

ENROLLED ACT NO. 30, HOUSE OF REPRESENTATIVES

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2007 GENERAL SESSION

AN ACT relating to game and fish; modifying penalties for game and fish violations; providing for a lesser number of levels of misdemeanors; making conforming amendments; repealing provisions for levels of misdemeanors as specified; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 23-2-104(g), 23-2-107(d), 23-2-109, 23-2-302(c), 23-2-303(d) and (f)(intro), 23-3-101, 23-3-102(a), 23-3-103(c), 23-3-105(b), 23-3-106(e), 23-3-107(d), 23-3-108(b) and (c), 23-3-109(c), 23-3-110(c), 23-3-111(b), 23-3-112(b), 23-3-113(b), 23-3-117, 23-3-201(f), 23-3-202(d), 23-3-203(c), 23-3-204(c), 23-3-205(c), 23-3-304(c), 23-3-305(b), 23-3-306(e), 23-3-307(b), 23-3-308(d), 23-3-402, 23-3-403(b), 23-3-404(a), 23-3-405(b) and (c), 23-6-103(b), 23-6-202(a)(ii) and (v), 23-6-203, 23-6-204(c) and 23-6-206(a)(intro), (ii), (iii) and (b) are amended to read:

23-2-104. Archery licenses; special seasons; prohibition against firearms; equipment.

(g) Except as otherwise provided, violation of this section constitutes a ~~tenth-degree~~low misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

23-2-107. Wild bison licenses.

(d) Any person who takes a wild bison without a license in an area open to hunting or takes a bison within a closed area is guilty of a ~~first-degree~~high misdemeanor punishable as provided in W.S. 23-6-202(a)(ii).

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23-2-109. Multiple applications for limited licenses prohibited; penalty.

Except as otherwise authorized by law or rule of the commission, no person shall submit more than one (1) application for a license for the same big or trophy game species or for wild turkey, if the issuance of the license has been limited by the commission. A violation of this subsection shall be punishable as a ~~5th degree~~ high misdemeanor punishable as provided in W.S. 23-6-202(a)(ii), by the loss of all points then assigned to the person pursuant to W.S. 23-1-703(b) or (g), and disqualification in the year of submission for any license for the species for which the multiple applications were submitted.

23-2-302. Taxidermist's license; bond; game specimens must be tagged; records.

(c) No person shall deliver to any taxidermist, nor shall any taxidermist receive any game specimen unless tagged with a Wyoming game tag except as otherwise provided. Violation of this subsection constitutes ~~an 11th degree~~ a low misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

23-2-303. Trapping licenses; tagging; traps and snares; penalty; confiscation; inspection; interference with trapping.

(d) All traps and snares used for furbearing or predatory animals shall be permanently marked or tagged with the name and address of the owner or the identification number assigned to the owner by the department. Any identification number attached to a trap or snare pursuant to this subsection is solely for the use of the department or appropriate law enforcement officers

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and is not a public record for purposes of W.S. 16-4-201 through 16-4-205. No trap or snare shall be set for furbearing or predatory animals within thirty (30) feet of any exposed bait or carcass over five (5) pounds in weight. As used in this subsection, "exposed bait or carcass" means the meat or viscera of any part of a mammal, bird or fish, excluding dried bones. In addition, all snares used for taking furbearing or predatory animals shall be equipped with a break-away locking device that is designed to release at two hundred ninety-five (295) pounds of pressure or less and a snare loop not to exceed twelve (12) inches in diameter measured side to side. Unless otherwise specified in this section, all traps, excluding snares set for furbearing animals and predatory animals and quick kill body grip traps as defined by commission rule and regulation, shall be checked by the owner at least once during each seventy-two (72) hour period from the time the traps were set. Quick kill body grip traps shall be checked by the owner not less than once each seven (7) day period from the time the traps were set. All wildlife caught in any trap or snare shall upon discovery, be removed immediately by the owner. Violation of this subsection constitutes a ~~ninth-degree~~low misdemeanor punishable as provided in W.S. 23-6-202(a)(v). After the date gray wolves are removed from the list of experimental nonessential population, endangered species or threatened species in Wyoming as provided by W.S. 23-1-108 the commission may enact rules and regulations setting forth the specifications for traps and snares used for the taking of gray wolves and the time period for checking such traps and snares. Except as otherwise provided by commission rule, the provisions in this section regulating the trapping of furbearing and predatory animals shall apply to the trapping of gray wolves.

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(f) A violation of this subsection constitutes a ~~7th degree low~~ misdemeanor ~~as specified under W.S. 23-6-202(a)(vii)~~ punishable as provided in W.S. 23-6-202(a)(v). Except as otherwise provided in this section, no person shall intentionally:

23-3-101. Taking eagle prohibited.

Any person who takes an eagle is guilty of a ~~2nd degree high~~ misdemeanor punishable as provided in W.S. 23-6-202(a)(ii).

23-3-102. Taking certain game animals without license or during a closed season prohibited.

(a) Except as provided in subsection (d) of this section, any person who takes any ~~elk or moose~~ big or trophy game animal or gray wolf where classified as a trophy game animal without the proper license or authority is guilty of a ~~4th degree high~~ misdemeanor punishable as provided in W.S. 23-6-202(a)(ii). The taking of each animal is a separate offense.

23-3-103. Taking predatory animals, predacious birds and trophy animals; taking furbearing animals and game birds without license prohibited.

(c) Any person who takes any furbearing animal or game bird without the appropriate license, except as otherwise provided by this act is guilty of a ~~9th degree low~~ misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

23-3-105. Antelope, deer and elk coupons; payment to landowner; kill on federal or state land.

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(b) The landowner's coupon shall promptly be detached, dated, signed and delivered to the landowner. The landowner on or before February 1 following the year for which the license was valid, shall deliver to the department the coupon and an affidavit that the antelope, deer or elk for which the coupon was delivered was killed on his land. Upon receipt of the coupon and affidavit the department shall pay the landowner thirteen dollars (\$13.00) for each coupon from an antelope, deer or elk license. Landowner's coupons are not transferable. Any unauthorized person attempting to collect any sum for any landowner's coupon is guilty of a ~~second-degree~~ high misdemeanor punishable as provided in W.S. 23-6-202(a)(ii). Effective January 1, 2000, the department shall provide a checkoff box on each landowner coupon affidavit claim form that offers the claimant the opportunity to designate the animal damage management board to receive his payment amount for landowner coupons claimed on that form. For each claim made where the landowner has designated his payment to the animal damage management board, the department shall transfer that amount to the animal damage management account created by W.S. 11-6-306 and the department shall retain the fees related to those administrative costs of the transfer.

23-3-106. Wyoming game and Wyoming interstate game tags; when required.

(e) Violation of this section constitutes ~~an 11th degree~~ a low misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

23-3-107. Wanton destruction of big game animal; reward.

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(d) Violation of this section constitutes a ~~1st degree-high~~ misdemeanor punishable as provided in W.S. 23-6-202(a)(ii).

23-3-108. Destruction of bird nests or eggs.

(b) Violation of this section for any nonpredacious bird except eagle constitutes ~~an 11th degree-a low~~ misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

(c) Violation of this section in regard to eagle nests or eggs constitutes a ~~2nd degree-high~~ misdemeanor punishable as provided in W.S. 23-6-202(a)(ii).

23-3-109. Use of dogs; dogs injuring big or trophy game animals may be killed; citation of owners of dogs harassing game animals; penalties.

(c) A peace officer may arrest or issue a summons to the owner of any dog injuring or threatening a big game animal with immediate injury, unless the dog ~~has been trained, and~~ was attempting, to protect livestock. A first conviction under this subsection is punishable by a fine imposed for ~~an 11th degree-a low~~ misdemeanor punishable as provided in W.S. 23-6-202(a)(v). A second and each subsequent conviction under this subsection is punishable by a fine and imprisonment imposed for a ~~10th degree-low~~ misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

23-3-110. Firearms; types permitted for hunting game birds; ruffed and blue grouse excepted.

(c) Violation of this section constitutes a ~~10th degree-low~~ misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

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23-3-111. Firearms; size of guns to be used in hunting big or trophy game animals.

(b) Violation of this section constitutes a ~~10th degree~~low misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

23-3-112. Firearms; automatic weapon or silencer prohibited.

(b) Violation of this section constitutes a ~~1st degree~~high misdemeanor punishable as provided in W.S. 23-6-202(a)(ii).

23-3-113. Hunters required to wear colored clothing.

(b) Violation of this section constitutes ~~an 11th degree~~a low misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

23-3-117. Bighorn sheep; registration of horns; penalties.

A licensee who harvests a bighorn sheep or any person who picks up or removes horns from any bighorn sheep, after July 1, 1997, shall present the horns at a regional office of the department during normal business hours to be registered in accordance with department rules and regulations. The horns shall be presented pursuant to this section within fifteen (15) days after taking the horns into possession. The department may require substantive proof from unlicensed individuals that the horns were legally acquired. Failure to provide such proof may result in confiscation of the horns. A violation of this section constitutes a ~~3rd degree~~high misdemeanor punishable as provided by W.S. 23-6-202(a)(iii) in W.S. 23-6-202(a)(ii).

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23-3-201. Fishing tackle; designation of waters for setline fishing; taking fish with firearm prohibited; snagging; penalties.

(f) Violation of ~~subsection (a), (b), (c) or (e) of~~ this section constitutes a ~~9th degree~~ low misdemeanor punishable as provided in W.S. 23-6-202(a)(v). ~~Violation of subsection (d) of this section constitutes an 8th degree misdemeanor.~~

23-3-202. Use of live fish and corn as bait.

(d) Violation of this section constitutes ~~an 11th degree~~ a low misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

23-3-203. Placing obstruction to fish across stream or lake without consent of chief fish warden prohibited; erection of fishways.

(c) Violation of this section constitutes a ~~10th degree~~ low misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

23-3-204. Substances and devices to take or destroy fish or obstruct waterways prohibited.

(c) Violation of this section constitutes a ~~1st degree~~ high misdemeanor punishable as provided in W.S. 23-6-202(a)(ii).

23-3-205. Shipment of fish; game tags; when required.

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(c) Violation of this section constitutes ~~an 11th degree~~ a low misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

23-3-304. Certain trapping devices unlawful; game for bait prohibited; baiting big game animals prohibited; penalties.

(c) Violation of ~~subsections (a) and (b) of~~ this section constitutes a ~~3rd degree~~ high misdemeanor punishable as provided in W.S. 23-6-202(a)(ii).

23-3-305. Hunting from highway; entering enclosed property without permission; penalty; hunting at night without permission prohibited.

(b) No person shall enter upon the private property of any person to hunt, fish, or trap without the permission of the owner or person in charge of the property. Violation of this subsection constitutes a ~~7th degree~~ low misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

23-3-306. Use of aircraft, automobiles, motorized and snow vehicles and artificial light for hunting or fishing prohibited; exception; penalties.

(e) Violation of this section constitutes a ~~4th degree~~ high misdemeanor punishable as provided in W.S. 23-6-202(a)(ii).

23-3-307. Hunting while intoxicated or under influence of controlled substance prohibited.

(b) Violation of this section constitutes a ~~10th degree~~ low misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

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23-3-308. Check stations; duty of hunters and fishermen to report.

(d) Violation of this section constitutes ~~an 11th degree~~ a low misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

23-3-402. Violation of commission order prohibited.

Any person who violates any lawful order of the commission is guilty of a ~~9th degree~~ low misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

23-3-403. False swearing, fraud or false statement prohibited.

(b) Violation of this section constitutes a ~~fifth degree~~ high misdemeanor punishable as provided in W.S. 23-6-202(a)(ii).

23-3-404. Tanneries not to receive game specimens unless tagged; records.

(a) No person shall deliver to any tannery, nor shall any tannery receive any game specimen unless tagged with a Wyoming game tag except as otherwise provided. Violation of this subsection constitutes ~~an 11th degree~~ a low misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

23-3-405. Interference with lawful taking of wildlife prohibited; penalties; damages; injunction.

(b) A violation of subsection (a) of this section constitutes a ~~7th degree~~ low misdemeanor as ~~specified under~~

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~~W.S. 23-6-202(a)(vii)~~ punishable as provided in W.S. 23-6-202(a)(v).

(c) Any person failing to obey an order of any peace officer to immediately desist from conduct in violation of subsection (a) of this section is guilty of a ~~2nd-degree~~ high misdemeanor punishable ~~under W.S. 23-6-202(a)(ii)~~ as provided in W.S. 23-6-202(a)(ii).

23-6-103. Failure to obey citation; appearance by counsel; penalty.

(b) Violation of this section constitutes a ~~9th degree-low~~ low misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

23-6-202. Fines and sentences.

(a) Any person who has been convicted of or pleaded guilty to any offense under this act may be fined, sentenced to the county jail, or both, as follows:

(ii) Up to ~~one thousand dollars (\$1,000.00)~~ ten thousand dollars (\$10,000.00) to which may be added imprisonment up to one (1) year when the offense is a ~~2nd degree-high~~ high misdemeanor;

(v) Up to ~~seven hundred fifty dollars (\$750.00)~~ one thousand dollars (\$1,000.00) to which may be added imprisonment up to six (6) months when the offense is a ~~5th degree-low~~ low misdemeanor;

23-6-203. Penalty for violations when no separate penalty provided.

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Any person who violates or fails to comply with any provision of this act for which no separate penalty is provided is guilty of a ~~9th degree~~ low misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

23-6-204. Penalty for violations generally.

(c) Any person who takes any remaining wildlife not specified in W.S. 23-3-102(a) or (d) except as permitted by this act and for which no separate penalty is provided is guilty of a ~~9th degree~~ low misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

23-6-206. Revocation of license.

(a) The court may, in its discretion, revoke any license issued under this act to any person convicted of a violation of this act, for the remainder of the year in which the conviction occurs, and ~~except for conviction of a 10th or 11th degree misdemeanor,~~ may suspend the person's privilege to purchase or receive any other license under this act for the following time periods:

(ii) Up to six (6) years for conviction of a ~~1st degree through 6th degree~~ high misdemeanor as provided in W.S. 23-6-202(a)(ii);

(iii) Up to three (3) years for conviction of a ~~7th degree through 9th degree~~ low misdemeanor as provided in W.S. 23-6-202(a)(v).

(b) No person whose license has been forfeited or privilege to purchase another license suspended shall procure, purchase, or possess another license during the period of forfeiture or suspension. If the person procures, purchases, or possesses another license during

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such period, the license is invalid and that person is not entitled to receive another license for the year next succeeding the year in which a conviction of a violation of this subsection occurs. Violation of this subsection constitutes a ~~9th degree~~ low misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

Section 2. W.S. 23-3-102(b) and (c), 23-3-304(f), 23-6-201, 23-6-202(a)(i), (iii), (iv) and (vi) through (xi) are repealed.

Section 3. This act is effective July 1, 2007.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk