

1 **WILDLIFE RESTITUTION AMENDMENTS**

2 2004 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Roger E. Barrus**

5

LONG TITLE

6 **General Description:**

7 This bill amends provisions of the restitution section in the wildlife code.

8 **Highlighted Provisions:**

9 This bill:

- 10 ▶ clarifies the restitution value for threatened or endangered raptors.

11 **Monies Appropriated in this Bill:**

12 None

13 **Other Special Clauses:**

14 None

15 **Utah Code Sections Affected:**

16 AMENDS:

17 **23-20-4.5**, as last amended by Chapter 125, Laws of Utah 2003

18

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

19 Section 1. Section **23-20-4.5** is amended to read:

20 **23-20-4.5. Illegal taking, possession, or wanton destruction of protected wildlife --**
21 **Restitution -- Reimbursable damages -- Assessment by magistrates -- Disposition of**
22 **monies.**

23 (1) When a person is adjudged guilty of illegal taking, illegal possession, or wanton
24 destruction of protected wildlife, other than any trophy animal, the court may order the
25 defendant to pay restitution as set forth in Subsection (2), or a greater or lesser amount, for the



28 value of each animal taken, possessed, or destroyed, unless the court finds that restitution is
29 inappropriate.

30 (2) Suggested minimum restitution values for protected wildlife are as follows:

31 (a) \$1,000 per animal for:

32 (i) bison;

33 (ii) bighorn sheep;

34 (iii) rocky mountain goat;

35 (iv) moose;

36 (v) bear;

37 (vi) peregrine falcon; or

38 (vii) endangered species;

39 (b) \$750 per animal for:

40 (i) elk; or

41 (ii) threatened species;

42 (c) \$500 per animal for:

43 ~~§ (i) cougar;~~

44 ~~§ (ii) (i) § golden eagle;~~

45 ~~§ (iii) (ii) § river otter; or~~

46 ~~§ (iv) (iii) § gila monster;~~

47 (d) \$400 per animal for:

48 (i) pronghorn antelope; or

49 (ii) deer;

50 (e) \$350 per animal for ~~§ :~~

50a ~~(i) cougar; or~~

50b ~~(ii) § bobcat;~~

51 (f) \$100 per animal for:

52 (i) swan;

53 (ii) sandhill crane;

54 (iii) turkey;

55 (iv) pelican;

56 (v) loon;

57 (vi) egrets;

58 (vii) herons;

- 59 (viii) raptors, except those that are threatened or endangered;
- 60 (ix) Utah milk snake; or
- 61 (x) Utah mountain king snake;
- 62 (g) \$35 per animal for furbearers, except:
- 63 (i) bobcat;
- 64 (ii) river otter; and
- 65 (iii) threatened or endangered species;
- 66 (h) \$25 per animal for trout, char, salmon, grayling, tiger muskellunge, walleye,
- 67 largemouth bass, smallmouth bass, and wiper;
- 68 (i) \$15 per animal for game birds, except:
- 69 (i) turkey;
- 70 (ii) swan; and
- 71 (iii) sandhill crane;
- 72 (j) \$10 per animal for game fish not listed in Subsection (2)(h);
- 73 (k) \$8 per pound dry weight of processed brine shrimp including eggs; and
- 74 (l) \$5 per animal for protected wildlife not listed.
- 75 (3) If the court finds that restitution is inappropriate or if the value imposed is less than
- 76 the suggested minimum value as provided in Subsection (2), the court shall make the reasons
- 77 for the decision part of the record.
- 78 (4) The court shall order any person convicted of a third degree felony under
- 79 Subsection 23-20-4(3)(a)(ii) to pay restitution. Minimum restitution values for trophy animals
- 80 are as follows:
- 81 (a) \$30,000 per animal for bighorn, desert, or rocky mountain sheep;
- 82 (b) \$8,000 per animal for deer;
- 83 (c) \$8,000 per animal for elk;
- 84 (d) \$6,000 per animal for moose or mountain goat;
- 85 (e) \$6,000 per animal for bison; and
- 86 (f) \$2,000 per animal for pronghorn antelope.
- 87 (5) Any restitution shall be remitted to the division and deposited in the Wildlife
- 88 Resources Account.
- 89 (6) Restitution monies shall be used by the division for activities and programs to help

90 stop poaching, including:

91 (a) educational programs on wildlife crime prevention;

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

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

94 (d) wildlife law enforcement training.

95 (7) If restitution is required it shall be in addition to:

96 (a) any other fine or penalty imposed for a violation of any provision of this title; and

97 (b) any remedial action taken to revoke or suspend a person's license, permit, tag, or

98 certificate of registration.

99 (8) A judgment imposed under this section constitutes a lien when recorded in the

100 judgment docket and shall have the same effect and is subject to the same rules as a judgment

101 for money in a civil action.

Legislative Review Note

as of 1-21-04 1:18 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0255

Wildlife Restitution Amendments

02-Feb-04

10:47 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst