

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

SECTION 1. That Section 6-202, Idaho Code, be, and the same is hereby amended to read as follows:

6-202. ACTIONS FOR TRESPASS. (1) Any person who, without permission of the owner, or the owner's agent, willfully and intentionally enters upon the real property of another person which property, when required by statute, is posted with "No Trespassing" signs or other notices of like meaning ~~spaced at intervals of not less than one (1) notice per six hundred sixty (660) feet along such real property;~~ or who fails to depart immediately from the real property of another after being notified in writing or orally by the owner of the real property or the owner's authorized agent; or who willfully and intentionally cuts down or carries off any wood or underwood, tree or timber, or girdles, or otherwise willfully and intentionally injures any tree or timber on the land of another person, or on the street or highway in front of any person's house, village, or city lot, or cultivated grounds; or on the commons or public grounds of or in any city or town, or on the street or highway in front thereof, without lawful authority, is liable to the owner of such land, or to such city or town, for the greater of treble the amount of damages which may be assessed therefor, , or two hundred fifty dollars (\$250.00), plus a reasonable attorney's fee which shall be taxed as costs, in any civil action brought to enforce the terms of this act if the plaintiff prevails. In addition to any other penalty, the court may enter an order to prevent a person found liable under this section from entering the real property upon which the trespass was made or other real property of the owner thereof. Provided however, the owner or operator of any right-of-way or easement for any ditch, canal or other conduit governed by the provisions of chapter 11 or chapter 12, title 42, Idaho Code, who is found in violation of this section shall be liable only for actual damages and not for any treble damages or attorney fees otherwise provided for under this section.

SECTION 2. That Section 18-7011, Idaho Code, be, and the same is hereby amended to read as follows:

18-7011. CRIMINAL TRESPASS - DEFINITION AND PUNISHMENT. (1) Any person who, without consent of the owner or person in charge of any lands which are enclosed by fences of any description sufficient to show the boundaries of the land enclosed, shall go upon such lands and shall leave open any gates on or about said premises, or who shall tear down or lay down any fencing, or who shall willfully remove, mutilate, damage or destroy any "No Trespassing" signs or markers, or who shall go through cultivated crops that have not been harvested, or who shall damage any property thereon, or who without permission of the owner or the

owner's agent enters the real property of another person where such real property:

- (a) Is posted with "No Trespassing" signs;
 - (b) Is posted with a minimum of one hundred (100) square inches of fluorescent orange, bright orange, blaze orange, safety orange or any similar high visibility shade of orange colored paint except that when metal fence posts are used, a minimum of eighteen (18) inches of the top of the post must be painted a high visibility shade of orange;
 - (c) Is posted with other notices of like meaning, spaced at intervals of not less than one (1) sign, paint area or notice per six hundred sixty (660) feet along such real property; provided that where the geographical configuration of the real property is such that entry can reasonably be made only at certain points of access, such property is posted sufficiently for all purposes of this section if said signs, paint or notices are posted at such points of access;
 - (d) Is posted with a conspicuous sign where a public road enters the real property, through which or along which road the public has a right-of-way, stating words substantially similar to "PRIVATE PROPERTY, NO TRESPASSING OFF (fill in relevant compass direction(s)) SIDE OF ROAD NEXT (fill in the distance) MILES," and which is posted with a conspicuous sign where the public road exits the real property stating words substantially similar to "LEAVING PRIVATE PROPERTY." The postings shall be placed on the private real property. In lieu of posting the compass direction(s), a map depicting the area of private property may be displayed on the sign; or
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is guilty of a misdemeanor and on conviction thereof shall be punished by imprisonment in a county jail not exceeding six (6) months or by a fine of not less than ~~twenty-five~~ two hundred and fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000) or by both such fine and imprisonment.

As used in this subsection and in section 18-7008, Idaho Code: "enters," "entry" and "entering" mean going upon or over real property either in person or by causing any object, substance or force to go upon or over real property.

(2) No motor vehicle shall be willfully or intentionally driven into, upon, over or through any private land actively devoted to cultivated crops without the consent of the owner of the land or the tenant, lessee or agent of the owner of the land actively devoted to cultivated crops. Violation of the provisions of this section shall be a misdemeanor. For the purpose of this subsection, motor vehicle shall be defined as set forth in sections 49-114 and 49-123, Idaho Code. Land actively devoted to cultivated crops shall be defined as land that is used to produce field crops including, but not limited to, grains, feed crops, legumes, fruits and vegetables.

(3) (a) Any person convicted for trespass under this section

shall be subject to the following penalties, in addition to any other civil or criminal remedies: (1) restitution in an amount equal to the damages sustained by the landowner, if any, calculated pursuant to section 6-202, Idaho Code; (2) an order to prevent a person convicted under this section from entering the real property upon which the trespass was made, or other real property of the owner thereof; (3) if the person trespasses in the course of hunting, fishing, trapping or retrieving wildlife, he or she shall be subject to all penalties and loss of privileges pursuant to section 36-1603, Idaho Code, including, without limitation, license revocation.

(b) The magistrate concerned shall submit records of all revocations of fishing, trapping, and/or hunting privileges to the department of fish and game.

SECTION 3. That Section 36-405, Idaho Code, be, and the same is hereby amended to read as follows:

36-405. APPLICATION FOR LICENSE - DUPLICATE LICENSE - UNLAWFUL PURCHASE, POSSESSION, AND USE OF LICENSE. (a) Application Required.

1. Any person making application for a senior resident license, or resident license shall provide his Idaho driver's license number as proof of residence, or in the case of nondrivers, other suitable proof of residency, and state the class of license applied for, the name of the applicant, the age of the applicant, his date of birth, his length of residence, his current address, and such other information as may be required by the director.

2. Any person making application for a duplicate license shall state the type and class of license originally purchased and such other information as may be required by the director.

3. No person shall willfully make a false statement as to:

(A) Name, age, his date of birth, length of residence or current address when such statement is made for the purpose of obtaining any license.

(B) Type and class of original license purchased when applying for a duplicate license.

4. Any person making application for a license shall certify that a court has not revoked his eligibility for such a license pursuant to 18-7011, Idaho Code.

5. Any person making application for a license shall certify that he understands Idaho trespass law and will make every reasonable effort to remain on land open to him and to avoid trespass on private property.

(b) Loss of License - New One Required. In case of loss of a license, a new one shall be required to entitle the person who lost the same to hunt, fish or trap. Such person may upon application:

1. Purchase a new license at the regular fee; or

2. Replace a lost license with a duplicate license for which a

fee as specified in section 36-416, Idaho Code, shall be charged.
3. When a duplicate license has been issued the original license shall become null and void.

(c) Unlawful Purchase, Possession and Use of License.

1. Every person buying a license must buy a license of the proper type or class according to his residence and age. No person shall purchase or possess a license of the wrong class and such license shall be void and of no effect from the date of issuance.

2. No person shall:

(A) Acquire more than one (1) regular controlled hunt permit per species or more tags per species than the commission has set a bag limit for that species except as provided in subsection (b) of this section or to have said permits or tags in his possession.

(B) Transfer any fishing, hunting, or trapping license to any other person or for any person to make use of such license issued to any other person with the exception of a parent or grandparent designating any controlled hunt tag or controlled hunt permit to his or her minor child or grandchild as prescribed by rules of the commission. A controlled hunt tag or controlled hunt permit can be designated only to a minor child with a valid hunting license or one who is participating in a mentored hunting program as prescribed by rules of the commission. A controlled hunt tag or controlled hunt permit designated to a minor child cannot be sold.