APPENDIX H

TAKING OF WILDLIFE TO PROTECT PERSONS AND LIVESTOCK

87-3-130. Taking of wildlife to protect persons or livestock. (1) This chapter may not be construed to impose, by implication or otherwise, criminal liability for the taking of wildlife protected by this title if the wildlife is attacking, killing, or threatening to kill a person or livestock, except that, for purposes of protecting livestock, a person may not kill or attempt to kill a grizzly bear unless the grizzly bear is in the act of attacking or killing livestock. In addition, a person may kill or attempt to kill a wolf or mountain lion that is in the act of attacking or killing a domestic dog. A person who, under this subsection, takes wildlife protected by this title shall, within 72 hours, notify the department and surrender or arrange to surrender the wildlife to the department.

(2) A person may not provide supplemental feed attractants to game animals by:

(a) purposely or knowingly attracting bears with supplemental feed attractants;

(b) after having received a previous warning, negligently failing to properly store supplemental feed attractants and allowing bears access to the supplemental feed attractants; or

(c) purposely or knowingly providing supplemental feed attractants in a manner that results in an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety.

(3) A person who is engaged in the normal feeding of livestock, in a normal agricultural practice, in cultivation of a lawn or garden, or in the commercial processing of garbage is not subject to civil or criminal liability under this section.

(4) A person who violates subsection (2) is guilty of a misdemeanor and is subject to the penalty provided in 87-1-102(1). This section does not apply to supplemental feeding activities conducted by the department for disease control purposes.

(5) As used in this section:

(a) "livestock" includes ostriches, rheas, and emus; and

(b) "supplemental feed attractant" means any food, garbage, or other attractant for game animals.

History: En. Sec. 1, Ch. 306, L. 1981; amd. Sec. 13, Ch. 206, L. 1995; amd. Sec. 3, Ch. 540, L. 1995; amd. Sec. 3, Ch. 275, L. 2001; amd. Sec. 6, Ch. 316, L. 2001.

Compiler's Comments

2001 Amendments — Composite Section: Chapter 275 in (1) in first and third sentences after "protected by this" substituted "title" for "chapter" and in third sentence at end inserted "and surrender or arrange to surrender the wildlife to the department"; in (2) in introductory clause after "A person may not" deleted "intentionally" and after "supplemental feed" inserted "attractants"; inserted (2)(a) prohibiting attracting bears; inserted (2)(b) regarding failure to properly store supplemental feed attractants; in (2)(c) at beginning inserted "purposely or knowingly providing supplemental feed attractants" and at end after "transmission of disease" inserted "or that constitutes a threat to public safety"; inserted (3) concerning person engaged in feeding of livestock; inserted (5)(b) defining supplemental feed attractant; and made minor changes in style. Amendment effective April 20, 2001.

Chapter 316 in (1) in first sentence substituted "if the wildlife is attacking" for "if the wildlife is molesting, assaulting" and at end inserted exceptions for grizzly bear attacking or killing livestock and inserted second sentence concerning wolves and mountain lions attacking or killing a domestic dog; and made minor changes in style. Amendment effective April 21, 2001.