receiving notification of suspension from the courts, shall prohibit  
181 the person from applying for, purchasing, or exercising the benefits conferred by a  
182 license, permit, or certification of registration for the duration and of the type  
183 specified in the court order.
- 184 (d) The hearing officer shall consider a recommendation made by a sentencing court  
185 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  
190 Board.
- 191 (b) The Wildlife Board shall review the hearing officer's findings and conclusions and  
192 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  
198 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~~  
200 ~~suspended under this title, the division shall report to the Division of Professional~~

201        ~~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  
205        Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

207                                **Part 12. Guide and Outfitter**

208                        **23A-4-1201 . Definitions.**

209        As used in this part:

- 210        (1) "Compensation" means anything of economic value in excess of \$100 that is paid,  
211        loaned, granted, given, donated, or transferred to a guide~~;~~ or outfitter~~;~~ ~~or spotter~~ for or  
212        in consideration of a service, material, or property.
- 213        (2) "Guide" means an individual who is employed or affiliated with an outfitter and offers  
214        or provides guide services on public lands for compensation.
- 215        (3) "Guide services" means to guide, lead, or assist an individual in hunting protected  
216        wildlife.
- 217        (4)(a) "Hunting" means to locate, pursue, chase, catch, capture, trap, or kill protected  
218        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]~~  
221        services for compensation to ~~[another]~~ an individual for hunting protected wildlife on  
222        public lands.
- 223        (6)(a) "Outfitting services" means, for hunting protected wildlife on public lands,  
224        providing:
- 225                (i) transportation of people, equipment, supplies, or protected wildlife to or from a  
226                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  
231        division employee, associate, volunteer, contractor, or agent under authority granted  
232        in this title.
- 233        (7)(a) "Public lands" means any lands owned by the United States, the state, or a  
234        political subdivision or independent entity of the state that are open to the public for

purposes of engaging in a wildlife related activity.

(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.

(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.

~~[(9) "Spotter" means an individual compensated by a guide or outfitter to locate or monitor the location of protected wildlife on public land.]~~

Section 5. Section **23A-4-1202** is amended to read:

**23A-4-1202 . Registration as guide or outfitter -- Rulemaking.**

(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.

(2) The division shall issue to ~~[an individual who]~~ a person that qualifies under this part a certificate to operate as~~[-a]~~:

(a) a guide; or

(b) an outfitter~~[-or]~~ .

~~[(c) spotter.]~~

(3) The division shall maintain a record of each ~~[individual who]~~ person that is registered with the division under this part.

(4)(a) To register as a guide, a resident shall:

(i) submit an application in a form ~~[prescribed by]~~ the division approves, subject to rules of the Wildlife Board;

(ii) have the appropriate hunting or fishing license under this chapter to engage in the activity for which the guide provides guide services; and

(iii) pay an annual registration fee of:

(A) \$250 if the resident provides guide services related to the hunting of big game or bear; or

(B) \$175 if the resident only provides guide services related to the hunting, including fishing, of protected wildlife other than big game or bear.



(b) To register as a guide, a nonresident shall:

- (i) submit an application in a form [~~prescribed by~~]the division approves, subject to rules of the Wildlife Board;
- (ii) have the appropriate hunting or fishing license under this chapter to engage in the activity for which the guide provides guide services; and
- (iii) pay an annual registration fee of:
  - (A) \$750 if the nonresident provides guide services related to the hunting of big game or bear; or
  - (B) \$500 if the nonresident only provides guide services related to the hunting, including fishing, of protected wildlife other than big game or bear.

(5)(a) To register as an outfitter, a resident shall:

- (i) submit an application in a form [~~prescribed by~~]the division approves, subject to rules of the Wildlife Board;
- (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  
(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
- (iii) pay an annual registration fee of:
  - (A) \$500 if the resident provides services related to the hunting of big game or bear; or
  - (B) \$350 if the resident only provides services related to the hunting, including fishing, of protected wildlife other than big game or bear.

(b) To register as an outfitter, a nonresident shall:

- (i) submit an application in a form [~~prescribed by~~]the division approves, subject to rules of the Wildlife Board;
- (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  
(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
- (iii) pay an annual registration fee of:
  - (A) \$1,500 if the nonresident provides services related to the hunting of big game or bear; or

(B) \$1,000 if the nonresident only provides services related to the hunting, including fishing, of protected wildlife other than big game or bear.

~~[(6)(a) To register as a spotter, a resident shall:]~~

~~[(i) submit an application in a form prescribed by the division, subject to rules of the Wildlife Board;]~~

~~[(ii) have the appropriate hunting license under this chapter to engage in the activity for which the spotter provides services; and]~~

~~[(iii) pay an annual registration fee of \$125.]~~

~~[(b) To register as a spotter, a nonresident shall:]~~

~~[(i) submit an application in a form prescribed by the division, subject to rules of the Wildlife Board;]~~

~~[(ii) have the appropriate hunting license under this chapter to engage in the activity for which the spotter provides services; and]~~

~~[(iii) pay an annual registration fee of \$375.]~~

~~[(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.

(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.

~~[(8)]~~ (7) The division shall deposit fees collected under this section into the Guide[;] and Outfitter[, and Spotter] Fund created in Section 23A-3-216.

~~[(9)]~~ (8) A registration automatically expires on the expiration date shown on the registration unless the registrant renews the registration.

~~[(10)]~~ (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board may make rules to address:

(a) the form of an application submitted under this section;

(b) a prohibited activity under Section 23A-4-1203; or

(c) an operation of a guide[;] or outfitter[, or spotter] regulated under Section 23A-4-1204.

Section 6. Section **23A-4-1203** is amended to read:

**23A-4-1203 . Grounds for denial or revoking of registration -- Prohibited activities.**

(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:

(a) hunt, if the applicant or registrant provides services requiring registration under this part related to hunting; or

(b) fish, if the applicant or registrant provides services requiring registration under this part related to fishing.

(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~~]:

(a) during the time period that the division suspends the chief executive officer's privilege to hunt[~~is suspended~~], the division shall:

(i) refuse to issue a registration to the applicant for services requiring registration under this part related to hunting; and

(ii) refuse to renew or shall revoke the registration of the registrant for services requiring registration under this part related to hunting; and

(b) during the time period that the division suspends the chief executive officer's privilege to fish[~~is suspended~~], the division shall:

(i) refuse to issue a registration to the applicant for services requiring registration under this part related to fishing; and

(ii) refuse to renew or shall revoke the registration of the registrant for services requiring registration under this part related to fishing.

(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.

(4) [~~An individual~~] A person may not:

(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;

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

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

(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].

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

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

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

(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.

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

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

(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.

(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:

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

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

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

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

(i) two individuals; or

(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

~~[(e) subject to Subsection (2)(d), the retained guide or outfitter uses no more than two spotters; and]~~

~~[(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.

~~[(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~~  
406 ~~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~~  
408 ~~Subsections (2)(d) and (e).]~~

409 ~~[(4)]~~ (3)(a) A person ~~[who]~~ that knowingly retains ~~[an individual]~~ a person that is not  
410 registered under this part as ~~[a guide or]~~ an outfitter or who knowingly ~~[retains a~~  
411 ~~spotter]~~ compensates a guide in violation of this section is guilty of a class B  
412 misdemeanor, except that, notwithstanding Section 76-3-204, a court may not  
413 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  
415 this title if the ~~[person]~~ individual knowingly retains ~~[an individual]~~ a person that is  
416 not registered under this part as ~~[a guide or]~~ an outfitter or knowingly ~~[retains a spotter]~~  
417 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  
419 outfitter to perform tasks that are not associated with hunting of protected wildlife on  
420 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.

423 Section 8. Section **23A-5-301.5** is enacted to read:

424 **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  
427 possess under state or federal law.

428 (b) "Operational expense" means money expended by the Division of Law Enforcement  
429 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;

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  
436 activity.

437 (2) A person shall reimburse the Division of Law Enforcement for an operational expense  
438 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  
441 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  
445 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  
447 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  
449 investigation.  
450 (4) The Division of Law Enforcement shall deposit money collected under this section into  
451 the Poaching Mitigation Fund created in Section 23A-3-217.

452 Section 9. Section **23A-5-309** is amended to read:

453 **23A-5-309 . Taking, transporting, selling, purchasing, or engaging in activities**  
454 **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  
456 person may not:  
457 (a) take protected wildlife or wildlife parts;  
458 (b) collect, import, possess, transport, propagate, store, donate, transfer, or export  
459 protected wildlife or wildlife parts;  
460 (c) take, possess, sell, purchase, barter, donate, or trade protected wildlife or wildlife  
461 parts without having previously procured the necessary licenses, permits, tags,  
462 federal stamps, certificates of registration, authorizations, and receipts required in this  
463 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  
465 part of any of these not specifically authorized in this title or a rule, proclamation, or  
466 order of the Wildlife Board;  
467 (e) possess while in pursuit of protected wildlife a weapon, ammunition, implement,  
468 tool, device, or any part of any of these not specifically authorized in this title or a  
469 rule, proclamation, or order of the Wildlife Board;  
470 (f) take protected wildlife using a method, means, process, or practice not specifically  
471 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;
- (h) take protected wildlife in excess of the bag and possession limits established in rule, proclamation, or order of the Wildlife Board;
- (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);
- (j) practice falconry or capture, possess, or use birds in falconry;
- (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;
- (l) hold in captivity at any time any live protected wildlife;
- (m) use or permit a dog or other domestic or trained animal to take protected wildlife;
- (n) remove, damage, or destroy an occupied nest of protected wildlife;
- (o) release captured or captive wildlife into the wild;
- (p) use spotlighting to take protected wildlife;
- (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;
- (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;
- (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;
- (t) commercially harvest protected wildlife, including brine shrimp and brine shrimp eggs;
- (u) use protected wildlife for commercial purposes or financial gain as prohibited by Section 23A-5-304;
- (v) enter, establish, or hold a contest or tournament involving the taking of protected wildlife;
- (w) operate or participate in a commercial hunting area as described in Section 23A-12-202;
- (x) operate or participate in a cooperative wildlife management unit as defined in Section 23A-7-101; or
- (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
- (ii) ~~[knowingly retain a guide, outfitter, or spotter]~~ take protected wildlife while

- 507                    knowingly retaining a guide or outfitter in violation of Chapter 4, Part 12, Guide[;]  
508                    and Outfitter[, and Spotter].
- 509        (2) Possession of protected wildlife without a valid license, permit, tag, certificate of  
510                registration, bill of sale, or invoice is prima facie evidence that the protected wildlife  
511                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).
- 515                Section 10. Section **23A-5-312** is amended to read:  
516                **23A-5-312 . Restitution -- Disposition of money.**
- 517        (1) When a person is adjudged guilty of illegal taking, illegal possession, or wanton  
518                destruction of protected wildlife, other than a trophy animal, the court may order the  
519                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  
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,
- 562 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:
- 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
- 572 suggested minimum value as provided in Subsection (2), the court shall make the
- 573 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).

(b) The minimum restitution value for a trophy animal is as follows:

(i) \$45,000 per animal for bighorn, desert, or rocky mountain sheep;

(ii) \$12,000 per animal for deer;

(iii) \$12,000 per animal for elk;

(iv) \$9,000 per animal for moose or mountain goat;

(v) \$9,000 per animal for bison; and

(vi) \$3,000 per animal for pronghorn antelope.

(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.

~~[(6) The division shall use restitution money for activities and programs to help stop poaching, including:]~~

~~[(a) educational programs on wildlife crime prevention;]~~

~~[(b) acquisition and development of wildlife crime detection equipment;]~~

~~[(c) operation and maintenance of anti-poaching projects; and]~~

~~[(d) wildlife law enforcement training.]~~

~~[(7)]~~ (6) If restitution is required, restitution shall be in addition to:

(a) a fine or penalty imposed for a violation of this title; and

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

~~[(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.

Section 11. Section **23A-5-315.5** is enacted to read:

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

(1) As used in this section:

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

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

(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.

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

(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  
612            registration, or permit held by the pilot in accordance with Section 23A-4-1106.  
613            Section 12. **Effective Date.**  
614        This bill takes effect on May 6, 2026.