

REFERENCE TITLE: **wildlife; guides; wasted meat**

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2064

Introduced by
Representative Konopnicki

AN ACT

**AMENDING SECTIONS 17-101 AND 17-340, ARIZONA REVISED STATUTES; RELATING TO
GAME AND FISH.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 17-101, Arizona Revised Statutes, is amended to
3 read:

4 17-101. Definitions

5 A. In this title, unless the context otherwise requires:

6 1. "Angling" means the taking of fish by one line and not to exceed
7 two hooks, by one line and one artificial lure, which may have attached more
8 than one hook, or by one line and not to exceed two artificial flies or
9 lures.

10 2. "Bag limit" means the maximum limit, in number or amount, of
11 wildlife which may lawfully be taken by any one person during a specified
12 period of time.

13 3. "Closed season" means the time during which wildlife may not be
14 lawfully taken.

15 4. "Commission" means the Arizona game and fish commission.

16 5. "Department" means the Arizona game and fish department.

17 6. "Device" means any net, trap, snare, salt lick, scaffold, deadfall,
18 pit, explosive, poison or stupefying substance, crossbow, firearm, bow and
19 arrow, or other implement used for taking wildlife. Device does not include
20 a raptor or any equipment used in the sport of falconry.

21 7. "Falconry" means the sport of hunting or taking quarry with a
22 trained raptor.

23 8. "Fishing" means to lure, attract or pursue aquatic wildlife in such
24 a manner that the wildlife may be captured or killed.

25 9. "Fur dealer" means any person engaged in the business of buying for
26 resale the raw pelts or furs of wild mammals.

27 ~~10. "Guide" means a person who, for pay, aids or assists any person in
28 taking wildlife.~~

29 10. "GUIDE" MEANS A PERSON WHO DOES ANY OF THE FOLLOWING:

30 (a) ADVERTISES FOR GUIDING SERVICES.

31 (b) HOLDS HIMSELF OUT TO THE PUBLIC FOR HIRE AS A GUIDE.

32 (c) IS EMPLOYED BY A COMMERCIAL ENTERPRISE AS A GUIDE.

33 (d) ACCEPTS COMPENSATION IN ANY FORM IN EXCHANGE FOR AIDING OR
34 ASSISTING ANY PERSON TO LOCATE OR TAKE WILDLIFE.

35 11. "License year" means the twelve-month period between January 1 and
36 December 31, inclusive.

37 12. "Nonresident" means a citizen of the United States or an alien who
38 has not been a bona fide resident of the state of Arizona for six months
39 immediately preceding the date of application for a license.

40 13. "Open season" means the time during which wildlife may be lawfully
41 taken.

42 14. "Possession limit" means the maximum limit, in number or amount of
43 wildlife, which may be possessed at one time by any one person.

44 15. "Resident" means a person who has been a bona fide resident of the
45 state of Arizona for six months immediately preceding the date of application

1 for a license, or a member of the armed forces who has been stationed in
2 Arizona for a period of thirty days immediately preceding the date of
3 application for a license.

4 16. "Road" means any maintained right-of-way for public conveyance.

5 17. "Statewide" means all lands except those areas lying within the
6 boundaries of state and federal refuges, parks and monuments, unless
7 specifically provided differently by commission order.

8 18. "Take" means pursuing, shooting, hunting, fishing, trapping,
9 killing, capturing, snaring or netting wildlife or the placing or using of
10 any net or other device or trap in a manner that may result in the capturing
11 or killing of wildlife.

12 19. "Taxidermist" means any person who engages for hire in the
13 mounting, refurbishing, maintaining, restoring or preserving of any display
14 specimen.

15 20. "Traps" or "trapping" means taking wildlife in any manner except
16 with a gun or other implement in hand.

17 21. "Wild" means, in reference to mammals and birds, those species
18 which are normally found in a state of nature.

19 22. "Wildlife" means all wild mammals, wild birds and the nests or eggs
20 thereof, reptiles, amphibians, mollusks, crustaceans, and fish, including
21 their eggs or spawn.

22 23. "Zoo" means a commercial facility open to the public where the
23 principal business is holding wildlife in captivity for exhibition purposes.

24 B. The following definitions of wildlife shall apply:

25 1. Aquatic wildlife are all fish, amphibians, mollusks, crustaceans
26 and soft-shelled turtles.

27 2. Game mammals are deer, elk, bear, pronghorn (antelope), bighorn
28 sheep, bison (buffalo), peccary (javelina), mountain lion, tree squirrel and
29 cottontail rabbit.

30 3. Big game are wild turkey, deer, elk, pronghorn (antelope), bighorn
31 sheep, bison (buffalo), peccary (javelina), bear and mountain lion.

32 4. "Trophy" means:

33 (a) A mule deer buck with at least four points on one antler, not
34 including the eye-guard point.

35 (b) A whitetail deer buck with at least three points on one antler,
36 not including the eye-guard point.

37 (c) A bull elk with at least six points on one antler, including the
38 eye-guard point and the brow tine point.

39 (d) A pronghorn (antelope) buck with at least one horn exceeding or
40 equal to fourteen inches in total length.

41 (e) Any bighorn sheep.

42 (f) Any bison (buffalo).

43 5. Small game are cottontail rabbits, tree squirrels, upland game
44 birds and migratory game birds.

- 1 6. Fur-bearing animals are muskrats, raccoons, otters, weasels,
2 bobcats, beavers, badgers and ringtail cats.
- 3 7. Predatory animals are foxes, skunks, coyotes and bobcats.
- 4 8. Nongame animals are all wildlife except game mammals, game birds,
5 fur-bearing animals, predatory animals and aquatic wildlife.
- 6 9. Upland game birds are quail, partridge, grouse and pheasants.
- 7 10. Migratory game birds are wild waterfowl, including ducks, geese and
8 swans; sandhill cranes; all coots, all gallinules, common snipe, wild doves
9 and bandtail pigeons.
- 10 11. Nongame birds are all birds except upland game birds and migratory
11 game birds.
- 12 12. Raptors are birds that are members of the order of falconiformes or
13 strigiformes and include falcons, hawks, owls, eagles and other birds that
14 the commission may classify as raptors.
- 15 13. Game fish are trout of all species, bass of all species, catfish of
16 all species, sunfish of all species, northern pike, walleye and yellow perch.
- 17 14. Nongame fish are all the species of fish except game fish.
- 18 15. Trout means all species of the family salmonidae, including
19 grayling.
- 20 Sec. 2. Section 17-340, Arizona Revised Statutes, is amended to read:
21 17-340. Revocation, suspension and denial of privilege of
22 taking wildlife; notice; violation; classification
- 23 A. ~~Upon~~ **ON** conviction or after adjudication as a delinquent juvenile
24 as defined in section 8-201 and in addition to other penalties prescribed by
25 this title, the commission, after a public hearing, may revoke or suspend a
26 license issued to any person under this title and deny the person the right
27 to secure another license to take or possess wildlife for a period of not to
28 exceed five years for:
- 29 1. Unlawful taking, unlawful selling, unlawful offering for sale,
30 unlawful bartering or unlawful possession of wildlife.
- 31 2. Careless use of firearms which has resulted in the injury or death
32 of any person.
- 33 3. Destroying, injuring or molesting livestock, or damaging or
34 destroying growing crops, personal property, notices or signboards, or other
35 improvements while hunting, trapping or fishing.
- 36 4. Littering public hunting or fishing areas while taking wildlife.
- 37 5. Knowingly allowing another person to use the person's big game tag,
38 except as provided by section 17-332, subsection D.
- 39 6. A violation of section 17-303, 17-304 or 17-341 **OR SECTION 17-362,**
40 **SUBSECTION A.**
- 41 **7. A VIOLATION OF SECTION 17-309, SUBSECTION A, PARAGRAPH 5.**
- 42 ~~7.~~ **8.** A violation of section 17-309, subsection A, paragraph 1
43 involving any unlawful use of aircraft to take, assist in taking, harass,
44 chase, drive, locate or assist in locating wildlife.

1 B. On conviction or after adjudication as a delinquent juvenile and in
2 addition to any other penalties prescribed by this title:
3 1. For a first conviction or a first adjudication as a delinquent
4 juvenile, for unlawfully taking or wounding wildlife at any time or place,
5 the commission, after a public hearing, may revoke, suspend or deny a
6 person's privilege to take wildlife for a period of up to five years.
7 2. For a second conviction or a second adjudication as a delinquent
8 juvenile, for unlawfully taking or wounding wildlife at any time or place,
9 the commission, after a public hearing, may revoke, suspend or deny a
10 person's privilege to take wildlife for a period of up to ten years.
11 3. For a third conviction or a third adjudication as a delinquent
12 juvenile, for unlawfully taking or wounding wildlife at any time or place,
13 the commission, after a public hearing, may revoke, suspend or deny a
14 person's privilege to take wildlife permanently.
15 C. In accordance with title 41, chapter 6, article 10 and
16 notwithstanding subsection A of this section, any person who is assessed
17 civil damages under section 17-314 for the unlawful taking or possession of
18 wildlife may be denied the right to secure a license to take wildlife until
19 damages have been paid in full.
20 D. On receiving a report from the licensing authority of a state which
21 is a party to the wildlife violator compact, adopted under chapter 5 of this
22 title, that a resident of this state has failed to comply with the terms of a
23 wildlife citation, the commission, after a public hearing, may suspend any
24 license issued under this title to take wildlife until the licensing
25 authority furnishes satisfactory evidence of compliance with the terms of the
26 wildlife citation.
27 E. In carrying out ~~the provisions of~~ this section the director shall
28 notify the licensee, within one hundred eighty days after conviction, to
29 appear and show cause why the license should not be revoked, suspended or
30 denied. The notice may be served personally or by certified mail sent to the
31 address appearing on the license.
32 F. The commission shall furnish to license dealers the names and
33 addresses of persons whose licenses have been revoked or suspended, and the
34 periods for which they have been denied the right to secure licenses.
35 G. The commission may use the services of the office of administrative
36 hearings to conduct hearings and to make recommendations to the commission
37 pursuant to this section.
38 H. Except for a person who takes or possesses wildlife while under
39 permanent revocation, a person who takes wildlife in this state, or attempts
40 to obtain a license to take wildlife, at a time when the person's privilege
41 to do so is suspended, revoked or denied under this section is guilty of a
42 class 1 misdemeanor.