

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

HOUSE BILL 2144

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 COMMENSURATE WITH THE MARKET VALUE
34 IN THIS STATE FOR GUIDING SERVICES IN EXCHANGE FOR AIDING, ASSISTING,
35 DIRECTING, LEADING OR INSTRUCTING A PERSON IN THE FIELD TO LOCATE AND TAKE
36 WILDLIFE.

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

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

42 13. "Open season" means the time during which wildlife may be lawfully
43 taken.

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

1 15. "Resident" means a person who has been a bona fide resident of the
2 state of Arizona for six months immediately preceding the date of application
3 for a license, or a member of the armed forces who has been stationed in
4 Arizona for a period of thirty days immediately preceding the date of
5 application for a license.

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

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

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

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

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

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

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

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

26 B. The following definitions of wildlife shall apply:

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

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

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

34 4. "Trophy" means:

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

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

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

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

43 (e) Any bighorn sheep.

44 (f) Any bison (buffalo).

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

1 ~~7.~~ 8. A violation of section 17-309, subsection A, paragraph 1
2 involving any unlawful use of aircraft to take, assist in taking, harass,
3 chase, drive, locate or assist in locating wildlife.
4 B. On conviction or after adjudication as a delinquent juvenile and in
5 addition to any other penalties prescribed by this title:
6 1. For a first conviction or a first adjudication as a delinquent
7 juvenile, for unlawfully taking or wounding wildlife at any time or place,
8 the commission, after a public hearing, may revoke, suspend or deny a
9 person's privilege to take wildlife for a period of up to five years.
10 2. For a second conviction or a second adjudication as a delinquent
11 juvenile, for unlawfully taking or wounding wildlife at any time or place,
12 the commission, after a public hearing, may revoke, suspend or deny a
13 person's privilege to take wildlife for a period of up to ten years.
14 3. For a third conviction or a third adjudication as a delinquent
15 juvenile, for unlawfully taking or wounding wildlife at any time or place,
16 the commission, after a public hearing, may revoke, suspend or deny a
17 person's privilege to take wildlife permanently.
18 C. In accordance with title 41, chapter 6, article 10 and
19 notwithstanding subsection A of this section, any person who is assessed
20 civil damages under section 17-314 for the unlawful taking or possession of
21 wildlife may be denied the right to secure a license to take wildlife until
22 damages have been paid in full.
23 D. On receiving a report from the licensing authority of a state which
24 is a party to the wildlife violator compact, adopted under chapter 5 of this
25 title, that a resident of this state has failed to comply with the terms of a
26 wildlife citation, the commission, after a public hearing, may suspend any
27 license issued under this title to take wildlife until the licensing
28 authority furnishes satisfactory evidence of compliance with the terms of the
29 wildlife citation.
30 E. In carrying out ~~the provisions of~~ this section the director shall
31 notify the licensee, within one hundred eighty days after conviction, to
32 appear and show cause why the license should not be revoked, suspended or
33 denied. The notice may be served personally or by certified mail sent to the
34 address appearing on the license.
35 F. The commission shall furnish to license dealers the names and
36 addresses of persons whose licenses have been revoked or suspended, and the
37 periods for which they have been denied the right to secure licenses.
38 G. The commission may use the services of the office of administrative
39 hearings to conduct hearings and to make recommendations to the commission
40 pursuant to this section.
41 H. Except for a person who takes or possesses wildlife while under
42 permanent revocation, a person who takes wildlife in this state, or attempts
43 to obtain a license to take wildlife, at a time when the person's privilege
44 to do so is suspended, revoked or denied under this section is guilty of a
45 class 1 misdemeanor.