

59 Section 2. Section **65A-3-2** is amended to read:

60 **65A-3-2. Wildland fire prevention -- Prohibited acts.**

61 (1) A person is guilty of a class B misdemeanor who:

62 (a) throws or places any lighted cigarette, cigar, firecracker, ashes, or other flaming or
63 glowing substance [~~which~~] that may cause a fire on a highway or a wildland fire;

64 (b) obstructs the state forester, [~~or any of his deputies~~] an employee of the division, or
65 an agent of the division, in the performance of controlling a fire;

66 (c) refuses, on proper request of the state forester [~~or any of his deputies~~], an employee
67 of the division, or an agent of the division, to assist in the controlling of a fire, without good
68 and sufficient reason; or

69 (d) fires any tracer or incendiary ammunition anywhere except within the confines of
70 established military reservations.

71 (2) Fines assessed under this section are deposited in the General Fund.

72 Section 3. Section **65A-3-3** is amended to read:

73 **65A-3-3. Enforcement of laws -- County attorney or district attorney to**
74 **prosecute.**

75 (1) It is the duty of the division, county sheriffs, their deputies, peace officers, and
76 other law enforcement officers within their jurisdiction to enforce the provisions of this chapter
77 and to investigate and gather evidence that may indicate a violation under this chapter.

78 (2) The county attorney or district attorney as appropriate under Sections 17-18-1,
79 17-18-1.5, and 17-18-1.7, shall:

80 (a) prosecute any criminal violations of this chapter; and [~~shall~~]

81 (b) initiate a civil action to recover suppression costs incurred by the county or state for
82 suppression of fire on private land.

83 Section 4. Section **65A-3-4** is repealed and reenacted to read:

84 **65A-3-4. Liability for causing wildland fires.**

85 (1) A person who negligently, recklessly, or intentionally causes or spreads a wildland
86 fire shall be liable for the cost of suppressing that wildland fire, regardless of whether the fire
87 begins on:

88 (a) private land;

89 (b) ~~§~~ → [state land;] land owned by the state; ← ~~§~~