

31 **23A-3-216**, as enacted by Laws of Utah 2025, Chapter 140
 32 **23A-4-1106**, as last amended by Laws of Utah 2025, Chapters 173, 208
 33 **23A-4-1201**, as enacted by Laws of Utah 2025, Chapter 140
 34 **23A-4-1202**, as enacted by Laws of Utah 2025, Chapter 140
 35 **23A-4-1203**, as enacted by Laws of Utah 2025, Chapter 140
 36 **23A-4-1204**, as enacted by Laws of Utah 2025, Chapter 140
 37 **23A-5-309**, as last amended by Laws of Utah 2025, Chapter 140
 38 **23A-5-312**, as last amended by Laws of Utah 2024, Chapter 347

39 ENACTS:

40 **23A-3-217**, Utah Code Annotated 1953
 41 **23A-5-301.5**, Utah Code Annotated 1953
 42 **23A-5-315.5**, Utah Code Annotated 1953

44 *Be it enacted by the Legislature of the state of Utah:*

45 Section 1. Section **23A-3-216** is amended to read:

46 **23A-3-216 . Guide and Outfitter Fund.**

- 47 (1) There is created an expendable special revenue fund known as the "Guide[;] and
 48 Outfitter[; ~~and Spotter~~] Fund."
 49 (2) The Guide[;] and Outfitter[; ~~and Spotter~~] Fund shall consist of:
 50 (a) revenue from fees collected under Section 23A-4-1202;
 51 (b) money appropriated by the Legislature; and
 52 (c) interest, dividends, or other income earned on fund money.
 53 (3) The [~~division~~] Division of Law Enforcement within the department shall use the money
 54 in the Guide[;] and Outfitter[; ~~and Spotter~~] Fund to administer Chapter 4, Part 12, Guide[;]
 55 and Outfitter[; ~~and Spotter~~].

56 Section 2. Section **23A-3-217** is enacted to read:

57 **23A-3-217 . Poaching Mitigation Fund.**

- 58 (1) There is created an expendable special revenue fund known as the "Poaching Mitigation
 59 Fund."
 60 (2) The Poaching Mitigation Fund shall consist of:
 61 (a) reimbursement money collected under Section 23A-5-301.5;
 62 (b) restitution collected under Section 23A-5-312;
 63 (c) money appropriated by the Legislature; and
 64 (d) interest, dividends, or other income earned on fund money.

- 65 (3) The Division of Law Enforcement within the department shall use the money in the
 66 Poaching Mitigation Fund for activities and programs to help stop poaching, including:
 67 (a) educational programs on wildlife crime prevention;
 68 (b) acquisition and development of wildlife crime detection equipment;
 69 (c) operation and maintenance of anti-poaching projects; and
 70 (d) wildlife law enforcement training.

71 Section 3. Section **23A-4-1106** is amended to read:

72 **23A-4-1106 . Suspension of license or permit privileges -- Suspension of**
 73 **certificates of registration.**

74 (1) As used in this section:

- 75 (a) "License or permit privileges" means the privilege of applying for, purchasing, and
 76 exercising the benefits conferred by a license or permit issued by the division.
 77 (b) "Livestock guardian dog" means the same as that term is defined in Section 76-6-111.

78 (2) A hearing officer, appointed by the division, may suspend a person's license or permit
 79 privileges if:

80 (a) in a court of law, the person:

81 (i) is convicted of:

82 (A) violating this title or a rule of the Wildlife Board;

83 (B) killing or injuring domestic livestock or a livestock guardian dog while
 84 engaged in an activity regulated under this title;

85 (C) violating Section 76-6-111; or

86 (D) violating Section 76-11-209 while engaged in an activity regulated under this
 87 title;

88 (ii) enters into a plea in abeyance agreement, in which the person pleads guilty or no
 89 contest to an offense listed in Subsection (2)(a)(i), and the plea is held in
 90 abeyance; or

91 (iii) is charged with committing an offense listed in Subsection (2)(a)(i), and the
 92 person enters into a diversion agreement which suspends the prosecution of the
 93 offense; and

94 (b) the hearing officer determines the person committed the offense intentionally,
 95 knowingly, or recklessly, as defined in Section 76-2-103.

96 (3)(a) The Wildlife Board shall make rules establishing guidelines that a hearing officer
 97 shall consider in determining:

98 (i) the type of license or permit privileges to suspend; and

- 99 (ii) the duration of the suspension.
- 100 (b) The Wildlife Board shall ensure that the guidelines established under Subsection
101 (3)(a) are consistent with Subsections (4), (5), and (6).
- 102 (4) Except as provided in Subsections (5) and (6), a hearing officer may suspend a person's
103 license or permit privileges according to Subsection (2) for a period of time not to
104 exceed:
- 105 (a) seven years for:
- 106 (i) a felony conviction;
- 107 (ii) a plea of guilty or no contest to an offense punishable as a felony, which plea is
108 held in abeyance [~~pursuant to~~] in accordance with a plea in abeyance agreement; or
- 109 (iii) being charged with an offense punishable as a felony, the prosecution of which is
110 suspended [~~pursuant to~~] in accordance with a diversion agreement;
- 111 (b) five years for:
- 112 (i) a class A misdemeanor conviction;
- 113 (ii) a plea of guilty or no contest to an offense punishable as a class A misdemeanor,
114 which plea is held in abeyance [~~pursuant to~~] in accordance with a plea in abeyance
115 agreement; or
- 116 (iii) being charged with an offense punishable as a class A misdemeanor, the
117 prosecution of which is suspended [~~pursuant to~~] in accordance with a diversion
118 agreement;
- 119 (c) three years for:
- 120 (i) a class B misdemeanor conviction;
- 121 (ii) a plea of guilty or no contest to an offense punishable as a class B misdemeanor
122 when the plea is held in abeyance according to a plea in abeyance agreement; or
- 123 (iii) being charged with an offense punishable as a class B misdemeanor, the
124 prosecution of which is suspended [~~pursuant to~~] in accordance with a diversion
125 agreement; and
- 126 (d) one year for:
- 127 (i) a class C misdemeanor conviction;
- 128 (ii) a plea of guilty or no contest to an offense punishable as a class C misdemeanor,
129 when the plea is held in abeyance according to a plea in abeyance agreement; or
- 130 (iii) being charged with an offense punishable as a class C misdemeanor, the
131 prosecution of which is suspended according to a diversion agreement.
- 132 (5) The hearing officer may double a suspension period established in Subsection (4) for

- 133 offenses:
- 134 (a) committed in violation of an existing suspension or revocation order issued by the
135 courts, division, or Wildlife Board; or
- 136 (b) involving the unlawful taking of a trophy animal, as defined in Section 23A-1-101.
- 137 (6)(a) A hearing officer may suspend, according to Subsection (2), a person's license or
138 permit privileges for a particular license or permit only once for each single criminal
139 episode, as defined in Section 76-1-401.
- 140 (b) If a hearing officer addresses two or more single criminal episodes in a hearing, the
141 suspension periods of license or permit privileges of the same type suspended,
142 according to Subsection (2), may run consecutively.
- 143 (c) If a hearing officer suspends, according to Subsection (2), license or permit
144 privileges of the type that have been previously suspended by a court, a hearing
145 officer, or the Wildlife Board and the suspension period has not expired, the
146 suspension periods may run consecutively.
- 147 (7)(a) A hearing officer, appointed by the division, may suspend a person's privilege of
148 applying for, purchasing, and exercising the benefits conferred by a certificate of
149 registration if:
- 150 (i) the hearing officer determines the person intentionally, knowingly, or recklessly,
151 as defined in Section 76-2-103, violated:
- 152 (A) this title;
- 153 (B) a rule or order of the Wildlife Board;
- 154 (C) the terms of a certificate of registration; or
- 155 (D) the terms of a certificate of registration application or agreement; or
- 156 (ii) the person, in a court of law:
- 157 (A) is convicted of an offense that the hearing officer determines bears a
158 reasonable relationship to the person's ability to safely and responsibly perform
159 the activities authorized by the certificate of registration;
- 160 (B) pleads guilty or no contest to an offense that the hearing officer determines
161 bears a reasonable relationship to the person's ability to safely and responsibly
162 perform the activities authorized by the certificate of registration, and the plea
163 is held in abeyance in accordance with a plea in abeyance agreement; or
- 164 (C) is charged with an offense that the hearing officer determines bears a
165 reasonable relationship to the person's ability to safely and responsibly perform
166 the activities authorized by the certificate of registration, and prosecution of the

- 167 offense is suspended in accordance with a diversion agreement.
- 168 (b) A hearing officer shall suspend a certificate of registration for the harvesting of brine
169 shrimp eggs, as defined in Section 59-23-3, if the hearing officer determines the
170 holder of the certificate of registration has violated Section 59-23-5.
- 171 (8)(a) The director shall appoint a qualified person as a hearing officer to perform the
172 adjudicative functions provided in this section.
- 173 (b) The director may not appoint a division employee who investigates or enforces
174 wildlife violations.
- 175 (9)(a) The courts may suspend, in criminal sentencing, a person's privilege to apply for,
176 purchase, or exercise the benefits conferred by a license, permit, or certificate of
177 registration.
- 178 (b) The courts shall promptly notify the division of suspension orders or
179 recommendations entered.
- 180 (c) The division, upon receiving notification of suspension from the courts, shall prohibit
181 the person from applying for, purchasing, or exercising the benefits conferred by a
182 license, permit, or certification of registration for the duration and of the type
183 specified in the court order.
- 184 (d) The hearing officer shall consider a recommendation made by a sentencing court
185 concerning suspension before issuing a suspension order.
- 186 (10) Before suspension under this section, the division shall give a person:
- 187 (a) written notice of action the division intends to take; and
188 (b) an opportunity for a hearing.
- 189 (11)(a) A person may file an appeal of a hearing officer's decision with the Wildlife
190 Board.
- 191 (b) The Wildlife Board shall review the hearing officer's findings and conclusions and
192 any written documentation submitted at the hearing.
- 193 (c) The Wildlife Board may:
- 194 (i) take no action;
195 (ii) vacate or remand the decision; or
196 (iii) amend the period or type of suspension.
- 197 (12) The division shall suspend and reinstate all hunting, fishing, trapping, and falconry
198 privileges consistent with Chapter 2, Part 5, Wildlife Violator Compact.
- 199 [~~(13) Within 30 days after the day on which an individual's privilege to hunt or fish is~~
200 ~~suspended under this title, the division shall report to the Division of Professional~~

235 purposes of engaging in a wildlife related activity.

236 (b) "Public lands" does not include lands owned by the United States, the state, or a
 237 political subdivision or independent entity of the state that are included in a
 238 cooperative wildlife management unit under Subsection 23A-7-204(6) ~~[so long as]~~ if
 239 the guiding and outfitting services furnished by the cooperative wildlife management
 240 unit are limited to hunting species of wildlife specifically authorized by the division
 241 in the unit's management plan.

242 (8) "Retain" ~~[or "retained"]~~ means a written or oral agreement for the delivery of guide
 243 services or ~~[outfitter]~~ outfitting services between ~~[a guide or]~~ an outfitter and the recipient
 244 of ~~[those services]~~ the guide services or outfitting services.

245 ~~[(9) "Spotter" means an individual compensated by a guide or outfitter to locate or monitor
 246 the location of protected wildlife on public land.]~~

247 Section 5. Section **23A-4-1202** is amended to read:

248 **23A-4-1202 . Registration as guide or outfitter -- Rulemaking.**

249 (1) ~~[Beginning July 1, 2025, to] To~~ provide the services of a guide~~;~~ or outfitter~~;~~ or spotter
 250 ~~an individual is required to] a person shall~~ annually obtain a certificate of registration
 251 with the division under this part.

252 (2) The division shall issue to ~~[an individual who]~~ a person that qualifies under this part a
 253 certificate to operate as~~[-a]~~:

254 (a) a guide; or

255 (b) an outfitter~~;~~ or .

256 ~~[(e) spotter.]~~

257 (3) The division shall maintain a record of each ~~[individual who]~~ person that is registered
 258 with the division under this part.

259 (4)(a) To register as a guide, a resident shall:

260 (i) submit an application in a form ~~[prescribed by]~~ the division approves, subject to
 261 rules of the Wildlife Board;

262 (ii) have the appropriate hunting or fishing license under this chapter to engage in the
 263 activity for which the guide provides guide services; and

264 (iii) pay an annual registration fee of:

265 (A) \$250 if the resident provides guide services related to the hunting of big game
 266 or bear; or

267 (B) \$175 if the resident only provides guide services related to the hunting,
 268 including fishing, of protected wildlife other than big game or bear.

- 269 (b) To register as a guide, a nonresident shall:
- 270 (i) submit an application in a form [~~prescribed by~~]the division approves, subject to
- 271 rules of the Wildlife Board;
- 272 (ii) have the appropriate hunting or fishing license under this chapter to engage in the
- 273 activity for which the guide provides guide services; and
- 274 (iii) pay an annual registration fee of:
- 275 (A) \$750 if the nonresident provides guide services related to the hunting of big
- 276 game or bear; or
- 277 (B) \$500 if the nonresident only provides guide services related to the hunting,
- 278 including fishing, of protected wildlife other than big game or bear.
- 279 (5)(a) To register as an outfitter, a resident shall:
- 280 (i) submit an application in a form [~~prescribed by~~]the division approves, subject to
- 281 rules of the Wildlife Board;
- 282 (ii)(A) have the appropriate hunting or fishing license under this chapter to engage
- 283 in the activity for which the outfitter provides [~~outfitter~~] outfitting services; or
- 284 (B) if the outfitter is an entity, have at least one individual designated by the
- 285 outfitter hold the appropriate hunting or fishing license under this chapter to
- 286 engage in the activity for which the outfitter provides outfitting services; and
- 287 (iii) pay an annual registration fee of:
- 288 (A) \$500 if the resident provides services related to the hunting of big game or
- 289 bear; or
- 290 (B) \$350 if the resident only provides services related to the hunting, including
- 291 fishing, of protected wildlife other than big game or bear.
- 292 (b) To register as an outfitter, a nonresident shall:
- 293 (i) submit an application in a form [~~prescribed by~~]the division approves, subject to
- 294 rules of the Wildlife Board;
- 295 (ii)(A) have the appropriate hunting or fishing license under this chapter to engage
- 296 in the activity for which the outfitter provides [~~outfitter~~] outfitting services; or
- 297 (B) if the outfitter is an entity, have at least one individual designated by the
- 298 outfitter hold the appropriate hunting or fishing license under this chapter to
- 299 engage in the activity for which the outfitter provides outfitting services; and
- 300 (iii) pay an annual registration fee of:
- 301 (A) \$1,500 if the nonresident provides services related to the hunting of big game
- 302 or bear; or

303 (B) \$1,000 if the nonresident only provides services related to the hunting,
 304 including fishing, of protected wildlife other than big game or bear.

305 [~~(6)(a) To register as a spotter, a resident shall:~~]

306 [(i) submit an application in a form prescribed by the division, subject to rules of the
 307 Wildlife Board;]

308 [(ii) have the appropriate hunting license under this chapter to engage in the activity
 309 for which the spotter provides services; and]

310 [(iii) pay an annual registration fee of \$125.]

311 [~~(b) To register as a spotter, a nonresident shall:~~]

312 [(i) submit an application in a form prescribed by the division, subject to rules of the
 313 Wildlife Board;]

314 [(ii) have the appropriate hunting license under this chapter to engage in the activity
 315 for which the spotter provides services; and]

316 [(iii) pay an annual registration fee of \$375.]

317 [~~(7)~~ (6)(a) Notwithstanding a fee amount described in Subsections (4)[;] and (5)[, and (6)]
 318 , the Wildlife Board may increase or decrease the fee amount under this section.

319 (b) An adjustment made by the Wildlife Board under Subsection [~~(7)(a)~~] (6)(a) takes
 320 effect when the Legislature adopts the fee schedule in the general session
 321 immediately following the adjustment.

322 [~~(8)~~] (7) The division shall deposit fees collected under this section into the Guide[;] and
 323 Outfitter[; and Spotter] Fund created in Section 23A-3-216.

324 [~~(9)~~] (8) A registration automatically expires on the expiration date shown on the
 325 registration unless the registrant renews the registration.

326 [~~(10)~~] (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 327 the Wildlife Board may make rules to address:

328 (a) the form of an application submitted under this section;

329 (b) a prohibited activity under Section 23A-4-1203; or

330 (c) an operation of a guide[;] or outfitter[; ~~or spotter~~] regulated under Section
 331 23A-4-1204.

332 Section 6. Section **23A-4-1203** is amended to read:

333 **23A-4-1203 . Grounds for denial or revoking of registration -- Prohibited**
 334 **activities.**

335 (1) The division shall refuse to register an applicant, refuse to renew, or revoke the
 336 certificate of registration of a registrant during the time period that the division suspends

- 337 the applicant's or registrant's privilege to:
- 338 (a) hunt, if the applicant or registrant provides services requiring registration under this
339 part related to hunting; or
- 340 (b) fish, if the applicant or registrant provides services requiring registration under this
341 part related to fishing.
- 342 (2) If the division suspends the privilege to hunt or fish under this title of the chief
343 executive officer of an outfitter under which an applicant or registrant provides guide
344 services[;] or outfitting services[; ~~or spotting services~~]:
- 345 (a) during the time period that the division suspends the chief executive officer's
346 privilege to hunt[~~is suspended~~], the division shall:
- 347 (i) refuse to issue a registration to the applicant for services requiring registration
348 under this part related to hunting; and
- 349 (ii) refuse to renew or shall revoke the registration of the registrant for services
350 requiring registration under this part related to hunting; and
- 351 (b) during the time period that the division suspends the chief executive officer's
352 privilege to fish[~~is suspended~~], the division shall:
- 353 (i) refuse to issue a registration to the applicant for services requiring registration
354 under this part related to fishing; and
- 355 (ii) refuse to renew or shall revoke the registration of the registrant for services
356 requiring registration under this part related to fishing.
- 357 (3) [~~An individual~~] A person may not use the title "guide[;]" or "outfitter[;]" [~~or "spotter"~~]
358 or any other title or designation to indicate that the [~~individual~~] person is a guide[;] or
359 outfitter[; ~~or spotter~~] or acting as a guide[;] or outfitter[; ~~or spotter~~] unless the [~~individual~~]
360 person is registered as a guide[;] or outfitter[; ~~or spotter~~] under this part.
- 361 (4) [~~An individual~~] A person may not:
- 362 (a) engage in an activity that would place a registrant's client's, prospective client's, or
363 third party's safety at risk, recognizing the inherent risks associated with hunting
364 wildlife and the activity engaged in being above and beyond those inherent risks;
- 365 (b) use false, deceptive, or misleading advertising related to providing services[~~as a~~
366 ~~guide, outfitter, or spotter~~];
- 367 (c) misrepresent services, outcomes, facilities, equipment, or fees to a client or
368 prospective client; or
- 369 (d) fail to provide the division with active and current contact information within 30
370 days of any change to the registrant's contact information [~~that was~~] the registrant

371 provided to the division during registration or the renewal of registration as a guide[;]
 372 or outfitter[; ~~or spotter~~].

373 (5)(a) If ~~[an individual]~~ a person violates this part, the division may:

374 (i) revoke the certificate of registration of the ~~[individual]~~ person; and

375 (ii) suspend the individual's privilege to hunt or fish under this title.

376 (b) ~~[An individual who]~~ A person that violates Subsection (3) or (4) is guilty of a class B
 377 misdemeanor in accordance with Section 23A-5-301.

378 Section 7. Section **23A-4-1204** is amended to read:

379 **23A-4-1204 . Operations of a guide or outfitter -- Limits on retaining outfitter or**
 380 **compensating a guide.**

381 (1) Except as provided in Subsections (2) and (3), a person may not compensate ~~[an~~
 382 individual] another person to provide guide services[;] or outfitting services[; ~~or spotting~~
 383 services] in connection with or in furtherance of ~~[taking]~~ hunting protected wildlife on
 384 public land.

385 (2) ~~[A person may compensate a guide or]~~ An individual may retain an outfitter to help the [
 386 ~~person locate and take]~~ individual hunt protected wildlife on public land if:

387 (a) ~~[the guide or outfitter is]~~ the persons providing guide services or outfitting services are
 388 registered and in good standing under this part;

389 (b) ~~the [person has retained the guide or]~~ individual who retains the outfitter ~~[and]~~ is the
 390 recipient of the guide services or outfitting services;

391 ~~[(e) the person possesses the licenses and permits required to take protected wildlife;]~~

392 ~~[(d)]~~ (c) subject to Subsection (4), in total the number of individuals providing services
 393 requiring registration under this part does not exceed:

394 (i) two individuals; or

395 (ii) three individuals, if ~~[a guide or outfitter is retained for purposes of taking a~~
 396 ~~moose, bison, bighorn sheep, or mountain goat]~~ the individual who retains the
 397 outfitter retains the outfitter for a big game once-in-a-lifetime or limited entry hunt;
 398 and

399 ~~[(e) subject to Subsection (2)(d), the retained guide or outfitter uses no more than two~~
 400 ~~spotters; and]~~

401 ~~[(f)]~~ (d) the ~~[person]~~ individual who retains the ~~[guide or]~~ outfitter is not simultaneously
 402 using another~~[guide or]~~ outfitter to assist in ~~[taking]~~ hunting the same species and sex
 403 of protected wildlife.

404 ~~[(3) A registered guide or registered outfitter in good standing may use a spotter if:]~~

405 ~~[(a) the guide or outfitter is retained by the recipient of the guide services or outfitting~~
 406 ~~services to assist the recipient to take protected wildlife on public land; and]~~
 407 ~~[(b) the guide or outfitter does not use more than the number of spotters allowed under~~
 408 ~~Subsections (2)(d) and (e).]~~

409 ~~[(4)]~~ (3)(a) A person ~~[whø] that~~ knowingly retains ~~[an individual]~~ a person that is not
 410 registered under this part as ~~[a guide or]~~ an outfitter or who knowingly ~~[retains a~~
 411 ~~spotter]~~ compensates a guide in violation of this section is guilty of a class B
 412 misdemeanor, except that, notwithstanding Section 76-3-204, a court may not
 413 sentence the person to imprisonment or probation.

414 (b) The division may suspend ~~[a person's]~~ an individual's privilege to hunt or fish under
 415 this title if the ~~[person]~~ individual knowingly retains ~~[an individual]~~ a person that is
 416 not registered under this part as ~~[a guide or]~~ an outfitter or knowingly ~~[retains a spotter]~~
 417 compensates a guide in violation of this section.

418 (4) The limitations of Subsection (2)(c) do not apply to an individual compensated by an
 419 outfitter to perform tasks that are not associated with hunting of protected wildlife on
 420 public land, including an individual who:

421 (a) does not provide guide services or outfitting services; or

422 (b) assists after the protected wildlife is tagged in accordance with Section 23A-4-709.

423 Section 8. Section **23A-5-301.5** is enacted to read:

424 **23A-5-301.5 . Reimbursement of investigation operational expenses.**

425 (1) As used in this section:

426 (a) "Contraband" means a property, item, or substance that is unlawful to produce or to
 427 possess under state or federal law.

428 (b) "Operational expense" means money expended by the Division of Law Enforcement
 429 to:

430 (i) acquire one of the following that is being used in a commercial venture:

431 (A) a necessary service;

432 (B) a necessary authorization;

433 (C) contraband; or

434 (D) property unlawfully possessed by a person; and

435 (ii) further or sustain an ongoing investigation, including an expense for a covert
 436 activity.

437 (2) A person shall reimburse the Division of Law Enforcement for an operational expense
 438 from an investigation when the person in a court of law:

- 439 (a) is convicted of:
 440 (i) unlawful taking, unlawful possession, or wanton destruction of protected wildlife
 441 under this title;
 442 (ii) a violation of Chapter 4, Part 12, Guide and Outfitter; or
 443 (iii) a violation of Subsection 23A-5-309(1)(y);
 444 (b) enters into a plea in abeyance agreement, in which the person pleads guilty or no
 445 contest to an offense listed in Subsection (2)(a), and the plea is held in abeyance; or
 446 (c) is charged with committing an offense listed in Subsection (2)(a), and the person
 447 enters into a diversion agreement that suspends the prosecution of the offense.
 448 (3) The Division of Law Enforcement shall document an operational expense from an
 449 investigation.
 450 (4) The Division of Law Enforcement shall deposit money collected under this section into
 451 the Poaching Mitigation Fund created in Section 23A-3-217.

452 Section 9. Section **23A-5-309** is amended to read:

453 **23A-5-309 . Taking, transporting, selling, purchasing, or engaging in activities**
 454 **related to protected wildlife illegal except as authorized -- Criminal penalty.**

- 455 (1) Except as provided in this title or a rule, proclamation, or order of the Wildlife Board, a
 456 person may not:
 457 (a) take protected wildlife or wildlife parts;
 458 (b) collect, import, possess, transport, propagate, store, donate, transfer, or export
 459 protected wildlife or wildlife parts;
 460 (c) take, possess, sell, purchase, barter, donate, or trade protected wildlife or wildlife
 461 parts without having previously procured the necessary licenses, permits, tags,
 462 federal stamps, certificates of registration, authorizations, and receipts required in this
 463 title or a rule, proclamation, or order of the Wildlife Board;
 464 (d) take protected wildlife with a weapon, ammunition, implement, tool, device, or any
 465 part of any of these not specifically authorized in this title or a rule, proclamation, or
 466 order of the Wildlife Board;
 467 (e) possess while in pursuit of protected wildlife a weapon, ammunition, implement,
 468 tool, device, or any part of any of these not specifically authorized in this title or a
 469 rule, proclamation, or order of the Wildlife Board;
 470 (f) take protected wildlife using a method, means, process, or practice not specifically
 471 authorized in this title or a rule, proclamation, or order of the Wildlife Board;
 472 (g) take protected wildlife outside the season dates, location boundaries, and daily time

- 473 frames established in rule, proclamation, or order of the Wildlife Board;
- 474 (h) take protected wildlife in excess of the bag and possession limits established in rule,
475 proclamation, or order of the Wildlife Board;
- 476 (i) take protected wildlife in an area closed to hunting, trapping, or fishing by rule,
477 proclamation, or order of the Wildlife Board, or by executive order of the director [
478 ~~pursuant to~~] in accordance with Subsection 23A-2-203(4);
- 479 (j) practice falconry or capture, possess, or use birds in falconry;
- 480 (k) take wildlife from an airplane or any other airborne vehicle or device or a motorized
481 terrestrial or aquatic vehicle, including snowmobiles and other recreational vehicles;
- 482 (l) hold in captivity at any time any live protected wildlife;
- 483 (m) use or permit a dog or other domestic or trained animal to take protected wildlife;
- 484 (n) remove, damage, or destroy an occupied nest of protected wildlife;
- 485 (o) release captured or captive wildlife into the wild;
- 486 (p) use spotlighting to take protected wildlife;
- 487 (q) employ or use a means of concealment or camouflage while taking protected wildlife
488 which is prohibited in this title or a rule, proclamation, or order of the Wildlife Board;
- 489 (r) possess or use bait or other attractant to take protected wildlife which is prohibited in
490 this title or a rule, proclamation, or order of the Wildlife Board;
- 491 (s) use a decoy or recorded or electronically amplified call which is prohibited in this
492 title or a rule, proclamation, or order of the Wildlife Board to take protected wildlife;
- 493 (t) commercially harvest protected wildlife, including brine shrimp and brine shrimp
494 eggs;
- 495 (u) use protected wildlife for commercial purposes or financial gain as prohibited by
496 Section 23A-5-304;
- 497 (v) enter, establish, or hold a contest or tournament involving the taking of protected
498 wildlife;
- 499 (w) operate or participate in a commercial hunting area as described in Section
500 23A-12-202;
- 501 (x) operate or participate in a cooperative wildlife management unit as defined in
502 Section 23A-7-101; or
- 503 (y)(i) [~~operate or participate in guide, outfitter, or spotter~~] take protected wildlife
504 while operating or participating in guide or outfitter services or activities in
505 violation of Chapter 4, Part 12, Guide[;] and Outfitter[; and Spotter]; or
- 506 (ii) [~~knowingly retain a guide, outfitter, or spotter~~] take protected wildlife while

507 knowingly retaining a guide or outfitter in violation of Chapter 4, Part 12, Guide[;]
508 and Outfitter[, and Spotter].

509 (2) Possession of protected wildlife without a valid license, permit, tag, certificate of
510 registration, bill of sale, or invoice is prima facie evidence that the protected wildlife
511 was illegally taken and is illegally held in possession.

512 (3) A person is subject to the penalty under Section 23A-5-301 if the person:

513 (a) violates Subsection (1); and

514 (b) does so with criminal negligence as defined in Subsection 76-2-103(4).

515 Section 10. Section **23A-5-312** is amended to read:

516 **23A-5-312 . Restitution -- Disposition of money.**

517 (1) When a person is adjudged guilty of illegal taking, illegal possession, or wanton
518 destruction of protected wildlife, other than a trophy animal, the court may order the
519 defendant to pay restitution:

520 (a) as set forth in Subsection (2); or

521 (b) in a greater or lesser amount than the amount established in Subsection (2).

522 (2) Suggested minimum restitution values for protected wildlife are as follows:

523 (a) \$1,500 per animal for:

524 (i) bison;

525 (ii) bighorn sheep;

526 (iii) rocky mountain goat;

527 (iv) moose;

528 (v) bear;

529 (vi) peregrine falcon;

530 (vii) bald eagle; or

531 (viii) endangered species;

532 (b) \$1,250 per animal for:

533 (i) elk; or

534 (ii) threatened species;

535 (c) \$750 per animal for:

536 (i) golden eagle;

537 (ii) river otter; or

538 (iii) gila monster;

539 (d) \$600 per animal for:

540 (i) pronghorn antelope; or

- 541 (ii) deer;
- 542 (e) \$525 per animal for:
- 543 (i) cougar; or
- 544 (ii) bobcat;
- 545 (f) \$150 per animal for:
- 546 (i) swan;
- 547 (ii) sandhill crane;
- 548 (iii) turkey;
- 549 (iv) pelican;
- 550 (v) loon;
- 551 (vi) egrets;
- 552 (vii) herons;
- 553 (viii) raptors, except those that are threatened or endangered;
- 554 (ix) Utah milk snake; or
- 555 (x) Utah mountain king snake;
- 556 (g) \$150 per horn;
- 557 (h) \$53 per animal for furbearers, except:
- 558 (i) bobcat;
- 559 (ii) river otter; and
- 560 (iii) threatened or endangered species;
- 561 (i) \$38 per animal for trout, char, salmon, grayling, tiger muskellunge, walleye,
- 562 largemouth bass, smallmouth bass, and wiper;
- 563 (j) \$30 per pound of antler or shed antler;
- 564 (k) \$23 per animal for game birds, except:
- 565 (i) turkey;
- 566 (ii) swan; and
- 567 (iii) sandhill crane;
- 568 (l) \$15 per animal for game fish not listed in Subsection (2)(i);
- 569 (m) \$12 per pound dry weight of processed brine shrimp including eggs; and
- 570 (n) \$8 per animal for protected wildlife not listed.
- 571 (3) If the court finds that restitution is inappropriate or if the value imposed is less than the
- 572 suggested minimum value as provided in Subsection (2), the court shall make the
- 573 reasons for the decision part of the court record.
- 574 (4)(a) The court shall order a person convicted of a third degree felony under Subsection

- 575 23A-5-311(2)(a)(ii) to pay restitution in accordance with Subsection (4)(b).
- 576 (b) The minimum restitution value for a trophy animal is as follows:
- 577 (i) \$45,000 per animal for bighorn, desert, or rocky mountain sheep;
- 578 (ii) \$12,000 per animal for deer;
- 579 (iii) \$12,000 per animal for elk;
- 580 (iv) \$9,000 per animal for moose or mountain goat;
- 581 (v) \$9,000 per animal for bison; and
- 582 (vi) \$3,000 per animal for pronghorn antelope.
- 583 (5) Restitution paid under [~~Subsection (4) shall be remitted to the division and deposited in~~
584 ~~the Wildlife Resources Account]~~ this section is to be deposited into the Poaching
585 Mitigation Fund created in Section 23A-3-217.
- 586 [~~(6) The division shall use restitution money for activities and programs to help stop~~
587 ~~poaching, including:~~]
- 588 [~~(a) educational programs on wildlife crime prevention;~~]
- 589 [~~(b) acquisition and development of wildlife crime detection equipment;~~]
- 590 [~~(c) operation and maintenance of anti-poaching projects; and]~~
- 591 [~~(d) wildlife law enforcement training.~~]
- 592 [~~(7)~~ (6) If restitution is required, restitution shall be in addition to:
- 593 (a) a fine or penalty imposed for a violation of this title; and
- 594 (b) a remedial action taken to revoke or suspend a person's license, permit, tag, or
- 595 certificate of registration.
- 596 [~~(8)~~ (7) A judgment imposed under this section constitutes a lien when recorded in the
- 597 judgment docket and shall have the same effect and is subject to the same rules as a
- 598 judgment for money in a civil action.
- 599 Section 11. Section **23A-5-315.5** is enacted to read:
- 600 **23A-5-315.5 . Unlawful activity by a pilot.**
- 601 (1) As used in this section:
- 602 (a) "Aircraft" means an airplane or other airborne vehicle or device.
- 603 (b) "Pilot" means an individual who operates the controls of an aircraft while in flight.
- 604 (2) A pilot may not knowingly, intentionally, or recklessly operate an aircraft if the
605 operation results in a person taking, including locating, wildlife from the aircraft in
606 violation of Section 23A-5-315.
- 607 (3) A violation of Subsection (2) is:
- 608 (a) a class B misdemeanor for the first violation;

- 609 (b) a class A misdemeanor for the second violation; or
- 610 (c) a third degree felony for a third or subsequent violation.
- 611 (4) If a pilot violates this section, the division may revoke a license, tag, certificate of
- 612 registration, or permit held by the pilot in accordance with Section 23A-4-1106.
- 613 **Section 12. Effective Date.**
- 614 This bill takes effect on May 6, 2026.