

AGRICULTURE MODIFICATIONS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike K. McKell

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill regulates the killing of feral swine.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ defines terms;
- ▶ prohibits an individual from releasing a:
 - swine on public or private property for hunting purposes; or
 - feral swine on public or private property for any purpose;
- ▶ describes the circumstances under which an individual may kill a feral swine;
- ▶ prohibits an individual from receiving, or seeking to receive, compensation for killing a feral swine;
 - ▶ states that an individual who kills a swine is not liable to the owner of the swine unless the swine was conspicuously identified by an ear tag or other form of visual identification and the individual knew the swine was conspicuously identified; and
 - ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **4-25-1**, as last amended by Laws of Utah 1988, Chapter 139

31 **4-25-12.1**, as enacted by Laws of Utah 2012, Chapter 331

32 ENACTS:

33 **4-25-12.3**, Utah Code Annotated 1953



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

36 Section 1. Section **4-25-1** is amended to read:

37 **4-25-1. Definitions.**

38 For the purpose of this chapter:

39 ~~["estrays"]~~ (1) (a) "Estray" means ~~[any]~~:

40 (i) an unbranded sheep, ~~[cattle, horses, mules, or asses]~~ cow, horse, mule, or ass found
41 running at large~~[-or any]~~;

42 (ii) a branded sheep, ~~[cattle, horses, mules, or asses]~~ cow, horse, mule, or ass found
43 running at large whose owner cannot be found after reasonable search~~[-or any]~~; or

44 (iii) a swine found running at large whose owner cannot be found after reasonable
45 search~~[-but it]~~.

46 (b) "Estray" does not mean ~~[nor include]~~ any unweaned animal specified in this section
47 that is running with its mother.

48 (2) "Feral swine" means any species, or hybrid species:

49 (a) of the family:

50 (i) Suidae, including the European boar, the Eurasian boar, the Russian boar, a feral
51 hog, or a domestic pig; or

52 (ii) Tayassuidae, including the Javelina and peccary;

53 (b) that is not conspicuously identified by an ear tag or other form of visual
54 identification; and

55 (c) that is roaming freely upon public land or private land without the permission of the
56 landowner.

57 (3) "Swine" means any domesticated species of the family Suidae that is conspicuously
58 identified by an ear tag or other form of visible identification.

59 Section 2. Section 4-25-12.1 is amended to read:

60 **4-25-12.1. Release of swine or feral swine for any purpose.**

61 A person may not release a:

62 (1) swine on public or private property for hunting purposes[-]; or

63 (2) feral swine on public or private property for any purpose.

64 Section 3. Section 4-25-12.3 is enacted to read:

65 **4-25-12.3. Feral swine detrimental to state's interests -- Seizure, capture, or**
66 **destruction of feral swine.**

67 (1) Feral swine are detrimental to the state's interests in agriculture and wildlife.

68 (2) Feral swine may be seized, captured, or destroyed at any time, in any place, and in
69 any manner by:

70 (a) the department and its authorized agents;

71 (b) the Division of Wildlife Resources and its authorized agents; or

72 (c) a certified peace officer.

73 (3) (a) Notwithstanding Section 76-9-301, and subject to the requirements of this
74 section, an individual may kill a feral swine roaming on private or public land.

75 (b) An individual shall obtain the consent of the landowner before killing a feral swine
76 on private land.

77 (c) Feral swine may be killed:

78 (i) year-round;

79 (ii) in any number; and

80 (iii) with a firearm, bow and arrow, or crossbow.

81 (4) Feral swine may not be hunted or killed:

82 (a) with the use of artificial light or night vision equipment;

83 (b) from or with any airborne vehicle or device;

84 (c) with explosives; or

85 (d) with poison.

86 (5) An individual may not receive compensation, or attempt to receive compensation,
87 from hunting feral swine.

88 (6) An individual who kills a swine under this section is not liable to the owner for the
89 loss of the swine, unless:

90 (a) the swine is conspicuously identified by an ear tag or other form of visual
91 identification; and

92 (b) the individual who killed the swine knew the swine was identified by an ear tag or
93 other form of usual identification.

Legislative Review Note
as of 10-6-14 1:38 PM

Office of Legislative Research and General Counsel