

HOUSE BILL NO. HB0083

Game and fish penalties.

Sponsored by: Representative(s) Gingery

A BILL

for

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

6

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

8

9 **Section 1.** W.S. 23-2-104(g), 23-2-107(d), 23-2-109,
10 23-2-302(c), 23-2-303(d) and (f)(intro), 23-3-101,
11 23-3-102(a) through (c), 23-3-103(c), 23-3-105(b),
12 23-3-106(e), 23-3-107(d), 23-3-108(b) and (c), 23-3-109(c),
13 23-3-110(c), 23-3-111(b), 23-3-112(b), 23-3-113(b),
14 23-3-117, 23-3-201(f), 23-3-202(d), 23-3-203(c),
15 23-3-204(c), 23-3-205(c), 23-3-304(c), 23-3-305(b),
16 23-3-306(e), 23-3-307(b), 23-3-308(d), 23-3-402,
17 23-3-403(b), 23-3-404(a), 23-3-405(b) and (c), 23-6-103(b),

1 23-6-202(a)(ii) and (v), 23-6-203, 23-6-204(c) and
2 23-6-206(a)(intro), (ii), (iii) and (b) are amended to
3 read:

4

5 **23-2-104. Archery licenses; special seasons;**
6 **prohibition against firearms; equipment.**

7

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

11

12 **23-2-107. Wild bison licenses.**

13

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

18

19 **23-2-109. Multiple applications for limited licenses**
20 **prohibited; penalty.**

21

22 Except as otherwise authorized by law or rule of the
23 commission, no person shall submit more than one (1)
24 application for a license for the same big or trophy game

1 species or for wild turkey, if the issuance of the license
2 has been limited by the commission. A violation of this
3 subsection shall be punishable as a ~~5th degree~~ high
4 misdemeanor punishable as provided in W.S. 23-6-202(a)(ii),
5 by the loss of all points then assigned to the person
6 pursuant to W.S. 23-1-703(b) or (g), and disqualification
7 in the year of submission for any license for the species
8 for which the multiple applications were submitted.

9
10 **23-2-302. Taxidermist's license; bond; game specimens**
11 **must be tagged; records.**

12
13 (c) No person shall deliver to any taxidermist, nor
14 shall any taxidermist receive any game specimen unless
15 tagged with a Wyoming game tag except as otherwise
16 provided. Violation of this subsection constitutes ~~an 11th~~
17 ~~degree~~ a low misdemeanor punishable as provided in W.S.
18 23-6-202(a)(v).

19
20 **23-2-303. Trapping licenses; tagging; traps and**
21 **snare; penalty; confiscation; inspection; interference**
22 **with trapping.**

1 (d) All traps and snares used for furbearing or
2 predatory animals shall be permanently marked or tagged
3 with the name and address of the owner or the
4 identification number assigned to the owner by the
5 department. Any identification number attached to a trap
6 or snare pursuant to this subsection is solely for the use
7 of the department or appropriate law enforcement officers
8 and is not a public record for purposes of W.S. 16-4-201
9 through 16-4-205. No trap or snare shall be set for
10 furbearing or predatory animals within thirty (30) feet of
11 any exposed bait or carcass over five (5) pounds in weight.
12 As used in this subsection, "exposed bait or carcass" means
13 the meat or viscera of any part of a mammal, bird or fish,
14 excluding dried bones. In addition, all snares used for
15 taking furbearing or predatory animals shall be equipped
16 with a break-away locking device that is designed to
17 release at two hundred ninety-five (295) pounds of pressure
18 or less and a snare loop not to exceed twelve (12) inches
19 in diameter measured side to side. Unless otherwise
20 specified in this section, all traps, excluding snares set
21 for furbearing animals and predatory animals and quick kill
22 body grip traps as defined by commission rule and
23 regulation, shall be checked by the owner at least once
24 during each seventy-two (72) hour period from the time the

1 traps were set. Quick kill body grip traps shall be
2 checked by the owner not less than once each seven (7) day
3 period from the time the traps were set. All wildlife
4 caught in any trap or snare shall upon discovery, be
5 removed immediately by the owner. Violation of this
6 subsection constitutes a ~~ninth degree~~low misdemeanor
7 punishable as provided in W.S. 23-6-202(a)(v). After the
8 date gray wolves are removed from the list of experimental
9 nonessential population, endangered species or threatened
10 species in Wyoming as provided by W.S. 23-1-108 the
11 commission may enact rules and regulations setting forth
12 the specifications for traps and snares used for the taking
13 of gray wolves and the time period for checking such traps
14 and snares. Except as otherwise provided by commission
15 rule, the provisions in this section regulating the
16 trapping of furbearing and predatory animals shall apply to
17 the trapping of gray wolves.

18

19 (f) A violation of this subsection constitutes a ~~7th~~
20 ~~degree~~low misdemeanor ~~as specified under W.S.~~
21 ~~23-6-202(a)(vii)~~punishable as provided in W.S.
22 23-6-202(a)(v). Except as otherwise provided in this
23 section, no person shall intentionally:

24

1 **23-3-101. Taking eagle prohibited.**

2

3 Any person who takes an eagle is guilty of a ~~2nd-degree~~
4 high misdemeanor punishable as provided in W.S.
5 23-6-202(a)(ii).

6

7 **23-3-102. Taking certain game animals without license**
8 **or during a closed season prohibited.**

9

10 (a) Any person who takes any elk or moose without the
11 proper license is guilty of a ~~4th-degree~~ high misdemeanor
12 punishable as provided in W.S. 23-6-202(a)(ii).

13

14 (b) Any person who takes any bighorn sheep, mountain
15 goat, mountain lion, grizzly bear or, gray wolf where
16 classified as a trophy game animal, without the proper
17 license except as otherwise permitted by this act is guilty
18 of a ~~4th-degree~~ high misdemeanor punishable as provided in
19 W.S. 23-6-202(a)(ii).

20

21 (c) Any person who takes any big or trophy game
22 animals not specified in subsections (a) and (b) without a
23 proper license except as otherwise permitted by this act is

1 guilty of ~~an 8th degree~~ a low misdemeanor punishable as
2 provided in W.S. 23-6-202(a)(v).

3
4 **23-3-103. Taking predatory animals, predacious birds**
5 **and trophy animals; taking furbearing animals and game**
6 **birds without license prohibited.**

7
8 (c) Any person who takes any furbearing animal or
9 game bird without the appropriate license, except as
10 otherwise provided by this act is guilty of a ~~9th degree~~
11 low misdemeanor punishable as provided in W.S.
12 23-6-202(a)(v).

13
14 **23-3-105. Antelope, deer and elk coupons; payment to**
15 **landowner; kill on federal or state land.**

16
17 (b) The landowner's coupon shall promptly be
18 detached, dated, signed and delivered to the landowner. The
19 landowner on or before February 1 following the year for
20 which the license was valid, shall deliver to the
21 department the coupon and an affidavit that the antelope,
22 deer or elk for which the coupon was delivered was killed
23 on his land. Upon receipt of the coupon and affidavit the
24 department shall pay the landowner thirteen dollars

1 (\$13.00) for each coupon from an antelope, deer or elk
2 license. Landowner's coupons are not transferable. Any
3 unauthorized person attempting to collect any sum for any
4 landowner's coupon is guilty of a ~~second-degree~~ high
5 misdemeanor punishable as provided in W.S. 23-6-202(a)(ii).
6 Effective January 1, 2000, the department shall provide a
7 checkoff box on each landowner coupon affidavit claim form
8 that offers the claimant the opportunity to designate the
9 animal damage management board to receive his payment
10 amount for landowner coupons claimed on that form. For
11 each claim made where the landowner has designated his
12 payment to the animal damage management board, the
13 department shall transfer that amount to the animal damage
14 management account created by W.S. 11-6-306 and the
15 department shall retain the fees related to those
16 administrative costs of the transfer.

17

18 **23-3-106. Wyoming game and Wyoming interstate game**
19 **tags; when required.**

20

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

24

1 **23-3-107. Wanton destruction of big game animal;**
2 **reward.**

3

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

7

8 **23-3-108. Destruction of bird nests or eggs.**

9

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

13

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

17

18 **23-3-109. Use of dogs; dogs injuring big or trophy**
19 **game animals may be killed; citation of owners of dogs**
20 **harassing game animals; penalties.**

21

22 (c) A peace officer may arrest or issue a summons to
23 the owner of any dog injuring or threatening a big game
24 animal with immediate injury, unless the dog has been

1 trained, and was attempting, to protect livestock. A first
2 conviction under this subsection is punishable by a fine
3 imposed for ~~an 11th degree~~ a low misdemeanor punishable as
4 provided in W.S. 23-6-202(a)(v). A second and each
5 subsequent conviction under this subsection is punishable
6 by a fine and imprisonment imposed for a ~~10th degree~~ low
7 misdemeanor punishable as provided in W.S. 23-6-202(a)(v).

8
9 **23-3-110. Firearms; types permitted for hunting game**
10 **birds; ruffed and blue grouse excepted.**

11
12 (c) Violation of this section constitutes a ~~10th~~
13 ~~degree~~ low misdemeanor punishable as provided in W.S.
14 23-6-202(a)(v).

15
16 **23-3-111. Firearms; size of guns to be used in**
17 **hunting big or trophy game animals.**

18
19 (b) Violation of this section constitutes a ~~10th~~
20 ~~degree~~ low misdemeanor punishable as provided in W.S.
21 23-6-202(a)(v).

22
23 **23-3-112. Firearms; automatic weapon or silencer**
24 **prohibited.**

1

2 (b) Violation of this section constitutes a ~~1st~~
3 ~~degree~~high misdemeanor punishable as provided in W.S.
4 23-6-202(a)(ii).

5

6 **23-3-113. Hunters required to wear colored clothing.**

7

8 (b) Violation of this section constitutes ~~an 11th~~
9 ~~degree~~a low misdemeanor punishable as provided in W.S.
10 23-6-202(a)(v).

11

12 **23-3-117. Bighorn sheep; registration of horns;**
13 **penalties.**

14

15 A licensee who harvests a bighorn sheep or any person who
16 picks up or removes horns from any bighorn sheep, after
17 July 1, 1997, shall present the horns at a regional office
18 of the department during normal business hours to be
19 registered in accordance with department rules and
20 regulations. The horns shall be presented pursuant to this
21 section within fifteen (15) days after taking the horns
22 into possession. The department may require substantive
23 proof from unlicensed individuals that the horns were
24 legally acquired. Failure to provide such proof may result

1 in confiscation of the horns. A violation of this section
2 constitutes a ~~3rd degree~~ high misdemeanor punishable as
3 provided ~~by W.S. 23-6-202(a)(iii)~~ in W.S. 23-6-202(a)(ii).
4

5 **23-3-201. Fishing tackle; designation of waters for**
6 **setline fishing; taking fish with firearm prohibited;**
7 **snagging; penalties.**
8

9 (f) Violation of ~~subsection (a), (b), (c) or (e) of~~
10 this section constitutes a ~~9th degree~~ low misdemeanor
11 punishable as provided in W.S. 23-6-202(a)(v). ~~Violation of~~
12 ~~subsection (d) of this section constitutes an 8th degree~~
13 ~~misdemeanor.~~
14

15 **23-3-202. Use of live fish and corn as bait.**
16

17 (d) Violation of this section constitutes ~~an 11th~~
18 ~~degree~~ a low misdemeanor punishable as provided in W.S.
19 23-6-202(a)(v).
20

21 **23-3-203. Placing obstruction to fish across stream**
22 **or lake without consent of chief fish warden prohibited;**
23 **erection of fishways.**
24

1 (c) Violation of this section constitutes a ~~10th~~
2 ~~degree—low~~ misdemeanor punishable as provided in W.S.
3 23-6-202(a)(v).

4

5 **23-3-204. Substances and devices to take or destroy**
6 **fish or obstruct waterways prohibited.**

7

8 (c) Violation of this section constitutes a ~~1st~~
9 ~~degree—high~~ misdemeanor punishable as provided in W.S.
10 23-6-202(a)(ii).

11

12 **23-3-205. Shipment of fish; game tags; when required.**

13

14 (c) Violation of this section constitutes ~~an—11th~~
15 ~~degree—a low~~ misdemeanor punishable as provided in W.S.
16 23-6-202(a)(v).

17

18 **23-3-304. Certain trapping devices unlawful; game for**
19 **bait prohibited; baiting big game animals prohibited;**
20 **penalties.**

21

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

1

2 **23-3-305. Hunting from highway; entering enclosed**
3 **property without permission; penalty; hunting at night**
4 **without permission prohibited.**

5

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

11

12 **23-3-306. Use of aircraft, automobiles, motorized and**
13 **snow vehicles and artificial light for hunting or fishing**
14 **prohibited; exception; penalties.**

15

16 (e) Violation of this section constitutes a ~~4th~~
17 ~~degree~~ high misdemeanor punishable as provided in W.S.
18 23-6-202(a)(ii).

19

20 **23-3-307. Hunting while intoxicated or under**
21 **influence of controlled substance prohibited.**

22

1 (b) Violation of this section constitutes a ~~10th~~
2 ~~degree—low~~ misdemeanor punishable as provided in W.S.
3 23-6-202(a)(v).
4

5 **23-3-308. Check stations; duty of hunters and**
6 **fishermen to report.**
7

8 (d) Violation of this section constitutes ~~an 11th~~
9 ~~degree—a low~~ misdemeanor punishable as provided in W.S.
10 23-6-202(a)(v).
11

12 **23-3-402. Violation of commission order prohibited.**
13

14 Any person who violates any lawful order of the commission
15 is guilty of a ~~9th degree—low~~ misdemeanor punishable as
16 provided in W.S. 23-6-202(a)(v).
17

18 **23-3-403. False swearing, fraud or false statement**
19 **prohibited.**
20

21 (b) Violation of this section constitutes a ~~fifth~~
22 ~~degree—high~~ misdemeanor punishable as provided in W.S.
23 23-6-202(a)(ii).
24

1 **23-3-404. Tanneries not to receive game specimens**
2 **unless tagged; records.**

3
4 (a) No person shall deliver to any tannery, nor shall
5 any tannery receive any game specimen unless tagged with a
6 Wyoming game tag except as otherwise provided. Violation
7 of this subsection constitutes ~~an 11th degree~~ a low
8 misdemeanor punishable as provided in W.S. 23-6-202(a)(v).
9

10 **23-3-405. Interference with lawful taking of wildlife**
11 **prohibited; penalties; damages; injunction.**

12
13 (b) A violation of subsection (a) of this section
14 constitutes a ~~7th degree~~ low misdemeanor as ~~specified under~~
15 ~~W.S. 23-6-202(a)(vii)~~ punishable as provided in W.S.
16 23-6-202(a)(v).
17

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

1 **23-6-103. Failure to obey citation; appearance by**
2 **counsel; penalty.**

3
4 (b) Violation of this section constitutes a ~~9th~~
5 ~~degree—low~~ misdemeanor punishable as provided in W.S.
6 23-6-202(a)(v).

7
8 **23-6-202. Fines and sentences.**

9
10 (a) Any person who has been convicted of or pleaded
11 guilty to any offense under this act may be fined,
12 sentenced to the county jail, or both, as follows:

13
14 (ii) Up to one thousand dollars (\$1,000.00) to
15 which may be added imprisonment up to one (1) year when the
16 offense is a ~~2nd degree—high~~ misdemeanor;

17
18 (v) Up to seven hundred fifty dollars (\$750.00)
19 to which may be added imprisonment up to six (6) months
20 when the offense is a ~~5th degree—low~~ misdemeanor;

21
22 **23-6-203. Penalty for violations when no separate**
23 **penalty provided.**

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

5

6 **23-6-204. Penalty for violations generally.**

7

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

13

14 **23-6-206. Revocation of license.**

15

16 (a) The court may, in its discretion, revoke any
17 license issued under this act to any person convicted of a
18 violation of this act, for the remainder of the year in
19 which the conviction occurs, and ~~except for conviction of a~~
20 ~~10th or 11th degree misdemeanor,~~ may suspend the person's
21 privilege to purchase or receive any other license under
22 this act for the following time periods:

23

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

4
5 (iii) Up to three (3) years for conviction of a
6 ~~7th degree through 9th degree~~ low misdemeanor as provided
7 in W.S. 23-6-202(a).

8
9 (b) No person whose license has been forfeited or
10 privilege to purchase another license suspended shall
11 procure, purchase, or possess another license during the
12 period of forfeiture or suspension. If the person
13 procures, purchases, or possesses another license during
14 such period, the license is invalid and that person is not
15 entitled to receive another license for the year next
16 succeeding the year in which a conviction of a violation of
17 this subsection occurs. Violation of this subsection
18 constitutes a ~~9th degree~~ low misdemeanor punishable as
19 provided in W.S. 23-6-202(a)(v).

20
21 **Section 2.** W.S. 23-3-304(f), 23-6-202(a)(i), (iii),
22 (iv) and (vi) through (xi) are repealed.

23

