

Arizona Peace Officer Standards and Training

Basic Curriculum Model Lesson Plan

LESSON TITLE: SUBSTANTIVE CRIMINAL LAW 2.11

SUBJECT:	Substantive Criminal Law
AZ POST DESIGNATION:	2.11 Title 3
HOURS:	.25
COURSE CONTENT:	An analysis of the most frequently used statutes in this chapter.
PERFORMANCE OBJECTIVES:	Upon completion of this course of instruction, students using notes, handouts and other support materials as references, within the allotted time, will:
2.11.3.1	Identify the elements of the following property-related crimes:
A.	Taking plants from public lands (Title 3 and A.R.S. §§3-907 and 3-909).

**LESSON TITLE: SUBSTANTIVE CRIMINAL LAW
TITLE 3 ARIZONA NATIVE PLANTS**

PAGE: 2

DATE FIRST PREPARED: November 2000

PREPARED BY: SME Committee

REVIEWED – REVISED:	SME Committee	DATE: May 2002
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REVIEWED – REVISED:		DATE:
AZ POST – APPROVAL:	Steve Enteman	DATE: August 2019
AZ POST – APPROVAL:	Mandy Faust	DATE: May 2021
AZ POST – APPROVAL:	Lori Wait	DATE: January 2022

INSTRUCTOR REFERENCES: A.R.S. Title 13

CLASS LEVEL: Student

TRAINING AIDS: <http://www.azleg.gov/ArizonaRevisedStatutes.asp>

INSTRUCTIONAL STRATEGY: Interactive lecture.

SUCCESS CRITERIA: 70% or higher on a written, multiple-choice examination.

COMPUTER FILE NAME: 2-11 Title 3 – Arizona Native Plants

DATE RELEASED TO THE SHARE FILE: May 27, 2022

I. INTRODUCTION

- A. Instructor – (self) introduction.
- B. Preview of performance objectives. ***INSTRUCTOR NOTE:** Use if taught as a “Stand alone” lesson plan.*

II. §3-907 – CUTTING OR REMOVAL OF HARVEST RESTRICTED PLANTS

P. O. 2.11.3.1A

- A. The division (Agriculture) shall provide harvest or wood permits (and wood receipts with each wood permit) authorizing the taking, transporting or possessing of harvested restricted native plants cut or removed for manufacturing or processing purposes for their by-product, fiber or wood.
 - 1. It is unlawful for a person to take, transport or possess such a plant for its by-product, fiber or wood if he/she is not in possession of a permit and any required receipt.
 - 2. A permit or receipt is not transferable by the permittee or his/her agent, nor may it be used by anyone other than the person to whom it was issued, except that the permittee shall transfer the receipt to the purchaser as proof of ownership of the wood covered by the receipt.
- B. A person in possession of a valid permit for the removal of dead plants, wood, fiber or other by-product issued by the United States Department of Agriculture or the United States Department of the Interior from lands under the administration of the United States Forest Service or the United States Bureau of Land Management is exempt from the permit required by subsection A.
- C. This chapter shall not be construed to prohibit any person from cutting, removing, transporting or possessing any harvest restricted native plant or part for manufacturing or processing purposes in amounts of 100 pounds or less or any such plant or part as wood in amounts of two (2) cords or less in quantity from land owned or leased by that person (other than state-owned land or other public land) or from land if the owner has given written consent to the person to cut, remove, transport or use the plant or its fiber or wood.
- D. This section does not apply to the use of dead wood for branding fires or at permissible camping or cooking sites for camping or cooking fires or cutting, removing, transporting or possessing dead harvest-restricted plants or the dead parts from such plants from land owned or leased by that person.

III. §3-909 – SHIPMENT OF PLANTS

P. O. 2.11.3.1A

- A. No person or common carrier may transport a plant (or any part of a plant) belonging to the protected group nor receive or possess a protected native plant for transportation within or without this state (except for manufactured wood articles) unless the person offering the plant for shipment exhibits to the person or common carrier a valid written permit for the

transportation of the plant or part of a plant and has securely and properly attached a valid, required native plant tag and seal to the plant. If for transport without the state, the plant shall also bear a certificate of inspection by the department. All protected native plant species or varieties, not grown in Arizona and imported into this state, shall be transported directly to a department field office at which a movement permit and seals must be purchased before proceeding to the final destination.

- B. Plants of the protected group that are shipped into this state shall be accompanied by all permits, tags and seals required by the exporting state or country.
- C. It is unlawful for a person to commercially sell or offer for commercial sale in interstate commerce any highly safeguarded native plant or in the course of interstate commercial activity to deliver, receive, carry, transport or ship by any means any such plant in furtherance of a commercial sale or offer for commercial sale.

IV. CONCLUSION

- A. Review of performance objectives.
- B. Final questions and answers.
- C. Instructor closing comment(s).