

The Idaho Department of Fish and Game considers the following document to be an agency guidance document for purposes of Idaho Executive Order 2020-002. The guidance document is not new law; it is the Department's interpretation or implementation of existing law.

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IDAHO DEPARTMENT OF FISH AND GAME

Revocation of License for Careless Handling of Firearm PROCEDURE NO.: COM-1.0

Revision Date: April 2013

INTRODUCTION--As an agency, we are intimately involved in promoting responsible behavior by hunters. We require completion of a course in hunter education by youngsters before they are allowed the privilege of hunting. Our track record in this program is impressive in reducing hunting accidents involving injury and death to humans. It is likewise incumbent upon us, as the licensing agency for hunting, to deny the privilege to those who have demonstrated their irresponsibility afield.

Sections 36-1501, Idaho Code, et. seq. provides a mechanism for the revocation of hunting licenses for the improper handling of a firearm. The Director is mandated to revoke the hunting license of any person who:

- A. Carelessly handled a gun that caused injury to a person or property;
- B. Carelessly handled a gun that caused injury to livestock of another;
- C. Carelessly injured a person by gunfire;
- D. Caused accidental injury or death to a person by gunfire and fled or failed to render assistance;
- E. Caused injury or death by gunfire and has not received a release of liability;
- F. Caused damage to livestock and has not received a release of liability.

The law provides that any person may bring charges against another person. The charges **must** be in writing, sworn to, and filed with the director. For convenience, a form has been prepared and will be available to facilitate this process (Attachment 1). Unless dismissed, all charges must be heard **within 60 days of filing** in either the county where the injury occurred or where the defendant resides.

PROCEDURE FOR REVOCATION OF LICENSE FOR CARELESS HANDLING OF FIREARM:

A. Determining Whether A Complaint Should Be Filed

The following are guidelines for Department personnel in determining whether to file a complaint and request for license revocation.

1. Department personnel should file a complaint only **after** informing the injured person(s) and/or his/her family, or the injured property owner(s) of their right to file a complaint pursuant to Section 36-1501, Idaho Code, and providing them with the appropriate form, and allowing the injured person(s) sixty (60) days to file a complaint.
2. Department personnel may file a complaint when the Department's investigation indicates that:
 - a. Carelessness resulted in a person's death or serious physical injury;
 - b. Carelessness resulted in significant damage to property or domestic animals of another. In determining whether a loss is significant, the investigator should consider the following:



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- 1) Value of the item; and
- 2) Diminished value due to carelessness.

c. There are witnesses willing to testify.

The above procedure is consistent with the Department's policy of allowing the injured party(ies) **every** opportunity to seek license revocation of the hunter's license whose carelessness caused them damage and, at the same time, to meeting the Department's legislative mandate.

B. Processing the Complaint

1. Department personnel can assist the injured person or witness in filling out the form. Or, the form can be given to the person to fill out and the person informed that the paperwork should be sent to the director's office by registered mail. If the complaint is mailed by the Department employee, it should also include a copy of the accident report and also be mailed by registered mail, not Statehouse mail.
2. The investigating Department personnel should draft a memorandum with concurrence or rejection by the regional conservation officer and regional supervisor setting forth their recommendation whether the matter warrants further investigation or action by the Department.
3. When received in the Director's office, the complaint will be stamped indicating the date filed, which is the date received. A file will be made for the case numbered with the year and another number reflecting how many cases have been filed for the year, e.g., 90-01, indicating that the year is 1990 and it is the first case received in that year. The file shall immediately be forwarded to the Hunter Education Coordinator (Coordinator) for review and evaluation on the same day it is filed in the Director's office.
4. The Coordinator will review the file and request any additional necessary information from the county sheriff or local Conservation Officer. The Coordinator shall also notify the defendant that the matter is being investigated.
5. If the complaint is filed directly with the Director's office by the injured party(ies) or witness(es) without assistance from Department personnel, the administrator will, within five (5) days, request an evaluation by the local conservation officer with concurrence or rejection by the Regional Conservation Officer and Regional Supervisor setting forth their recommendation regarding further investigation or action by the Department, as well as any available information from the relevant county sheriff's office. The regional recommendation must be received in the Coordinator's office no later than ten (10) calendar days from the date of the request from the Coordinator.
6. When the Coordinator receives incident information directly from a county sheriff which has not been investigated by regional personnel, the Coordinator shall provide the local Conservation Officer with the information and a request to evaluate it and make a recommendation, including concurrence or rejection by the Regional Conservation



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Officer and Regional Supervisor regarding whether further investigation or action is warranted.

7. The Hunting License Revocation Committee (Committee), consisting of the Coordinator, the Enforcement Bureau Chief, and a Deputy Attorney General, will meet and evaluate the complaint within five (5) working days after receiving the information from the region and make a recommendation to the Director within five (5) calendar days of their meeting.
8. The Director will review the complaint, the recommendations and issue an order not later than five (5) working days after receiving the Committee's recommendations, either dismissing the complaint as unfounded or trivial or setting the matter for hearing. A copy of the order shall be mailed to the defendant and the complainant by registered mail.
9. If the complaint is not dismissed, then a hearing must be held before the Director or a referee within sixty (60) days of the date the complaint was filed in the director's office. The hearing shall be held in the county where the alleged offense occurred or where the defendant resides. Notice of the time and place of the hearing must be given to the defendant not later than fifteen (15) days prior to the hearing. The defendant must be personally served if a resident or served by registered mail if a nonresident.
10. Either the Director or a referee he appoints will hear the matter in the appropriate location. The Department will be represented by a Deputy Attorney General. If the Director hears the matter, he will issue a decision after preparation of the transcript of the matter. If it is heard by a referee, the referee will prepare proposed findings of fact and conclusions of law for the Director. The Director will review the transcript of the case and the recommendations of the referee and issue a decision.



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ATTACHMENT 1 COMPLAINT AND REQUEST FOR
HUNTING LICENSE REVOCATION

To: Director, Idaho Department of Fish and Game.

I, _____, hereby request the director of the Idaho
Name

Department of Fish and Game to revoke the hunting license or privileges of:
I hereby certify that
did the following:

on the _____ day of _____, 20__, at _____ o'clock _____ AM/PM.

Name: _____

Address: Home: _____

Business: _____

DOB _____ D. L. or S. S. No. _____ State _____

Sex: _____ M/F Hair _____ Eyes _____ Height _____ Weight _____

Vehicle License No. _____ Model _____ Color _____

Location: _____
County, Idaho. Owner of damaged property or injured livestock or
name of injured person(s) _____

Address: _____ Phone No. _____

Witness: _____ Phone No. _____

Address: _____

STATE OF IDAHO COUNTY OF _____

_____, being first duly sworn on oath, says that he or
Complainant

she read the foregoing complaint for hunting license revocation; knows the content thereof,
and believes that the facts stated therein are true.

Signature

Subscribed and sworn to me this _____ day of _____, 19 ____.

Notary Public for Idaho

Residing at _____, Idaho

Commission Expires: _____