

Effective 7/1/2023

Chapter 5 Enforcement and Violations

Part 1 General Provisions

23A-5-101 Definitions.

Reserved.

Enacted by Chapter 103, 2023 General Session

Part 2 Enforcement

23A-5-201 Enforcement authority of natural resources officers -- Seizure and disposition of property.

- (1) A natural resources officer shall enforce the provisions of this title in accordance with the same procedures and requirements for a law enforcement officer of this state.
- (2)
 - (a) Except as provided in Subsection (2)(b), a natural resources officer may seize property or contraband in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, and Title 77, Chapter 11b, Forfeiture of Seized Property.
 - (b) A natural resources officer shall seize protected wildlife illegally taken or held.
- (3)
 - (a) If a natural resources officer seizes wildlife as part of an investigation or prosecution of an offense and the wildlife may reasonably be used to incriminate or exculpate a person for the offense, the Division of Law Enforcement is not required to retain the wildlife under Title 77, Chapter 11c, Retention of Evidence.
 - (b) If the Division of Law Enforcement does not retain wildlife under Subsection (3)(a), the Division of Law Enforcement is required to preserve sufficient evidence from the wildlife for use as evidence in the prosecution of a person for the offense.
- (4)
 - (a) If a natural resources officer seizes wildlife and the wildlife or parts of the wildlife are perishable, the Division of Law Enforcement may donate the wildlife or parts of the wildlife to be used for charitable purposes.
 - (b) If wildlife or parts of the wildlife are perishable and are not fit to be donated for charitable purposes under Subsection (4)(a), the Division of Law Enforcement may dispose of the wildlife or parts of the wildlife in a reasonable manner.
- (5)
 - (a) If a defendant is convicted of the offense for which protected wildlife is seized and the Division of Law Enforcement is permitted by law to sell or dispose of the protected wildlife, the Division of Law Enforcement may sell or dispose of the protected wildlife or part of the wildlife.
 - (b) The Division of Law Enforcement may not sell migratory wildfowl but the Division of Law Enforcement shall donate the migratory wildfowl to be used for charitable purposes.

- (c) The Division of Law Enforcement shall deposit the proceeds from the sale of protected wildlife into the Wildlife Resources Account.
- (6) If the Division of Law Enforcement disposes of wildlife and the defendant is acquitted of the offense for which the wildlife is seized or the entire case for the offense is dismissed, the court may order the Division of Law Enforcement to:
 - (a) provide the owner of the disposed wildlife with wildlife that is reasonably equivalent in value to the disposed wildlife within 180 days after the day on which the court enters the order; or
 - (b) if the Division of Law Enforcement is unable to obtain wildlife that is reasonably equivalent in value to the disposed wildlife, pay the owner of the disposed wildlife for the non-trophy value of the disposed wildlife in accordance with Subsection 23A-5-312(2) within 180 days after the day on which the court enters the order.
- (7)
 - (a) If a natural resources officer seizes a vehicle under Section 77-11a-201, the Division of Law Enforcement shall store the seized vehicle in a public or private garage, state impound lot, or any other secured storage facility.
 - (b) The Division of Law Enforcement shall release a seized vehicle to the owner no later than 30 days after the day on which the vehicle is seized, unless the vehicle was used for the unlawful taking or possessing of wildlife by a person charged with a felony under this title.
 - (c) The owner of a seized vehicle is liable for the payment of any impound fee if:
 - (i) the owner used the vehicle for the unlawful taking or possessing of wildlife; and
 - (ii) the owner is convicted of an offense under this title.
 - (d) The owner of a seized vehicle is not liable for the payment of any impound fee or, if the fees have been paid, is entitled to reimbursement of the fees paid, if:
 - (i) no charges are filed or all charges are dropped that involve the use of the vehicle for the unlawful taking or possessing of wildlife;
 - (ii) the person charged with using the vehicle for the unlawful taking or possessing of wildlife is found by a court to be not guilty; or
 - (iii) the owner did not consent to a use of the vehicle that violates this chapter.

Amended by Chapter 80, 2024 General Session

23A-5-204 Butcher, locker, or storage plant to require proper tag or donation slip -- Taxidermist.

- (1) A butcher or owner or employee of a locker plant or storage plant may not receive for processing or storage the carcass of protected wildlife that by law or regulation is required to be tagged, unless there is a transaction record for the carcass which is that the carcass is:
 - (a) properly tagged; or
 - (b) accompanied with a valid donation slip.
- (2) A taxidermist shall retain the transaction records for wildlife received, to include:
 - (a) the date and time the wildlife is received; and
 - (b) the license or permit number associated with the wildlife.
- (3) A person required to retain a transaction record under this section shall:
 - (a) produce the transaction record on the demand of a peace officer; and
 - (b) keep the transaction record for three years from the day on which the person receives or creates the transaction record.

Amended by Chapter 347, 2024 General Session

23A-5-205 Enforcement -- Procedure.

In enforcing the misdemeanor or felony provisions of this title, a peace officer shall follow Title 53, Chapter 13, Peace Officer Classifications.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-5-206 Search warrants.

- (1) A search warrant may be issued by a magistrate to search for property that may constitute evidence of a violation of this title, rules, or proclamations of the Wildlife Board upon an affidavit of a person.
- (2) The search warrant shall be directed to a natural resources officer or a peace officer, directing the officer to search for evidence and to bring the evidence before the magistrate.
- (3) A search warrant may not be issued except upon probable cause supported by oath or affirmation, particularly describing the place, person, or thing to be searched for and the person or thing to be seized.
- (4) The warrant shall be served in the daytime, unless there is reason to believe that the service of the search warrant is required immediately because a person may:
 - (a) flee the jurisdiction to avoid prosecution or discovery of a violation noted above;
 - (b) destroy or conceal evidence of the commission of a violation; or
 - (c) injure another person or damage property.
- (5) Notwithstanding Subsection (4), a search warrant may be served at night if:
 - (a) there is reason to believe that a violation may occur at night; or
 - (b) the evidence of the violation may not be available to the officers serving the warrant during the day.

Amended by Chapter 80, 2024 General Session

23A-5-207 Exhibition of license, permit, tag, or device required -- Criminal penalty.

- (1) A person while engaged in an activity regulated under this title, shall exhibit the following at the request of a natural resources officer or other peace officer:
 - (a) the required license, permit, or tag;
 - (b) a device or apparatus in that person's possession used for an activity regulated under this title; or
 - (c) wildlife in that person's possession.
- (2) A natural resources officer who has a reasonable belief that a person is engaged in an activity regulated under this title may stop and temporarily detain that person to demand and inspect:
 - (a) the required license, permit, or tag;
 - (b) a device or apparatus in that person's possession used for an activity regulated under this title; or
 - (c) wildlife in that person's possession.
- (3) A person is subject to the penalties of Section 23A-5-301 if the person fails to produce for examination to a natural resources officer or other peace officer any of the required licenses, permits, tags, devices or apparatuses used for an activity regulated under this title or wildlife in that person's possession.

Amended by Chapter 80, 2024 General Session

Part 3 Violations

23A-5-301 Violations in general -- Criminal penalty -- Aiding or assisting violation -- Obstruct or interfere.

- (1) Except as otherwise provided in this title:
 - (a) a violation of this title is a class B misdemeanor; and
 - (b) a violation of a rule of the Wildlife Board, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, or proclamation of the Wildlife Board is an infraction.
- (2)
 - (a) A person may not aid or assist another person to violate this title or a rule made by the Wildlife Board under this title and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (b) The penalty for violating this Subsection (2) is the same as for the provision or rule for which aid or assistance is given.
- (3) A person may not obstruct or interfere with the division's wildlife management activities performed under this title, except that the division is subject to Section 23A-2-207 when engaged in the taking of wildlife on private property.

Amended by Chapter 347, 2024 General Session

23A-5-302 Captivity of protected wildlife unlawful -- Criminal penalty.

- (1) A person may not hold in captivity at any time protected wildlife except as provided by this title or rules made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2) A person who violates this section is subject to the penalty provided in Section 23A-5-301.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-5-303 Importation or exportation and release of wildlife unlawful -- Criminal penalty.

- (1) A person may not:
 - (a) import into or export from the state a species of live native or exotic wildlife; or
 - (b) possess or release from captivity imported live wildlife described in Subsection (1)(a).
- (2) Notwithstanding Subsection (1), a person may engage in an act described in Subsection (1) if:
 - (a) provided for in this title or the rules made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (b) the person first secures written permission from the division.
- (3) A person who violates this section is subject to the penalty provided in Section 23A-5-301.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-5-304 Commercialization of wildlife unlawful -- Criminal penalty.

- (1) A person may not use wildlife as a commercial venture for financial gain except as provided in this title or under rules made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2) A person who violates this section is subject to the penalty provided in Section 23A-5-301.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-5-305 Release of wildlife unlawful -- Criminal penalty.

- (1)
 - (a) A person may not release or transplant a live terrestrial or aquatic wildlife into the wild:
 - (i) without a certificate of registration issued by the division authorizing the release; or
 - (ii) except as provided in this title and rules made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (b) The division may only authorize the transplanting of big game, turkeys, wolves, threatened or endangered species, or sensitive species as provided in Section 23A-2-209.
- (2) Except as provided in Section 23A-5-306, a person who violates Subsection (1) is guilty of a class A misdemeanor.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-5-306 Import, transport, or release of threatened or endangered species -- Criminal penalty.

- (1) A person may not knowingly and without lawful authority import, transport, or release a live species of wildlife that the person knows is listed as threatened or endangered, or is a candidate to be listed under the Endangered Species Act, 16 U.S.C. Sec. 1531 et seq., with the intent to establish the presence of that species in an area of the state not currently known to be occupied by a reproducing population of that species.
- (2) A person who violates Subsection (1) is guilty of a third degree felony.

Enacted by Chapter 103, 2023 General Session

23A-5-307 Use of a computer or other device to remotely hunt wildlife prohibited -- Trail cameras -- Criminal penalty.

- (1) As used in this section, "trail camera" means a device that is not held or manually operated by a person and is capable of capturing images, video, or location data of wildlife using heat or motion to trigger the device.
- (2) A person may not use a computer or other device to remotely control the aiming and discharge of a firearm or other weapon for hunting an animal.
- (3) A person who violates Subsection (2) is guilty of a class A misdemeanor.
- (4)
 - (a) A trail camera using internal data storage and not capable of transmitting data is permitted for use on private lands for the purposes of taking protected wildlife.
 - (b) A trail camera may not be used to take wildlife on public land during the period beginning on July 31 and ending on December 31.
 - (c) A trail camera is prohibited on public land during the period beginning on July 31 and ending on December 31, except for use by:
 - (i) the division for monitoring or research;
 - (ii) a land management agency in the course of the land management agency's regular duties;
 - (iii) any of the following conducting research in conjunction with the division:
 - (A) a non-governmental organization;
 - (B) an educational institution; or
 - (C) other person;

- (iv) monitoring active agricultural operations including the take of a bear or cougar that is causing livestock depredation; or
 - (v) a municipality participating in a program addressing urban deer.
- (5)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board may make rules regulating the use of trail cameras.
 - (b) A person who violates rules made by the Wildlife Board under this Subsection (5) is subject to the penalty provided in Section 23A-5-301.

Amended by Chapter 347, 2024 General Session

23A-5-308 Administering substances to protected wildlife prohibited -- Exceptions -- Criminal penalty.

- (1) For purposes of this section:
- (a) "Administer" means the application of a substance by any method, including:
 - (i) injection;
 - (ii) inhalation;
 - (iii) ingestion; or
 - (iv) absorption.
 - (b) "Agricultural producer" means a person who produces an agricultural product.
 - (c) "Agricultural product" means the same as that term is defined in Section 4-1-109.
 - (d) "Substance" means a chemical or organic substance that:
 - (i) pacifies;
 - (ii) sedates;
 - (iii) immobilizes;
 - (iv) harms;
 - (v) kills;
 - (vi) controls fertility; or
 - (vii) has an effect that is similar to an effect listed in Subsections (1)(d)(i) through (vi).
- (2) Except as authorized by Subsection (4) or a rule made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a person may not administer or attempt to administer a substance to protected wildlife.
- (3) A person who violates this section is subject to the penalty provided in Section 23A-5-301.
- (4)
- (a) A division employee or a person with written permission from the division may administer a substance to protected wildlife if that employee or person administers the substance to promote wildlife management and conservation.
 - (b) One or more of the following may administer a substance to protected wildlife that the person is authorized by this title, the Wildlife Board, or the division to possess:
 - (i) a licensed veterinarian;
 - (ii) an unlicensed assistive personnel, as defined in Section 58-28-102; or
 - (iii) a person who is following written instructions for veterinary care from a licensed veterinarian.
- (5) Notwithstanding the other provisions of this section, a person is not liable under this section for administering a substance, notwithstanding the substance has an effect described in Subsection (1)(d) on protected wildlife, if:
- (a) an agricultural producer administers the substance:

- (i) for the sole purpose of producing an agricultural product and not for the purpose of affecting protected wildlife in a manner described in Subsection (1)(d);
 - (ii) consistent with generally accepted agricultural practices; and
 - (iii) in compliance with applicable local, state, and federal law; or
- (b) the protected wildlife presents an immediate threat of death or serious bodily injury to a person.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-5-309 Taking, transporting, selling, or purchasing protected wildlife illegal except as authorized -- Criminal penalty.

- (1) Except as provided in this title or a rule, proclamation, or order of the Wildlife Board, a person may not:
- (a) take protected wildlife or wildlife parts;
 - (b) collect, import, possess, transport, propagate, store, donate, transfer, or export protected wildlife or wildlife parts;
 - (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;
 - (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;
 - (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;
 - (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;
 - (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 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 services or activities in violation of Chapter 4, Part 12, Guide, Outfitter, and Spotter; or
 - (ii) knowingly retain a guide, outfitter, or spotter in violation of Chapter 4, Part 12, Guide, Outfitter, and Spotter.
- (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.
- (3) A person is subject to the penalty under Section 23A-5-301 if the person:
- (a) violates Subsection (1); and
 - (b) does so with criminal negligence as defined in Subsection 76-2-103(4).

Amended by Chapter 140, 2025 General Session

23A-5-310 Taking protected wildlife while trespassing -- Criminal penalty.

- (1) A person may not take or permit the person's dog to take, while in violation of Subsection 23A-5-317(2):
- (a) protected wildlife or protected wildlife parts;
 - (b) an occupied nest of protected wildlife; or
 - (c) an egg of protected wildlife.
- (2) A person who violates Subsection (1) is subject to the penalty provided in Section 23A-5-301.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-5-311 Wanton destruction of protected wildlife -- Criminal penalty -- Point values.

- (1) A person is guilty of wanton destruction of protected wildlife if that person:
- (a) commits an act in violation of:
 - (i) Section 23A-4-1110;
 - (ii) Section 23A-5-302;
 - (iii) Section 23A-5-304;
 - (iv) Section 23A-5-308;
 - (v) Sections 23A-9-302 through 23A-9-305; or
 - (vi) Subsection 23A-5-309(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) A person who commits wanton destruction of wildlife is guilty of:
- (a) a third degree felony if:
 - (i) the aggregate point value of the protected wildlife determined by the point values in Subsection (3) is more than 500 points; or
 - (ii) a trophy animal was captured, injured, or destroyed;
 - (b) a class A misdemeanor if the aggregate point value of the protected wildlife, determined by the point values established in Subsection (3) is more than 250 points, but does not exceed 500 points; and
 - (c) a class B misdemeanor if the aggregate point value of the protected wildlife determined by the point values established in Subsection (3) is 250 points or less.
- (3) Regardless of the restitution amounts imposed under Subsection 23A-5-312(2), the following point values are assigned to protected wildlife for the purpose of determining the offense for wanton destruction of wildlife:
- (a) 1,000 points 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 points per animal for:
 - (i) elk; or
 - (ii) threatened species;
 - (c) 500 points per animal for:
 - (i) cougar;
 - (ii) golden eagle;
 - (iii) river otter; or
 - (iv) gila monster;
 - (d) 400 points per animal for:
 - (i) pronghorn antelope; or
 - (ii) deer;
 - (e) 350 points per animal for bobcat;
 - (f) 100 points 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 points per animal for furbearers, except:
 - (i) bobcat;
 - (ii) river otter; and
 - (iii) threatened or endangered species;
 - (h) 25 points per animal for trout, char, salmon, grayling, tiger muskellunge, walleye, largemouth bass, smallmouth bass, and wiper;
 - (i) 15 points per animal for game birds, except:
 - (i) turkey;
 - (ii) swan; and
 - (iii) sandhill crane;
 - (j) 10 points per animal for game fish not listed in Subsection (3)(h);
 - (k) 8 points per pound dry weight of processed brine shrimp including eggs; and
 - (l) 5 points per animal for protected wildlife not listed.
- (4) For purposes of sentencing for a violation under this section, a person who has been convicted of a third degree felony under Subsection (2)(a) is not subject to the mandatory sentencing requirements prescribed in Subsection 76-3-203.8(4).
- (5) 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 (2)(a)(ii) who captured, injured, or destroyed a trophy animal for pecuniary gain.
- (6) If a person has already been convicted of a third degree felony under Subsection (2)(a)(ii) once, each separate additional offense under Subsection (2)(a)(ii) is punishable by, as part of a sentence imposed, a sentence of incarceration of not less than 20 consecutive days.
- (7) The court may not sentence a person subject to Subsection (5) or (6) 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.
- (8) 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 23A-8-403.

Amended by Chapter 347, 2024 General Session

23A-5-312 Restitution -- Disposition of money.

- (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:
- (a) as set forth in Subsection (2); or
 - (b) in a greater or lesser amount than the amount established in Subsection (2).
- (2) Suggested minimum restitution values for protected wildlife are as follows:
- (a) \$1,500 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) \$1,250 per animal for:
 - (i) elk; or
 - (ii) threatened species;
 - (c) \$750 per animal for:
 - (i) golden eagle;
 - (ii) river otter; or
 - (iii) gila monster;
 - (d) \$600 per animal for:
 - (i) pronghorn antelope; or
 - (ii) deer;
 - (e) \$525 per animal for:
 - (i) cougar; or
 - (ii) bobcat;
 - (f) \$150 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) \$150 per horn;
 - (h) \$53 per animal for furbearers, except:
 - (i) bobcat;
 - (ii) river otter; and
 - (iii) threatened or endangered species;
 - (i) \$38 per animal for trout, char, salmon, grayling, tiger muskellunge, walleye, largemouth bass, smallmouth bass, and wiper;
 - (j) \$30 per pound of antler or shed antler;
 - (k) \$23 per animal for game birds, except:
 - (i) turkey;
 - (ii) swan; and
 - (iii) sandhill crane;
 - (l) \$15 per animal for game fish not listed in Subsection (2)(i);
 - (m) \$12 per pound dry weight of processed brine shrimp including eggs; and
 - (n) \$8 per animal for protected wildlife not listed.
- (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.
- (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.
- (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) 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) 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.

Amended by Chapter 347, 2024 General Session

23A-5-313 Habitual wanton destruction of protected wildlife -- Criminal penalty.

- (1) As used in this section, "convicted" includes a guilty adjudication, guilty plea, no contest plea, and guilty or no contest plea entered in a plea in abeyance agreement under Title 77, Chapter 2a, Pleas in Abeyance.
- (2) A person commits habitual wanton destruction of protected wildlife if the person:
- (a) takes a big game animal in violation of Section 23A-5-311; and
 - (b) within seven years of the day on which the violation described in Subsection (2)(a) occurs, has twice been convicted of taking a big game animal in violation of Section 23A-5-311.
- (3) A person who commits habitual wanton destruction of protected wildlife is guilty of a third degree felony.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-5-314 Waste of wildlife unlawful -- Criminal penalty.

- (1) A person may not waste or permit to be wasted protected wildlife or a part of protected wildlife except as otherwise provided:
- (a) in this title;
 - (b) by rule made by the Wildlife Board under this title and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
 - (c) by an order or proclamation.
- (2) A person who violates this section is subject to the penalty provided in Section 23A-5-301 except as provided in Subsection (3).
- (3)
- (a) A licensed hunter who legally kills a big game animal, but abandons the big game animal is subject to a class A misdemeanor.

- (b) A big game animal is considered abandoned if the licensed hunter acts knowingly, intentionally, or recklessly, and:
 - (i) the big game animal is not tagged as required by Section 23A-4-709;
 - (ii) the big game animal is wasted;
 - (iii) the licensed hunter continues to hunt the same species while exercising the benefits of the issued tag; or
 - (iv) no attempt or minimal attempt is made to salvage the big game animal.

Amended by Chapter 347, 2024 General Session

23A-5-315 Airplanes or terrestrial or aquatic vehicles -- Use in taking wildlife unlawful -- Exceptions -- Criminal penalty.

- (1) A person may not take wildlife from an airplane or any other airborne vehicle or device or any motorized terrestrial or aquatic vehicle, including snowmobiles and other recreational vehicles, except as provided by this title or in the rules made by of the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2) A person who violates this section is subject to the penalty provided in Section 23A-5-301.
- (3) Notwithstanding Subsection (1), the Wildlife Board may authorize an individual validly licensed to hunt, to hunt from a vehicle under terms and conditions specified by the Wildlife Board if the individual has:
 - (a) paraplegia; or
 - (b) a disability that permanently confines the individual to a wheelchair or the use of crutches.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-5-316 Signs or equipment -- Damage or destruction unlawful -- Criminal penalty.

- (1) A person may not:
 - (a) shoot at, shoot, deface, damage, remove, or destroy a division sign or placard located in this state; or
 - (b) damage, destroy, remove, or cause to be damaged, destroyed, or removed equipment or devices owned, controlled, or operated by the division.
- (2) A person who violates this section is subject to the penalty provided in Section 23A-5-301.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-5-317 Posted property -- Hunting by permission -- Entry on private land while hunting or fishing -- Violations -- Penalty -- Prohibitions inapplicable to officers.

- (1) As used in this section:
 - (a) "Cultivated land" means land that is readily identifiable as:
 - (i) land whose soil is loosened or broken up for the raising of crops;
 - (ii) land used for the raising of crops; or
 - (iii) pasturage which is artificially irrigated.
 - (b) "Permission" means documented authorization from the owner or person in charge to enter upon private land that is either cultivated or properly posted, and shall include:
 - (i) the signature of the owner or person in charge;
 - (ii) the name of the person being given permission;
 - (iii) the appropriate dates; and
 - (iv) a general description of the property.

- (c) "Properly posted" means that signs prohibiting trespass or bright yellow, bright orange, or fluorescent paint are clearly displayed:
 - (i) at the corners, fishing streams crossing property lines, roads, gates, and rights-of-way entering the land; or
 - (ii) in a manner that would reasonably be expected to be seen by a person in the area.
- (2)
 - (a) While taking wildlife or engaging in wildlife related activities, a person may not:
 - (i) without permission, enter upon privately owned land that is cultivated or properly posted;
 - (ii) enter or remain on privately owned land if the person has notice to not enter or remain on the privately owned land; or
 - (iii) obstruct an entrance or exit to private property.
 - (b) A person has notice to not enter or remain on privately owned land if:
 - (i) the person is directed to not enter or remain on the land by:
 - (A) the owner of the land;
 - (B) the owner's employee; or
 - (C) a person with apparent authority to act for the owner; or
 - (ii) the land is fenced or otherwise enclosed in a manner that a reasonable person would recognize as intended to exclude intruders.
 - (c) The division shall provide "hunting by permission cards" to a landowner upon the landowner's request.
 - (d) A person may not post:
 - (i) private property the person does not own or legally control; or
 - (ii) land that is open to the public as provided by Section 23A-6-402.
- (3) A person who violates Subsection (2)(a) or (d) is subject to the penalty provided in Section 23A-5-301 and liable for the civil damages described in Subsection (7).
- (4)
 - (a) A person convicted of violating Subsection (2)(a) may have the person's license, tag, certificate of registration, or permit, relating to the activity engaged in at the time of the violation, revoked by a hearing officer.
 - (b) A hearing officer may construe a subsequent conviction that occurs within a five-year period as a flagrant violation and may prohibit the person from obtaining a new license, tag, certificate of registration, or permit for a period of up to five years.
- (5) Subsection (2)(a) does not apply to peace or natural resources officers in the performance of their duties.
- (6)
 - (a) The division shall provide information regarding owners' rights and duties:
 - (i) to anyone holding a license, certificate of registration, tag, or permit to take wildlife; and
 - (ii) by using the public media and other sources.
 - (b) The Wildlife Board shall state restrictions in this section relating to trespassing in the hunting and fishing proclamations issued by the Wildlife Board.
- (7) In addition to an order for restitution under Section 77-38b-205, a person who commits a violation of Subsection (2)(a) or (d) may also be liable for:
 - (a) the greater of:
 - (i) statutory damages in the amount of three times the value of damages resulting from the violation of Subsection (2)(a) or (d); or
 - (ii) \$500; and
 - (b) reasonable attorney fees not to exceed \$250, and court costs.

- (8) Civil damages under Subsection (7) may be collected in a separate action by the property owner or the property owner's assignee.

Amended by Chapter 80, 2024 General Session

23A-5-318 Destruction of signs or inclosure on private land unlawful -- Criminal penalty.

- (1) A person may not, without the consent of the owner or person in charge of privately owned land:
- (a) tear down, mutilate, or destroy a sign, signboard, or other notice that regulates trespassing for purposes of hunting, trapping, or fishing on this land; or
 - (b) tear down, deface, or destroy:
 - (i) a fence or other inclosure on the privately owned land; or
 - (ii) a gate or bars belonging to a fence or inclosure on the privately owned land.
- (2) A person who violates this section is subject to the penalty provided in Section 23A-5-301.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-5-320 Failure to stop at roadblocks or checking stations unlawful.

- (1) A person may not fail to stop at a division roadblock or checking station when a stop sign or red or blue light is displayed.
- (2) A person who violates this section is subject to the penalty provided in Section 23A-5-301.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-5-321 Interference with hunting prohibited -- Action to recover damages -- Exceptions -- Criminal penalty.

- (1) A person may not interfere with the right of a person licensed and legally hunting under Chapter 4, Licenses, Permits, Certificates of Registration, and Tags, to take wildlife by driving, harassing, or intentionally disturbing a species of wildlife for the purpose of disrupting a legal hunt, trapping, or predator control.
- (2) A person who violates this section is subject to the penalty provided in Section 23A-5-301.
- (3) A directly affected person or the state may bring an action to recover civil damages resulting from a violation of Subsection (1) or a restraining order to prevent a potential violation of Subsection (1).
- (4) This section does not apply to incidental interference with a hunt caused by lawful activities including ranching, mining, and recreation.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-5-322 Interference with hunters or hunting activity -- Criminal penalty.

A person who intentionally interferes with a person who is licensed and taking wildlife legally under Chapter 4, Licenses, Permits, Certificates of Registration, and Tags, or disrupts an activity involving a legal hunt, trapping, falconry, or predator control may be charged with a violation under Section 76-9-102 if that interference or disruption constitutes a violation under Section 76-9-102.

Renumbered and Amended by Chapter 103, 2023 General Session

