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WILDLIFE AMENDMENTS
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Casey Snider
Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill addresses wildlife.

Highlighted Provisions:

This bill:

- ▶ modifies definition provisions;
- ▶ adjusts domicile and residency requirements;
- ▶ modifies provisions related to donating protected wildlife;
- ▶ addresses treatment of new development;
- ▶ provides when political subdivisions are required to respond to wildlife incidents;
- ▶ repeals an account related to wildlife regulation;
- ▶ modifies provisions related to accounts;
- ▶ enacts a fee to cover costs of electronic payments;
- ▶ makes invalid an original license, permit, tag, or certificate of registration when a duplicate one is issued;
- ▶ clarifies tagging requirements;
- ▶ addresses hunting species and invalid and forfeited permit or tag;
- ▶ clarifies who has powers of law enforcement;
- ▶ addresses transaction records for a butcher, locker, storage plant, or taxidermist;
- ▶ addresses obstruction or interference with wildlife management activities;
- ▶ modifies provisions under wanton destruction of protected wildlife;
- ▶ changes to a point system certain criminal penalties;
- ▶ adjusts the restitution values;
- ▶ provides for enhanced penalties under certain conditions applicable to waste of wildlife;
- ▶ clarifies what constitutes permission;

- 28 ▶ authorizes the Division of Wildlife Resources to close a portion of a highway under
 29 certain circumstances;
- 30 ▶ addresses the taking of antlers or horns;
- 31 ▶ requires the use of certain names related to birds in the management of birds and habitat
 32 for birds;
- 33 ▶ directs the division to engage in advocacy regarding bird names;
- 34 ▶ modifies when the Wildlife Board is required to hold public hearings regarding rules; and
- 35 ▶ makes technical and conforming changes.

36 **Money Appropriated in this Bill:**

37 This bill appropriates in fiscal year 2025:

- 38 ▶ to Department of Natural Resources - General Fund Restricted - Wildlife Habitat Account
 39 as a one-time appropriation:
- 40 • from the General Fund Restricted - Wildlife Resources Trust Account, One-time, \$1,325,000

41 **Other Special Clauses:**

42 This bill provides a special effective date.

43 **Utah Code Sections Affected:**

44 AMENDS:

- 45 **23A-1-101**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 46 **23A-1-103**, as enacted by Laws of Utah 2023, Chapter 103
- 47 **23A-1-202**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 48 **23A-1-205**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 49 **23A-2-201**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 50 **23A-3-201**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 51 **23A-3-208**, as last amended by Laws of Utah 2023, Chapter 345 and renumbered and
 52 amended by Laws of Utah 2023, Chapter 103
- 53 **23A-4-208**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 54 **23A-4-709**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 55 **23A-5-202**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 56 **23A-5-204**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 57 **23A-5-301**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 58 **23A-5-307**, as last amended by Laws of Utah 2023, Chapter 345 and renumbered and
 59 amended by Laws of Utah 2023, Chapter 103
- 60 **23A-5-311**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 61 **23A-5-312**, as renumbered and amended by Laws of Utah 2023, Chapter 103

- 62 **23A-5-314**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 63 **23A-5-317**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 64 **23A-6-402**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 65 **23A-11-101**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 66 **63G-3-302**, as renumbered and amended by Laws of Utah 2008, Chapter 382

67 ENACTS:

- 68 **23A-1-206**, Utah Code Annotated 1953
- 69 **23A-3-214**, Utah Code Annotated 1953
- 70 **23A-4-1110**, Utah Code Annotated 1953
- 71 **23A-11-206**, Utah Code Annotated 1953
- 72 **23A-12-102**, Utah Code Annotated 1953

73 REPEALS:

- 74 **23A-3-213**, as renumbered and amended by Laws of Utah 2023, Chapter 103
- 75 **23A-11-201**, as renumbered and amended by Laws of Utah 2023, Chapter 103



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

78 Section 1. Section **23A-1-101** is amended to read:

79 **23A-1-101 . Definitions.**

80 As used in this title:

- 81 (1) "Activity regulated under this title" means an act, attempted act, or activity prohibited or
- 82 regulated under this title or the rules and proclamations promulgated under this title
- 83 pertaining to protected wildlife including:
- 84 (a) fishing;
- 85 (b) hunting;
- 86 (c) trapping;
- 87 (d) taking;
- 88 (e) permitting a dog, falcon, or other domesticated animal to take;
- 89 (f) transporting;
- 90 (g) possessing;
- 91 (h) selling;
- 92 (i) wasting;
- 93 (j) importing;
- 94 (k) exporting;
- 95 (l) rearing;

- 96 (m) keeping;
- 97 (n) using as a commercial venture; and
- 98 (o) releasing to the wild.
- 99 (2) "Aquaculture facility" means the same as that term is defined in Section 4-37-103.
- 100 (3) "Aquatic animal" means the same as that term is defined in Section 4-37-103.
- 101 (4) "Aquatic wildlife" means species of fish, mollusks, crustaceans, aquatic insects, or
- 102 amphibians.
- 103 (5) "Bag limit" means the maximum limit, in number or amount, of protected wildlife that
- 104 one person may legally take during one day.
- 105 (6) "Big game" means species of hoofed protected wildlife.
- 106 (7) "Carcass" means the dead body of an animal or the animal's parts.
- 107 (8) "Certificate of registration" means a paper-based or electronic document issued under
- 108 this title, or a rule or proclamation of the Wildlife Board granting authority to engage in
- 109 activities not covered by a license, permit, or tag.
- 110 (9) "Closed season" means the period of time during which the taking of protected wildlife
- 111 is prohibited.
- 112 (10) "Conservation officer" means a full-time, permanent employee of the division who is
- 113 POST certified as a peace or a special function officer.
- 114 (11) "Dedicated hunter program" means a program that provides:
- 115 (a) expanded hunting opportunities;
- 116 (b) opportunities to participate in projects that are beneficial to wildlife; and
- 117 (c) education in hunter ethics and wildlife management principles.
- 118 (12) "Department" means the Department of Natural Resources.
- 119 (13) "Director" means the director of the division appointed under Section 23A-2-202.
- 120 (14) "Division" means the Division of Wildlife Resources.
- 121 (15) Subject to Section 23A-1-103, "domicile" means the place:
- 122 (a) where an individual has a fixed permanent home and principal establishment;
- 123 (b) to which the individual if absent, intends to return and has an actual plan, method,
- 124 and means to return to the individual's domicile within six months; [~~and~~]
- 125 (c) in which the individual, and the individual's family voluntarily reside, not for a
- 126 special or temporary purpose, but with the intention of making a permanent home[=];
- 127 and
- 128 (d) is a place where the individual resides for the majority of the individual's time.
- 129 (16) "Endangered" means wildlife designated as endangered according to Section 3 of the

- 130 federal Endangered Species Act of 1973.
- 131 (17) "Executive director" means the executive director of the Department of Natural
132 Resources.
- 133 (18) "Fee fishing facility" means the same as that term is defined in Section 4-37-103.
- 134 (19) "Feral" means an animal that is normally domesticated but has reverted to the wild.
- 135 (20) "Fishing" means to take fish or crayfish by any means.
- 136 (21) "Furbearer" means species of the Bassariscidae, Canidae, Felidae, Mustelidae, and
137 Castoridae families, except coyote and cougar.
- 138 (22) "Game" means wildlife normally pursued, caught, or taken by sporting means for
139 human use.
- 140 (23) "Hunting" means to take or pursue a reptile, amphibian, bird, or mammal by any
141 means.
- 142 (24) "Hunting guide" means the same as that term is defined in Section 58-79-102.
- 143 (25) "Intimidate or harass" means to physically interfere with or impede, hinder, or
144 diminish the efforts of an officer in the performance of the officer's duty.
- 145 (26) (a) "Natural flowing stream" means a topographic low where water collects and
146 perennially or intermittently flows with a perceptible current in a channel formed
147 exclusively by forces of nature.
- 148 (b) "Natural flowing stream" includes perennial or intermittent water flows in a:
149 (i) realigned or modified channel that replaces the historic, natural flowing stream
150 channel; and
151 (ii) dredged natural flowing stream channel.
- 152 (c) "Natural flowing stream" does not include a human-made ditch, canal, pipeline, or
153 other water delivery system that diverts and conveys water to an approved place of
154 use pursuant to a certificated water right.
- 155 (27) (a) "Natural lake" means a perennial or intermittent body of water that collects on
156 the surface of the earth exclusively through the forces of nature and without human
157 assistance.
- 158 (b) "Natural lake" does not mean a lake where the surface water sources supplying the
159 body of water originate from groundwater springs no more than 100 yards upstream.
- 160 (28) "Nominating committee" means the Wildlife Board Nominating Committee created in
161 Section 23A-2-302.
- 162 (29) "Nonresident" means a person who does not qualify as a resident.
- 163 (30) "Open season" means the period of time during which protected wildlife may be

- 164 legally taken.
- 165 (31) "Outfitter" means the same as that term is defined in Section 58-79-102.
- 166 (32) "Pecuniary gain" means the acquisition of money or something of monetary value.
- 167 (33) "Permit" means a paper-based or electronic document that grants authority to engage
168 in specified activities under this title or a rule or proclamation of the Wildlife Board.
- 169 (34) "Person" means an individual, association, partnership, government agency,
170 corporation, or an agent of the individual, association, partnership, government agency,
171 or corporation.
- 172 (35) "Pollute water" means to introduce into waters within the state matter or thermal
173 energy that:
- 174 (a) exceeds state water quality standards; or
175 (b) could harm protected wildlife.
- 176 (36) "Possession" means actual or constructive possession.
- 177 (37) "Possession limit" means the number of bag limits one individual may legally possess.
- 178 (38) (a) "Private fish pond" means a pond, reservoir, or other body of water, including a
179 fish culture system, located on privately owned land where privately owned fish:
- 180 (i) are propagated or kept for a private noncommercial purpose; and
181 (ii) may be taken without a fishing license.
- 182 (b) "Private fish pond" does not include:
- 183 (i) an aquaculture facility;
184 (ii) a fee fishing facility;
185 (iii) a short-term fishing event; or
186 (iv) private stocking.
- 187 (39) "Private stocking" means an authorized release of privately owned, live fish in the
188 waters of the state not eligible as:
- 189 (a) a private fish pond under Section 23A-9-203; or
190 (b) an aquaculture facility or fee fishing facility under Title 4, Chapter 37, Aquaculture
191 Act.
- 192 (40) "Private wildlife farm" means an enclosed place where privately owned birds or
193 furbearers are propagated or kept and that restricts the birds or furbearers from:
- 194 (a) commingling with wild birds or furbearers; and
195 (b) escaping into the wild.
- 196 (41) "Proclamation" means the publication that is:
- 197 (a) used to convey a statute, rule, policy, or pertinent information related to wildlife; and

- 198 (b) issued in accordance with a rule made by the Wildlife Board under this title.
- 199 (42) (a) "Protected aquatic wildlife" means aquatic wildlife except as provided in
200 Subsection (42)(b).
- 201 (b) "Protected aquatic wildlife" does not include aquatic insects.
- 202 (43) (a) "Protected wildlife" means wildlife, except as provided in Subsection (43)(b).
- 203 (b) "Protected wildlife" does not include:
- 204 (i) coyote;
- 205 (ii) field mouse;
- 206 (iii) gopher;
- 207 (iv) ground squirrel;
- 208 (v) jack rabbit;
- 209 (vi) muskrat; or
- 210 (vii) raccoon.
- 211 (44) "Regional advisory council" means a council created under Section 23A-2-303.
- 212 (45) "Released to the wild" means to be turned loose from confinement.
- 213 (46) (a) "Reservoir constructed on a natural stream channel" means a body of water
214 collected and stored on the course of a natural flowing stream by impounding the
215 stream through excavation or diking.
- 216 (b) "Reservoir constructed on a natural stream channel" does not mean an impoundment
217 on a natural flowing stream where all surface water sources supplying the
218 impoundment originate from groundwater springs no more than 100 yards upstream.
- 219 (47) Subject to Section 23A-1-103, "resident" means a person who:
- 220 (a) has been domiciled in the state for six consecutive months immediately preceding the
221 purchase of a license; and
- 222 (b) does not claim residency for hunting, fishing, or trapping in another state or country.
- 223 (48) "Sell" means to offer or possess for sale, barter, exchange, or trade, or the act of
224 selling, bartering, exchanging, or trading.
- 225 (49) "Short-term fishing event" means an event when:
- 226 (a) privately acquired fish are held or confined for a period not to exceed 10 days for the
227 purpose of providing fishing or recreational opportunity; and
- 228 (b) no fee is charged as a requirement to fish.
- 229 (50) "Small game" means species of protected wildlife:
- 230 (a) commonly pursued for sporting purposes;
- 231 (b) not classified as big game, aquatic wildlife, or furbearers; and

- 232 (c) excluding turkey, cougar, and bear.
- 233 (51) "Spoiled" means impairment of the flesh of wildlife that renders the flesh unfit for
234 human consumption.
- 235 (52) "Spotlighting" means throwing or casting the rays of a spotlight, headlight, or other
236 artificial light on a highway or in a field, woodland, or forest while having in possession
237 a weapon by which protected wildlife may be killed.
- 238 (53) "Tag" means a card, label, or other paper-based or electronic means of identification
239 used to document harvest of protected wildlife.
- 240 (54) "Take" means to:
- 241 (a) hunt, pursue, harass, catch, capture, possess, gather, angle, seine, trap, or kill
242 protected wildlife; or
- 243 (b) attempt an action referred to in Subsection (54)(a).
- 244 (55) "Threatened" means wildlife designated as threatened pursuant to Section 3 of the
245 federal Endangered Species Act of 1973.
- 246 (56) "Trapping" means taking protected wildlife with a trapping device.
- 247 (57) "Trophy animal" means an animal described as follows:
- 248 (a) deer - a buck with an outside antler measurement of 24 inches or greater;
- 249 (b) elk - a bull with six points on at least one side;
- 250 (c) bighorn, desert, or rocky mountain sheep - a ram with a curl exceeding half curl;
- 251 (d) moose - a bull with at least one antler exceeding five inches in length;
- 252 (e) mountain goat - a male or female;
- 253 (f) pronghorn antelope - a buck with horns exceeding 14 inches; or
- 254 (g) bison - a bull.
- 255 (58) "Upland game" means pheasant, quail, partridge, grouse, ptarmigan, mourning dove,
256 band-tailed pigeon, turkey, cottontail rabbit, or snowshoe hare.
- 257 (59) "Waste" means to:
- 258 (a) abandon protected wildlife; or
- 259 (b) allow protected wildlife to spoil or to be used in a manner not normally associated
260 with the protected wildlife's beneficial use.
- 261 (60) "Wild" means the natural environment, including a private pond or private property.
- 262 [~~60~~] (61) "Wildlife" means:
- 263 (a) crustaceans, including brine shrimp and crayfish;
- 264 (b) mollusks; and
- 265 (c) vertebrate animals living in nature, except feral animals.

266 ~~[(61)]~~ (62) "Wildlife Board" means the board created in Section 23A-2-301.

267 (63) "Wildlife parts" means biological material derived from the body or anatomy of
268 wildlife, including:

269 (a) an antler or horn;

270 (b) a hide;

271 (c) a bone; or

272 (d) meat.

273 Section 2. Section **23A-1-103** is amended to read:

274 **23A-1-103 . Domicile or residency.**

275 (1) (a) Subject to Subsections 23A-1-101(15) and 23A-1-101(47), an individual is
276 considered a resident who:

277 (i) has been domiciled in the state for six consecutive months immediately preceding
278 the purchase of a license or application of a license, permit, or tag; and

279 (ii) does not claim residency for hunting, fishing, or trapping in another state or
280 country.

281 (b) To create a new domicile an individual shall:

282 ~~[(a)]~~ (i) abandon the old domicile; and

283 ~~[(b)]~~ (ii) be able to prove that a new domicile has been established.

284 (2) A Utah resident retains Utah residency if that ~~[person]~~ individual leaves this state:

285 (a) to serve in the armed forces of the United States or for religious or educational
286 purposes; and

287 (b) the ~~[person]~~ individual complies with Subsection 23A-1-101(47)(b).

288 (3) (a) A member of the armed forces of the United States and dependents are residents
289 for the purposes of this title as of the date the member reports for duty under assigned
290 orders in the state if the member:

291 (i) is not on temporary duty in this state; and

292 (ii) complies with Subsection 23A-1-101(47)(b).

293 (b) A member shall present a copy of the assignment orders to a division office to verify
294 the member's qualification as a resident.

295 (4) A nonresident attending an institution of higher learning in this state as a full-time
296 student may qualify as a resident for purposes of this title if the student:

297 (a) has been present in this state for 60 consecutive days immediately preceding the
298 purchase of the license; and

299 (b) complies with Subsection 23A-1-101(47)(b).

300 (5) A Utah resident license is invalid if a resident license for hunting, fishing, or trapping is
301 purchased in another state or country.

302 (6) An absentee landowner paying property tax on land in Utah does not qualify as a
303 resident.

304 Section 3. Section **23A-1-202** is amended to read:

305 **23A-1-202 . Agreement with a tribe.**

306 (1) As used in this section, "tribe" means a federally recognized:

307 (a) Indian tribe; or

308 (b) Indian band.

309 (2) (a) Subject to the requirements of this section, the governor may enter into an
310 agreement with a tribe to settle a dispute between the state and the tribe concerning a
311 hunting, fishing, or trapping right claim that is:

312 (i) based on:

313 (A) a treaty;

314 (B) an aboriginal right; or

315 (C) other recognized federal right; and

316 (ii) on lands located within the state.

317 (b) Except as provided in Subsection (2)(c), an agreement permitted under Subsection
318 (2)(a) may not exempt a person from the requirements of this title.

319 (c) An agreement permitted under Subsection (2)(a) may exempt or partially exempt a
320 tribe that is a party to the agreement or a member of that tribe from:

321 (i) Section [~~23A-11-201~~] 23A-4-1110, placing a limit of one of any species [~~of big~~
322 ~~game~~] during a license year;

323 (ii) Section 23A-11-202, commencement date of the general deer season;

324 (iii) a hunter or furharvester education requirement under Chapter 4, Licenses,
325 Permits, Certificates of Registration, and Tags;

326 (iv) an age restriction under Chapter 4, Licenses, Permits, Certificates of
327 Registration, and Tags;

328 (v) paying a fee required under this title to obtain a hunting, fishing, or trapping
329 license or permit;

330 (vi) obtaining a license or permit required under this title to hunt, trap, or fish; or

331 (vii) complying with a rule or proclamation of the Wildlife Board if the exemption is
332 not inconsistent with this title.

333 (d) An agreement permitted under Subsection (2)(a) shall:

- 334 (i) be in writing;
- 335 (ii) be signed by:
 - 336 (A) the governor; and
 - 337 (B) the governing body of the tribe that:
 - 338 (I) is designated by the tribe; and
 - 339 (II) may bind the tribe to the terms of the agreement;
 - 340 (iii) be conditioned on obtaining any approval required by federal law;
 - 341 (iv) state the effective date of the agreement;
 - 342 (v) provide that the governor shall renegotiate the agreement if the agreement is or
 - 343 becomes inconsistent with a state statute for which an exemption is not authorized
 - 344 under this section; and
 - 345 (vi) include any accommodation made by the tribe that:
 - 346 (A) is agreed to by the tribe;
 - 347 (B) is reasonably related to the agreement; and
 - 348 (C) concerns the management and use of wildlife resources or habitat.
- 349 (e) Before executing an agreement under this Subsection (2), the governor shall consult
 - 350 with:
 - 351 (i) the division; and
 - 352 (ii) the chair of the Wildlife Board.
- 353 (f) At least 30 days before the agreement under this Subsection (2) is executed, the
 - 354 governor or the governor's designee shall provide a copy of the agreement in the form
 - 355 that the agreement will be executed to:
 - 356 (i) the chairs of the Native American Legislative Liaison Committee; and
 - 357 (ii) the Office of Legislative Research and General Counsel.

358 Section 4. Section **23A-1-205** is amended to read:

359 **23A-1-205 . Donating protected wildlife.**

- 360 (1) A person may only donate protected wildlife or wildlife parts to another person ~~[at:]~~ in
- 361 accordance with this section.
- 362 ~~[(a) the residence of the donor;]~~
- 363 ~~[(b) the residence of the person receiving protected wildlife or the wildlife parts;]~~
- 364 ~~[(c) a meat locker;]~~
- 365 ~~[(d) a storage plant;]~~
- 366 ~~[(e) a meat processing facility; or]~~
- 367 ~~[(f) a location authorized by the Wildlife Board in rule, proclamation, or order.]~~

368 (2) [~~A written statement~~] Documentation of donation shall be kept with the protected
369 wildlife or wildlife parts showing:

- 370 (a) the number and species of protected wildlife or wildlife parts donated;
371 (b) the date of donation;
372 (c) the license or permit number of the donor; and
373 (d) [~~the signature of the donor.~~] an image or picture of the wildlife or wildlife parts
374 donated.

375 (3) Notwithstanding Subsections (1) and (2), a person may donate the hide of a big game
376 animal to another person [~~or organization~~] at any place without a donation slip.

377 Section 5. Section **23A-1-206** is enacted to read:

378 **23A-1-206 . New development.**

379 (1) As used in this section:

380 (a) "Mitigate" means an activity intended to lessen known negative impacts caused by
381 wildlife, including relocating or distracting wildlife.

382 (b) "New development" means the conversion in use of previously undeveloped land
383 into a developed state that occurs on or after May 1, 2024.

384 (c) "Wildlife damage or nuisance claim" means:

385 (i) a depredation claim;

386 (ii) a wildlife damage claim; or

387 (iii) a nuisance complaint involving wildlife.

388 (2) On and after May 1, 2024, new development in the state is considered infringing on
389 existing wildlife habitat and a person who makes a wildlife damage or nuisance claim
390 related to the new development may not qualify for a wildlife damage or nuisance claim
391 against the state or a political subdivision.

392 (3) Notwithstanding Subsection (2), the division may mitigate wildlife damage or nuisances
393 impacting a new development.

394 Section 6. Section **23A-2-201** is amended to read:

395 **23A-2-201 . Division of Wildlife Resources -- Limits on authority of political**
396 **subdivisions -- Adjudicative proceedings -- Official seal.**

397 (1) (a) There is created the Division of Wildlife Resources within the Department of
398 Natural Resources under the administration and general supervision of the executive
399 director.

400 (b) The division is the wildlife authority for Utah and is vested with the functions,
401 powers, duties, rights, and responsibilities provided in this title and other law.

- 402 (2) (a) Subject to the broad policymaking authority of the Wildlife Board, the division
403 shall protect, propagate, manage, conserve, and distribute protected wildlife
404 throughout the state.
- 405 (b) The division is the trustee and custodian of protected wildlife and may initiate civil
406 proceedings, in addition to criminal proceedings provided for in this title, to:
- 407 (i) recover damages;
- 408 (ii) compel performance;
- 409 (iii) compel substitution;
- 410 (iv) restrain or enjoin;
- 411 (v) initiate any other appropriate action; and
- 412 (vi) seek appropriate remedies in the division's capacity as trustee and custodian.
- 413 (3) (a) If a political subdivision of the state adopts an ordinance or regulation concerning
414 hunting, fishing, or trapping that conflicts with this title or rules made pursuant to this
415 title, state law prevails.
- 416 (b) A community may close areas to hunting for safety reasons after confirmation by the
417 Wildlife Board.
- 418 (4) (a) As used in this Subsection (4), "claim involving wildlife" means:
- 419 (i) a depredation claim;
- 420 (ii) a wildlife damage claim; or
- 421 (iii) a nuisance complaint involving wildlife.
- 422 (b) Subject to Subsection (4)(c), a political subdivision of the state shall respond to and
423 pay for a claim involving wildlife within the boundaries of the political subdivision,
424 if the political subdivision:
- 425 (i) owns or purchases an aggregate amount of more than 500 contiguous acres of land
426 in fee simple on which the political subdivision restricts the division's ability to
427 manage wildlife populations; or
- 428 (ii) enacts an ordinance or takes other action that restricts the division's ability to
429 manage wildlife populations within any portion of the political subdivision's
430 boundary.
- 431 (c) A political subdivision of the state may not be required to respond to or pay for a
432 claim involving wildlife under Subsection (4)(b) because the political subdivision has
433 enacted a law, rule, or ordinance or taken an action to prohibit the use of firing a
434 firearm within the boundaries of the political subdivision.
- 435 (d) The division may not expend state money for a claim listed in Subsection (4)(b)

436 when a political subdivision limits the division's ability to manage wildlife
 437 populations on more than 500 contiguous acres of land.

438 ~~[(4)]~~ (5) The division shall comply with Title 63G, Chapter 4, Administrative Procedures
 439 Act, in the division's adjudicative proceedings.

440 ~~[(5)]~~ (6) The division shall adopt an official seal and file an impression and a description of
 441 the official seal with the Division of Archives.

442 Section 7. Section **23A-3-201** is amended to read:

443 **23A-3-201 . Wildlife Resources Account -- Unexpended fund balances .**

444 (1) There is created a restricted account within the General Fund known as the "Wildlife
 445 Resources Account."

446 (2) The following money shall be deposited into the Wildlife Resources Account:

447 (a) revenue from the sale of licenses, permits, tags, and certificates of registration issued
 448 under this title or a rule or proclamation of the Wildlife Board, except as otherwise
 449 provided by this title;

450 (b) revenue from the sale, lease, rental, or other granting of rights of real or personal
 451 property acquired with revenue specified in Subsection (2)(a);

452 (c) revenue from fines and forfeitures for violations of this title or a rule, proclamation,
 453 or order of the Wildlife Board, minus court costs not to exceed the schedule adopted
 454 by the Judicial Council;

455 (d) money appropriated from the General Fund by the Legislature pursuant to Section
 456 23A-4-306;

457 (e) other money received by the division under this title, except as otherwise provided
 458 by this title; and

459 (f) interest, dividends, or other income earned on account money.

460 (3) Money in the Wildlife Resources Account shall be used for the administration of this
 461 title.

462 (4) At the close of a fiscal year, the unexpended balance in the Wildlife Resources Account
 463 shall convert back into the Wildlife Resources Account for the following fiscal year,
 464 except for money:

465 (a) legally obligated by contract;

466 (b) designated for capital outlay projects; or

467 (c) required for a program extending beyond the close of the fiscal year.

468 ~~[(4)]~~ The state auditor and director of the Division of Finance shall, at the close of the fiscal
 469 year, convert into the Wildlife Resources Account the unexpended balances of the

470 ~~Wildlife Resources Account not legally obligated by contract or appropriated by the~~
471 ~~Wildlife Board for capital outlay projects or other programs that may extend beyond the~~
472 ~~close of the fiscal year.]~~

473 Section 8. Section **23A-3-208** is amended to read:

474 **23A-3-208 . Portion of revenue from license, permit, and certificate of**
475 **registration fees deposited into Wildlife Habitat Account.**

- 476 (1) Fifty cents of the fee charged for a one-day fishing license shall be deposited in the
477 Wildlife Habitat Account created in Section 23A-3-207.
- 478 (2) Three dollars and fifty cents of the fee charged for any of the following licenses or
479 permits shall be deposited in the Wildlife Habitat Account created in Section 23A-3-207:
- 480 (a) a fishing license, except any one-day fishing license;
 - 481 (b) a hunting license;
 - 482 (c) a combination license;
 - 483 (d) a furbearer license; or
 - 484 (e) a fishing permit.
- 485 (3) Four dollars and seventy-five cents of the fee charged for any of the following
486 certificates of registration or permits shall be deposited in the Wildlife Habitat Account
487 created in Section 23A-3-207:
- 488 (a) a certificate of registration for the dedicated hunter program~~[, except a certificate of~~
489 ~~registration issued to a lifetime licensee];~~
 - 490 (b) a big game permit;
 - 491 (c) a bear permit;
 - 492 (d) a turkey permit; or
 - 493 (e) a muskrat permit.

494 Section 9. Section **23A-3-214** is enacted to read:

495 **23A-3-214 . Fee to cover cost of electronic payments.**

496 (1) As used in this section:

- 497 (a) "Electronic payment" means use of a form of payment processed through electronic
498 means, including use of a credit card, debit card, or automatic clearinghouse
499 transaction.
- 500 (b) "Electronic payment fee" means the fee assessed to defray:
 - 501 (i) a charge, discount fee, or process fee charged by a processing agent to process an
502 electronic payment, including a credit card company; or
 - 503 (ii) costs associated with the purchase of equipment necessary for processing an

504 electronic payment.

505 (2) (a) The division may impose and collect an electronic payment fee on an electronic
 506 payment related to a license, permit, or certificate of registration, including a license,
 507 permit, or certification of registration under:

508 (i) Chapter 4, Licenses, Permits, Certificates of Registration, and Tags;

509 (ii) Section 23A-6-404;

510 (iii) Section 23A-7-202;

511 (iv) Subsection 23A-9-305(3);

512 (v) Subsection 23A-11-203(3); and

513 (vi) Subsection 23A-12-202(1)(b).

514 (b) The division may charge an electronic payment fee under this section in an amount
 515 not to exceed 3% of the electronic payment.

516 (c) With regard to the electronic payment fee, the division is not required to separately
 517 identify the electronic payment fee from a fee imposed for a license, permit, or
 518 certificate of registration listed in Subsection (2)(a).

519 (3) The division shall deposit the fee into the Wildlife Resources Account created in
 520 Section 23A-3-201.

521 Section 10. Section **23A-4-208** is amended to read:

522 **23A-4-208 . Duplicate license, permit, tag, or certificate of registration.**

523 (1) If an unexpired license, permit, tag, or certificate of registration issued under this title is
 524 destroyed, lost, or stolen, the division, a person designated by the director, or the
 525 division's authorized license agents may issue a duplicate license, permit, tag, or
 526 certificate of registration in accordance with the rules set and fees determined by the
 527 Wildlife Board.

528 (2) Upon issuance of a duplicate license, permit, tag, or certificate of registration, the
 529 original license, permit, tag, or certificate of registration is invalid.

530 Section 11. Section **23A-4-709** is amended to read:

531 **23A-4-709 . Tagging requirements.**

532 (1) The Wildlife Board may make rules that require the carcass of certain species of
 533 protected wildlife to be tagged.

534 (2) Except as provided by the Wildlife Board by rules made in accordance with Title 63G,
 535 Chapter 3, Utah Administrative Rulemaking Act, a hunter who lawfully killed the
 536 animal shall tag the carcass of a species of protected wildlife required to be tagged
 537 before the carcass is moved from or the hunter leaves the site of kill.

- 538 (3) To tag a carcass, a person shall:
- 539 (a) (i) completely detach the tag from the license or permit;
- 540 (ii) completely remove the appropriate notches to correspond with:
- 541 (A) the date the animal was taken; and
- 542 (B) the sex of the animal; and
- 543 (iii) attach the tag to the carcass so that the tag remains securely fastened and visible;
- 544 or
- 545 (b) complete an electronic tagging certification according to standards approved by the
- 546 Wildlife Board by rule made in accordance with Title 63G, Chapter 3, Utah
- 547 Administrative Rulemaking Act.

- 548 (4) A person may not:
- 549 (a) remove more than one notch indicating date or sex; or
- 550 (b) tag more than one carcass using the same tag.

551 Section 12. Section **23A-4-1110** is enacted to read:

552 **23A-4-1110 . Invalid and forfeited permit or tag.**

- 553 (1) With each issued permit or tag, a person may take only one of a species of protected
- 554 wildlife during a license year, regardless of how many licenses or permits the person
- 555 obtains, except as otherwise provided by this title or a proclamation of the Wildlife
- 556 Board.
- 557 (2) (a) If a person kills an animal in violation of this title, while attempting to exercise
- 558 the benefits of an issued permit or tag, the permit or tag is invalid and the person
- 559 shall forfeit the permit or tag to the division.
- 560 (b) This Subsection (2) does not apply if:
- 561 (i) a citation is issued for a rule violation described in Subsection (2)(a); or
- 562 (ii) a warning citation for a violation described in Subsection (2)(a) is issued.
- 563 (3) The division may grant a season extension to a valid, unfilled permit opportunity that
- 564 was invalidated and forfeited under Subsection (2) if:
- 565 (a) the criminal charges associated with the permit forfeiture are dismissed, with
- 566 prejudice, by action of the prosecutor or court, or acquittal of the charges at trial;
- 567 (b) the person issued the permit that is forfeited requests the division in writing within
- 568 60 days of a final action dismissing or acquitting that person of the criminal charges
- 569 that led to the permit forfeiture;
- 570 (c) the season extension is granted for the same species and sex, hunt unit, and season
- 571 dates associated with the forfeited permit, as established by the Wildlife Board in the

572 hunt year of the extension; and

573 (d) the extension occurs in the first season immediately following dismissal of or
 574 acquittal on the criminal charges described in Subsection (3)(a).

575 Section 13. Section **23A-5-202** is amended to read:

576 **23A-5-202 . Powers of law enforcement section.**

577 (1) The chief and assistant chief of the law enforcement section~~[, an enforcement agent,]~~ or
 578 conservation officer of the law enforcement section within the division are vested with
 579 the powers of law enforcement officers throughout the counties of the state with
 580 exception of the power to serve civil process and:

581 (a) may serve criminal process, arrest, and prosecute a violator of a law of this state; and

582 (b) has the same right as other law enforcement officers to require aid in executing the
 583 duties.

584 (2) The powers and duties conferred by this section upon employees of the law enforcement
 585 section of the division shall be supplementary to and in no way a limitation on the
 586 powers and duties of other law enforcement officers in the state.

587 Section 14. Section **23A-5-204** is amended to read:

588 **23A-5-204 . Butcher, locker, or storage plant to require proper tag or donation**
 589 **slip -- Taxidermist.**

590 (1) A butcher or owner or employee of a locker plant or storage plant may not receive for
 591 processing or storage the carcass of protected wildlife that by law or regulation is
 592 required to be tagged, unless there is a transaction record for the carcass which is that
 593 the carcass is:

594 (a) properly tagged; or [is-]

595 (b) accompanied with a valid donation slip.

596 (2) A taxidermist shall retain the transaction records for wildlife received, to include:

597 (a) the date and time the wildlife is received; and

598 (b) the license or permit number associated with the wildlife.

599 (3) A person required to retain a transaction record under this section shall:

600 (a) produce the transaction record on the demand of a peace officer; and

601 (b) keep the transaction record for three years from the day on which the person receives
 602 or creates the transaction record.

603 Section 15. Section **23A-5-301** is amended to read:

604 **23A-5-301 . Violations in general -- Criminal penalty -- Aiding or assisting**
 605 **violation -- Obstruct or interfere.**

- 606 (1) Except as otherwise provided in this title:
607 (a) a violation of this title is a class B misdemeanor; and
608 (b) a violation of a rule of the Wildlife Board, made in accordance with Title 63G,
609 Chapter 3, Utah Administrative Rulemaking Act, or proclamation of the Wildlife
610 Board is an infraction.
- 611 (2) (a) A person may not aid or assist another person to violate this title or a rule made
612 by the Wildlife Board under this title and in accordance with Title 63G, Chapter 3,
613 Utah Administrative Rulemaking Act.
614 (b) The penalty for violating this Subsection (2) is the same as for the provision or rule
615 for which aid or assistance is given.
- 616 (3) A person may not obstruct or interfere with the division's wildlife management activities
617 performed under this title, except that the division is subject to Section 23A-2-207 when
618 engaged in the taking of wildlife on private property.
- 619 Section 16. Section **23A-5-307** is amended to read:
620 **23A-5-307 . Use of a computer or other device to remotely hunt wildlife**
621 **prohibited -- Trail cameras -- Criminal penalty.**
- 622 (1) As used in this section, "trail camera" means a device that is not held or manually
623 operated by a person and is capable of capturing images, video, or location data of
624 wildlife using heat or motion to trigger the device.
- 625 (2) A person may not use a computer or other device to remotely control the aiming and
626 discharge of a firearm or other weapon for hunting an animal.
- 627 (3) A person who violates Subsection [~~(1)~~] (2) is guilty of a class A misdemeanor.
- 628 (4) (a) A trail camera using internal data storage and not capable of transmitting data is
629 permitted for use on private lands for the purposes of taking protected wildlife.
630 (b) A trail camera may not be used to take wildlife on public land during the period
631 beginning on July 31 and ending on December 31.
632 (c) A trail camera is prohibited on public land during the period beginning on July 31
633 and ending on December 31, except for use by:
634 (i) the division for monitoring or research;
635 (ii) a land management agency in the course of the land management agency's regular
636 duties;
637 (iii) any of the following conducting research in conjunction with the division:
638 (A) a non-governmental organization;
639 (B) an educational institution; or

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

648 Section 17. Section **23A-5-311** is amended to read:

649 **23A-5-311 . Wanton destruction of protected wildlife -- Criminal penalty -- Point**

650 **values.**

- 651 (1) A person is guilty of wanton destruction of protected wildlife if that person:
- 652 (a) commits an act in violation of:
- 653 (i) Section 23A-4-1110;
- 654 (ii) Section 23A-5-302;
- 655 ~~[(ii)]~~ (iii) Section 23A-5-304;
- 656 (iv) Section 23A-5-308;
- 657 ~~[(iii)]~~ (v) Sections 23A-9-302 through 23A-9-305; or
- 658 ~~[(iv) Section 23A-11-201; or]~~
- 659 ~~[(v)]~~ (vi) Subsection 23A-5-309(1);
- 660 (b) captures, injures, or destroys protected wildlife; and
- 661 (c) (i) does so with intentional, knowing, or reckless conduct as defined in Section
- 662 76-2-103;
- 663 (ii) intentionally abandons protected wildlife or a carcass;
- 664 (iii) commits the offense at night with the use of a weapon;
- 665 (iv) is under a court or division revocation of a license, tag, permit, or certificate of
- 666 registration; or
- 667 (v) acts for pecuniary gain.
- 668 (2) A person who commits wanton destruction of wildlife is guilty of:
- 669 (a) a third degree felony if:
- 670 (i) the aggregate point value of the protected wildlife determined by the point values
- 671 in Subsection (3) is more than ~~[\$500]~~ 500 points; or
- 672 (ii) a trophy animal was captured, injured, or destroyed;
- 673 (b) a class A misdemeanor if the aggregate point value of the protected wildlife,

- 674 determined by the point values established in Subsection (3) is more than [~~\$250~~] 250
675 points, but does not exceed [~~\$500~~] 500 points; and
- 676 (c) a class B misdemeanor if the aggregate point value of the protected wildlife
677 determined by the point values established in Subsection (3) is [~~\$250~~] 250 points or
678 less.
- 679 (3) Regardless of the restitution amounts imposed under Subsection 23A-5-312(2), the
680 following point values are assigned to protected wildlife for the purpose of determining
681 the offense for wanton destruction of wildlife:
- 682 (a) [~~\$1,000~~] 1,000 points per animal for:
- 683 (i) bison;
 - 684 (ii) bighorn sheep;
 - 685 (iii) rocky mountain goat;
 - 686 (iv) moose;
 - 687 (v) bear;
 - 688 (vi) peregrine falcon;
 - 689 (vii) bald eagle; or
 - 690 (viii) endangered species;
- 691 (b) [~~\$750~~] 750 points per animal for:
- 692 (i) elk; or
 - 693 (ii) threatened species;
- 694 (c) [~~\$500~~] 500 points per animal for:
- 695 (i) cougar;
 - 696 (ii) golden eagle;
 - 697 (iii) river otter; or
 - 698 (iv) gila monster;
- 699 (d) [~~\$400~~] 400 points per animal for:
- 700 (i) pronghorn antelope; or
 - 701 (ii) deer;
- 702 (e) [~~\$350~~] 350 points per animal for bobcat;
- 703 (f) [~~\$100~~] 100 points per animal for:
- 704 (i) swan;
 - 705 (ii) sandhill crane;
 - 706 (iii) turkey;
 - 707 (iv) pelican;

- 708 (v) loon;
- 709 (vi) egrets;
- 710 (vii) herons;
- 711 (viii) raptors, except those that are threatened or endangered;
- 712 (ix) Utah milk snake; or
- 713 (x) Utah mountain king snake;
- 714 (g) [~~\$35~~] 35 points per animal for furbearers, except:
- 715 (i) bobcat;
- 716 (ii) river otter; and
- 717 (iii) threatened or endangered species;
- 718 (h) [~~\$25~~] 25 points per animal for trout, char, salmon, grayling, tiger muskellunge,
- 719 walleye, largemouth bass, smallmouth bass, and wiper;
- 720 (i) [~~\$15~~] 15 points per animal for game birds, except:
- 721 (i) turkey;
- 722 (ii) swan; and
- 723 (iii) sandhill crane;
- 724 (j) [~~\$10~~] 10 points per animal for game fish not listed in Subsection (3)(h);
- 725 (k) [~~\$8~~] 8 points per pound dry weight of processed brine shrimp including eggs; and
- 726 (l) [~~\$5~~] 5 points per animal for protected wildlife not listed.
- 727 (4) For purposes of sentencing for a violation under this section, a person who has been
- 728 convicted of a third degree felony under Subsection (2)(a) is not subject to the
- 729 mandatory sentencing requirements prescribed in Subsection 76-3-203.8(4).
- 730 (5) As part of a sentence imposed, the court shall impose a sentence of incarceration of not
- 731 less than 20 consecutive days for a person convicted of a third degree felony under
- 732 Subsection (2)(a)(ii) who captured, injured, or destroyed a trophy animal for pecuniary
- 733 gain.
- 734 (6) If a person has already been convicted of a third degree felony under Subsection
- 735 (2)(a)(ii) once, each separate additional offense under Subsection (2)(a)(ii) is punishable
- 736 by, as part of a sentence imposed, a sentence of incarceration of not less than 20
- 737 consecutive days.
- 738 (7) The court may not sentence a person subject to Subsection (5) or (6) to less than 20
- 739 consecutive days of incarceration or suspend the imposition of the sentence unless the
- 740 court finds mitigating circumstances justifying lesser punishment and makes that finding
- 741 a part of the court record.

742 (8) Subsection (1) does not apply to actions taken in accordance with:

743 (a) Title 4, Chapter 14, Utah Pesticide Control Act;

744 (b) Title 4, Chapter 23, Agricultural and Wildlife Damage Prevention Act; or

745 (c) Section 23A-8-403.

746 Section 18. Section **23A-5-312** is amended to read:

747 **23A-5-312 . Restitution -- Disposition of money.**

748 (1) When a person is adjudged guilty of illegal taking, illegal possession, or wanton
749 destruction of protected wildlife, other than a trophy animal, the court may order the
750 defendant to pay restitution:

751 (a) as set forth in Subsection (2); or

752 (b) in a greater or lesser amount than the amount established in Subsection (2).

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

754 (a) [~~\$1,000~~] \$1,500 per animal for:

755 (i) bison;

756 (ii) bighorn sheep;

757 (iii) rocky mountain goat;

758 (iv) moose;

759 (v) bear;

760 (vi) peregrine falcon;

761 (vii) bald eagle; or

762 (viii) endangered species;

763 (b) [~~\$750~~] \$1,250 per animal for:

764 (i) elk; or

765 (ii) threatened species;

766 (c) [~~\$500~~] \$750 per animal for:

767 (i) golden eagle;

768 (ii) river otter; or

769 (iii) gila monster;

770 (d) [~~\$400~~] \$600 per animal for:

771 (i) pronghorn antelope; or

772 (ii) deer;

773 (e) [~~\$350~~] \$525 per animal for:

774 (i) cougar; or

775 (ii) bobcat;

- 776 (f) [~~\$100~~] \$150 per animal for:
- 777 (i) swan;
- 778 (ii) sandhill crane;
- 779 (iii) turkey;
- 780 (iv) pelican;
- 781 (v) loon;
- 782 (vi) egrets;
- 783 (vii) herons;
- 784 (viii) raptors, except those that are threatened or endangered;
- 785 (ix) Utah milk snake; or
- 786 (x) Utah mountain king snake;
- 787 (g) \$150 per horn;
- 788 [~~(g)~~] (h) [~~\$35~~] \$53 per animal for furbearers, except:
- 789 (i) bobcat;
- 790 (ii) river otter; and
- 791 (iii) threatened or endangered species;
- 792 [~~(h)~~] (i) [~~\$25~~] \$38 per animal for trout, char, salmon, grayling, tiger muskellunge,
- 793 walleye, largemouth bass, smallmouth bass, and wiper;
- 794 (j) \$30 per pound of antler or shed antler;
- 795 [~~(i)~~] (k) [~~\$15~~] \$23 per animal for game birds, except:
- 796 (i) turkey;
- 797 (ii) swan; and
- 798 (iii) sandhill crane;
- 799 [~~(j)~~] (l) [~~\$10~~] \$15 per animal for game fish not listed in Subsection [~~(2)(h)~~] (2)(i);
- 800 [~~(k)~~] (m) [~~\$8~~] \$12 per pound dry weight of processed brine shrimp including eggs; and
- 801 [~~(l)~~] (n) [~~\$5~~] \$8 per animal for protected wildlife not listed.
- 802 (3) If the court finds that restitution is inappropriate or if the value imposed is less than the
- 803 suggested minimum value as provided in Subsection (2), the court shall make the
- 804 reasons for the decision part of the court record.
- 805 (4) (a) The court shall order a person convicted of a third degree felony under
- 806 Subsection 23A-5-311(2)(a)(ii) to pay restitution in accordance with Subsection
- 807 (4)(b).
- 808 (b) The minimum restitution value for a trophy animal is as follows:
- 809 (i) [~~\$30,000~~] \$45,000 per animal for bighorn, desert, or rocky mountain sheep;

- 810 (ii) [~~\$8,000~~] \$12,000 per animal for deer;
- 811 (iii) [~~\$8,000~~] \$12,000 per animal for elk;
- 812 (iv) [~~\$6,000~~] \$9,000 per animal for moose or mountain goat;
- 813 (v) [~~\$6,000~~] \$9,000 per animal for bison; and
- 814 (vi) [~~\$2,000~~] \$3,000 per animal for pronghorn antelope.
- 815 (5) Restitution paid under Subsection (4) shall be remitted to the division and deposited in
- 816 the Wildlife Resources Account.
- 817 (6) The division shall use restitution money for activities and programs to help stop
- 818 poaching, including:
- 819 (a) educational programs on wildlife crime prevention;
- 820 (b) acquisition and development of wildlife crime detection equipment;
- 821 (c) operation and maintenance of anti-poaching projects; and
- 822 (d) wildlife law enforcement training.
- 823 (7) If restitution is required, restitution shall be in addition to:
- 824 (a) a fine or penalty imposed for a violation of this title; and
- 825 (b) a remedial action taken to revoke or suspend a person's license, permit, tag, or
- 826 certificate of registration.
- 827 (8) A judgment imposed under this section constitutes a lien when recorded in the judgment
- 828 docket and shall have the same effect and is subject to the same rules as a judgment for
- 829 money in a civil action.
- 830 Section 19. Section **23A-5-314** is amended to read:
- 831 **23A-5-314 . Waste of wildlife unlawful -- Criminal penalty.**
- 832 (1) A person may not waste or permit to be wasted protected wildlife or a part of protected
- 833 wildlife except as otherwise provided:
- 834 (a) in this title;
- 835 (b) by rule made by the Wildlife Board under this title and in accordance with Title 63G,
- 836 Chapter 3, Utah Administrative Rulemaking Act; or
- 837 (c) by an order or proclamation.
- 838 (2) A person who violates this section is subject to the penalty provided in Section
- 839 23A-5-301 except as provided in Subsection (3).
- 840 (3) (a) A licensed hunter who legally kills a big game animal, but abandons the big game
- 841 animal is subject to a class A misdemeanor.
- 842 (b) A big game animal is considered abandoned if the licensed hunter acts knowingly,
- 843 intentionally, or recklessly, and:

- 844 (i) the big game animal is not tagged as required by Section 23A-4-709;
 845 (ii) the big game animal is wasted;
 846 (iii) the licensed hunter continues to hunt the same species while exercising the
 847 benefits of the issued tag; or
 848 (iv) no attempt or minimal attempt is made to salvage the big game animal.

849 Section 20. Section **23A-5-317** is amended to read:

850 **23A-5-317 . Posted property -- Hunting by permission -- Entry on private land**
 851 **while hunting or fishing -- Violations -- Penalty -- Prohibitions inapplicable to**
 852 **officers.**

853 (1) As used in this section:

854 (a) "Cultivated land" means land that is readily identifiable as:

- 855 (i) land whose soil is loosened or broken up for the raising of crops;
 856 (ii) land used for the raising of crops; or
 857 (iii) pasturage which is artificially irrigated.

858 (b) "Permission" means [~~written~~] documented authorization from the owner or person in
 859 charge to enter upon private land that is either cultivated or properly posted, and shall
 860 include:

- 861 (i) the signature of the owner or person in charge;
 862 (ii) the name of the person being given permission;
 863 (iii) the appropriate dates; and
 864 (iv) a general description of the property.

865 (c) "Properly posted" means that signs prohibiting trespass or bright yellow, bright
 866 orange, or fluorescent paint are clearly displayed:

- 867 (i) at the corners, fishing streams crossing property lines, roads, gates, and
 868 rights-of-way entering the land; or
 869 (ii) in a manner that would reasonably be expected to be seen by a person in the area.

870 (2) (a) While taking wildlife or engaging in wildlife related activities, a person may not:

- 871 (i) without permission, enter upon privately owned land that is cultivated or properly
 872 posted;
 873 (ii) enter or remain on privately owned land if the person has notice to not enter or
 874 remain on the privately owned land; or
 875 (iii) obstruct an entrance or exit to private property.

876 (b) A person has notice to not enter or remain on privately owned land if:

- 877 (i) the person is directed to not enter or remain on the land by:

- 878 (A) the owner of the land;
- 879 (B) the owner's employee; or
- 880 (C) a person with apparent authority to act for the owner; or
- 881 (ii) the land is fenced or otherwise enclosed in a manner that a reasonable person
- 882 would recognize as intended to exclude intruders.
- 883 (c) The division shall provide "hunting by permission cards" to a landowner upon the
- 884 landowner's request.
- 885 (d) A person may not post:
- 886 (i) private property the person does not own or legally control; or
- 887 (ii) land that is open to the public as provided by Section 23A-6-402.
- 888 (3) A person who violates Subsection (2)(a) or (d) is subject to the penalty provided in
- 889 Section 23A-5-301 and liable for the civil damages described in Subsection (7).
- 890 (4) (a) A person convicted of violating Subsection (2)(a) may have the person's license,
- 891 tag, certificate of registration, or permit, relating to the activity engaged in at the time
- 892 of the violation, revoked by a hearing officer.
- 893 (b) A hearing officer may construe a subsequent conviction that occurs within a
- 894 five-year period as a flagrant violation and may prohibit the person from obtaining a
- 895 new license, tag, certificate of registration, or permit for a period of up to five years.
- 896 (5) Subsection (2)(a) does not apply to peace or conservation officers in the performance of
- 897 their duties.
- 898 (6) (a) The division shall provide information regarding owners' rights and duties:
- 899 (i) to anyone holding a license, certificate of registration, tag, or permit to take
- 900 wildlife; and
- 901 (ii) by using the public media and other sources.
- 902 (b) The Wildlife Board shall state restrictions in this section relating to trespassing in the
- 903 hunting and fishing proclamations issued by the Wildlife Board.
- 904 (7) In addition to an order for restitution under Section 77-38b-205, a person who commits
- 905 a violation of Subsection (2)(a) or (d) may also be liable for:
- 906 (a) the greater of:
- 907 (i) statutory damages in the amount of three times the value of damages resulting
- 908 from the violation of Subsection (2)(a) or (d); or
- 909 (ii) \$500; and
- 910 (b) reasonable attorney fees not to exceed \$250, and court costs.
- 911 (8) Civil damages under Subsection (7) may be collected in a separate action by the

912 property owner or the property owner's assignee.

913 Section 21. Section **23A-6-402** is amended to read:

914 **23A-6-402 . Right of access to lands for hunting, trapping, or fishing reserved to**
 915 **public -- Exception.**

916 (1) Except as provided in Section 65A-2-5, there is reserved to the public the right of access
 917 to lands owned by the state, including those lands lying below the official government
 918 meander line or high water line of navigable waters, for the purpose of hunting,
 919 trapping, or fishing.

920 (2) When a department or agency of the state leases or sells land belonging to the state
 921 lying below the official government meander line or the high water line of the navigable
 922 waters within the state, the lease, contract of sale, or deed shall contain a provision that:

923 (a) the lands shall be open to the public for the purpose of hunting, trapping, or fishing
 924 during the lawful season, except as provided by Section 65A-2-5; and

925 (b) the lessee, contractee, or grantee may not charge a person who desires to go upon the
 926 land for the purpose of hunting, trapping, or fishing.

927 (3) Lands referred to in this section shall be regulated or closed to hunting, trapping, or
 928 fishing as provided in this title for other lands and waters.

929 (4) The division may temporarily close that portion of a highway, as defined in Section
 930 72-1-102, that enters into or crosses land owned by the division if closure is needed for
 931 the benefit of wildlife.

932 Section 22. Section **23A-11-101** is amended to read:

933 **23A-11-101 . Definitions.**

934 As used in this chapter:

935 (1) "Big game" includes deer, elk, big horn sheep, moose, mountain goats, pronghorn, and
 936 bison.

937 (2) "Cultivated crops" means:

938 (a) annual or perennial crops harvested from or on cleared and planted land;

939 (b) perennial orchard trees on cleared and planted land;

940 (c) crop residues that have forage value for livestock; and

941 (d) pastures.

942 (3) "Management unit" means a prescribed area of contiguous land designated by the
 943 division for the purpose of managing a species of big game animal.

944 (4) "Predator" means a cougar, bear, or coyote.

945 (5) "Shed antler" means any portion of an antler that:

- 946 (a) has been dropped naturally from a big game animal as part of the big game animal's
947 annual life cycle; and
- 948 (b) has a rounded base commonly known as the antler button or burr attached which
949 signifies a natural life cycle process.
- 950 (6) "Shed horn" means:
- 951 (a) the sheath from a pronghorn that has been dropped naturally as part of the animal's
952 annual life cycle; or
- 953 (b) a bighorn sheep, mountain goat, or bison horn naturally detached from the horn core.
- 954 Section 23. Section **23A-11-206** is enacted to read:
- 955 **23A-11-206 . Limitations on taking an antler or horn.**
- 956 (1) A person may not take an antler or horn, including a shed antler or shed horn, except as
957 provided by this title or rules of the Wildlife Board made in accordance with Title 63G,
958 Chapter 3, Utah Administrative Rulemaking Act.
- 959 (2) During season dates if established under Subsection (3) and after complying with rules
960 made under Subsection (3), an individual may take an antler or horn, including a shed
961 antler or shed horn.
- 962 (3) (a) The Wildlife Board may establish recreational antler or horn gathering season
963 dates and rules for both residents and nonresidents, including for a shed antler or shed
964 horn, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
965 Rulemaking Act.
- 966 (b) The Wildlife Board may, in accordance with Title 63G, Chapter 3, Utah
967 Administrative Rulemaking Act, establish rules for commercial gathering and selling
968 of an antler or horn, including a shed antler or shed horn, to establish:
- 969 (i) rules in general concerning commercial gathering and selling;
- 970 (ii) license or permit requirements; and
- 971 (iii) fees.
- 972 (4) A suspension for a violation of this section or rules by the Wildlife Board under Section
973 23A-4-1106, may include all privileges related to big game, including privileges under a
974 shed antler or horn gathering permit.
- 975 (5) Notwithstanding whether the Wildlife Board establishes season dates under this section,
976 a private landowner or a guest of a private landowner may take an antler or horn on the
977 private land, including a shed antler or shed horn, year round for the use of the
978 landowner or guest.
- 979 Section 24. Section **23A-12-102** is enacted to read:

980 **23A-12-102 . Naming conventions for birds.**981 (1) As used in this section:982 (a) "English-language name" means the name:983 (i) assigned to a bird by a naming entity for use by the English-speaking public; and984 (ii) that may differ from the scientific name of the bird.985 (b) "Naming entity" means a nationally recognized entity that maintains a list of official986 English-language names for birds in North America and South America.987 (2) (a) The division shall use the English-language name assigned to a bird by a naming988 entity that was in effect on January 1, 2020, when using an English-language name989 while engaging in the management of the bird or habitat for the bird.990 (b) Notwithstanding Subsection (2)(a), the division may use an English-language name991 assigned by a naming entity after January 1, 2020, if before January 1, 2020, there992 was no English-language name.993 (3) The division shall:994 (a) advocate against the changing of eponymous English-language names for birds; and995 (b) seek the support of national organizations with which the division affiliates to996 advocate against the changing of eponymous English-language names for birds.997 Section 25. Section **63G-3-302** is amended to read:998 **63G-3-302 . Public hearings.**999 (1) [~~Eaeh~~] An agency may hold a public hearing on a proposed rule, amendment to a rule, or
1000 repeal of a rule during the public comment period.1001 (2) [~~Eaeh~~] Except as provided in Subsection (4), an agency shall hold a public hearing on a
1002 proposed rule, amendment to a rule, or repeal of a rule if:

1003 (a) a public hearing is required by state or federal mandate;

1004 (b) (i) another state agency, 10 interested persons, or an interested association having
1005 not fewer than 10 members request a public hearing; and1006 (ii) the agency receives the request in writing not more than 15 days after the
1007 publication date of the proposed rule.

1008 (3) The agency shall hold the hearing:

1009 (a) before the rule becomes effective; and

1010 (b) no less than seven days nor more than 30 days after receipt of the request for hearing.

1011 (4) The Wildlife Board is not required to hold a public hearing on a proposed rule,1012 amendment to a rule, or repeal of a rule unless required to hold a public hearing under1013 Title 23A, Chapter 2, Part 3, Wildlife Board and Regional Councils.

1014 Section 26. **Repealer.**

1015 This bill repeals:

1016 Section **23A-3-213, Wildlife Resources Trust Account.**

1017 Section **23A-11-201, Limit of one of species of big game during license year -- Invalid**
 1018 **and forfeited permit or tag.**

1019 Section 27. **FY 2025 Appropriation.**

1020 The following sums of money are appropriated for the fiscal year beginning July 1,
 1021 2024, and ending June 30, 2025. These are additions to amounts previously appropriated
 1022 for fiscal year 2025.

1023 Subsection 27(a) **Restricted Fund and Account Transfers**

1024 The Legislature authorizes the State Division of Finance to transfer the following
 1025 amounts between the following funds or accounts as indicated. Expenditures and outlays
 1026 from the funds to which the money is transferred must be authorized by an appropriation.

1027 ITEM 1 To General Fund Restricted - Wildlife Habitat Account

1028 From General Fund Restricted - Wildlife Resources Trust

1029 Account, One-time \$1,325,000

1030 Schedule of Programs:

1031 Wildlife Habitat Account \$1,325,000

1032 The Legislature intends that the Division of Finance, after completing the appropriation
 1033 in this section, transfer any remaining balances in the General Fund Restricted - Wildlife
 1034 Resources Trust Account to the General Fund Restricted - Wildlife Habitat Account.

1035 Section 28. **Effective date.**

1036 This bill takes effect on July 1, 2024.