

1 *Philip Rooney G. House* BILL NO. 271
2 INTRODUCED BY *Z. Sanger Dorothy Maslo Dugdale*
3 *Bohlinger* *Donna Kitzberg* *Levene* *Moose Dowell*

4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PENALTY FOR THE INTENTIONAL
5 IMPORTATION, INTRODUCTION, OR TRANSPLANTATION OF FISH IN VIOLATION OF TITLE 87, CHAPTER
6 5, PART 7; AND AMENDING SECTION 87-5-721, MCA."

7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9

10 Section 1. Section 87-5-721, MCA, is amended to read:

11 **"87-5-721. Penalty -- license and permit revocation and denial.** (1) Except as provided in
12 subsection (2), a person who violates a provision of this part is guilty of a misdemeanor punishable as
13 provided in 87-1-102, and the department, upon conviction of the person, shall revoke any license or permit
14 issued by it under this title to the person and deny any application by the person for a license or permit
15 under this title for a period not to exceed 2 years from the date of the conviction.

16 (2) A person who intentionally imports, introduces, or transplants fish in violation of this part:

17 (a) is guilty of ~~a misdemeanor~~ an offense punishable by a fine of not less than \$500 or more than
18 ~~\$1,000~~ \$5,000 ~~or~~ and imprisonment for ~~not more than 6 months, or both; up to 5 years.~~ A sentencing
19 court may not defer or suspend \$500 of the fine amount and 7 days of imprisonment.

20 (b) is civilly liable for the amount necessary to eliminate or mitigate the effects of the violation. The
21 damages may be recovered on behalf of the public by the department or by the county attorney of the
22 county in which the violation occurred, in a civil action in a court of competent jurisdiction. Money
23 recovered by the department or a county attorney must be deposited in the state special revenue fund as
24 provided in 87-1-601(1).

25 (c) upon conviction or forfeiture of bond or bail, shall forfeit from the date of conviction or
26 forfeiture any current hunting, fishing, or trapping license issued under this title and the privilege to hunt,
27 fish, or trap in this state for not less than 24 months. If the time necessary to eliminate or mitigate the
28 effects of the violation exceeds 24 months, a person may be required to forfeit the privilege to hunt, fish,
29 or trap in this state for more than 24 months. If the effects of the violation cannot be eliminated or
30 mitigated, a person may be required to forfeit the privilege to hunt, fish, or trap in this state for the lifetime

1 of that person."

2

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0271, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act increasing the penalty for the intentional importation, introduction, or transplantation of fish in violation of Title 87, Chapter 5, Part 7.

ASSUMPTIONS:

None

FISCAL IMPACT:

No fiscal impact to the Department of Fish, Wildlife and Parks.

 1-17-95

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

BOB RANEY, PRIMARY SPONSOR DATE

Fiscal Note for HB00271, as introduced

HB 271

APPROVED BY COM ON FISH,
WILDLIFE & PARKS

1 HOUSE BILL NO. 271

INTRODUCED BY HARPER, DOHERTY, MASOLO, TROPILA, MARSHALL, RANEY, CRIPPEN,
BOHLINGER, SIMON, KITZENBERG, DEVANEY, MOOD, DOWELL

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PENALTY FOR THE INTENTIONAL
6 IMPORTATION, INTRODUCTION, OR TRANSPLANTATION OF FISH IN VIOLATION OF TITLE 87, CHAPTER
7 5, PART 7; AND AMENDING SECTION 87-5-721, MCA."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-5-721, MCA, is amended to read:

12 **"87-5-721. Penalty -- license and permit revocation and denial.** (1) Except as provided in
13 subsection (2), a person who violates a provision of this part is guilty of a misdemeanor punishable as
14 provided in 87-1-102, and the department, upon conviction of the person, shall revoke any license or permit
15 issued by it under this title to the person and deny any application by the person for a license or permit
16 under this title for a period not to exceed 2 years from the date of the conviction.

(2) A person who intentionally imports, introduces, or transplants fish in violation of this part;

18 (a) is guilty of a ~~misdemeanor~~ an offense punishable by a fine of not less than \$500 or more than
19 ~~\$1,000~~ \$5,000 or and imprisonment for ~~not more than 6 months, or both; up to 5 years.~~ A sentencing
20 court may not defer or suspend \$500 of the fine amount and 7 days of imprisonment.

21 (b) is civilly liable for the amount necessary to eliminate or mitigate the effects of the violation. The
22 damages may be recovered on behalf of the public by the department or by the county attorney of the
23 county in which the violation occurred, in a civil action in a court of competent jurisdiction. Money
24 recovered by the department or a county attorney must be deposited in the state special revenue fund as
25 provided in 87-1-601(1).

26 (c) upon conviction or forfeiture of bond or bail, shall forfeit from the date of conviction or
27 forfeiture any current hunting, fishing, or trapping license issued under this title and the privilege to hunt,
28 fish, or trap in this state for not less than 24 months. If the time necessary to eliminate or mitigate the
29 effects of the violation exceeds 24 months, a person may be required to forfeit the privilege to hunt, fish,
30 or trap in this state for more than 24 months. If the effects of the violation cannot be eliminated or

SECOND READING

1 mitigated, a person may be required to forfeit the privilege to hunt, fish, or trap in this state for the lifetime
2 of that person."

3

-END-

1

HOUSE BILL NO. 271

2

INTRODUCED BY HARPER, DOHERTY, MASOLO, TROPILA, MARSHALL, RANEY, CRIPPEN,
BOHLINGER, SIMON, KITZENBERG, DEVANEY, MOOD, DOWELL

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PENALTY FOR THE INTENTIONAL
6 IMPORTATION, INTRODUCTION, OR TRANSPLANTATION OF FISH IN VIOLATION OF TITLE 87, CHAPTER
7 5, PART 7; AND AMENDING SECTION 87-5-721, MCA."

8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10

11 **Section 1.** Section 87-5-721, MCA, is amended to read:

12 **"87-5-721. Penalty -- license and permit revocation and denial.** (1) Except as provided in
13 subsection (2), a person who violates a provision of this part is guilty of a misdemeanor punishable as
14 provided in 87-1-102, and the department, upon conviction of the person, shall revoke any license or permit
15 issued by it under this title to the person and deny any application by the person for a license or permit
16 under this title for a period not to exceed 2 years from the date of the conviction.

17 (2) A person who intentionally imports, introduces, or transplants fish in violation of this part:

18 (a) is guilty of a ~~misdemeanor~~ an offense punishable by a fine of not less than \$500 or more than
19 ~~\$1,000~~ \$5,000 ~~or~~ and imprisonment for ~~not more than 6 months, or both; up to 5 years~~ 1 YEAR. A
20 sentencing court may not defer or suspend \$500 of the fine amount ~~and 7 days of imprisonment~~.

21 (b) is civilly liable for the amount necessary to eliminate or mitigate the effects of the violation. The
22 damages may be recovered on behalf of the public by the department or by the county attorney of the
23 county in which the violation occurred, in a civil action in a court of competent jurisdiction. Money
24 recovered by the department or a county attorney must be deposited in the state special revenue fund as
25 provided in 87-1-601(1).

26 (c) upon conviction or forfeiture of bond or bail, shall forfeit from the date of conviction or
27 forfeiture any current hunting, fishing, or trapping license issued under this title and the privilege to hunt,
28 fish, or trap in this state for not less than 24 months. If the time necessary to eliminate or mitigate the
29 effects of the violation exceeds 24 months, a person may be required to forfeit the privilege to hunt, fish,
30 or trap in this state for more than 24 months. If the effects of the violation cannot be eliminated or

1 mitigated, a person may be required to forfeit the privilege to hunt, fish, or trap in this state for the lifetime
2 of that person."

3

-END-

1 HOUSE BILL NO. 271

2 INTRODUCED BY HARPER, DOHERTY, MASOLO, TROPILA, MARSHALL, RANEY, CRIPPEN,
3 BOHLINGER, SIMON, KITZENBERG, DEVANEY, MOOD, DOWELL

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PENALTY FOR THE INTENTIONAL
6 IMPORTATION, INTRODUCTION, OR TRANSPLANTATION OF FISH IN VIOLATION OF TITLE 87, CHAPTER
7 5, PART 7; AND AMENDING SECTION 87-5-721, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-5-721, MCA, is amended to read:

12 **"87-5-721. Penalty -- license and permit revocation and denial.** (1) Except as provided in
13 subsection (2), a person who violates a provision of this part is guilty of a misdemeanor punishable as
14 provided in 87-1-102, and the department, upon conviction of the person, shall revoke any license or permit
15 issued by it under this title to the person and deny any application by the person for a license or permit
16 under this title for a period not to exceed 2 years from the date of the conviction.

(2) A person who intentionally imports, introduces, or transplants fish in violation of this part;

18 (a) is guilty of a ~~misdemeanor~~ an offense punishable by a fine of not less than \$500 or more than
19 \$1,000 \$5,000 or and imprisonment for ~~not more than 6 months, or both; up to 5 years~~ 1 YEAR. A
20 SENTENCING COURT MAY CONSIDER AN APPROPRIATE AMOUNT OF COMMUNITY SERVICE IN LIEU
21 OF IMPRISONMENT. A sentencing court may not defer or suspend \$500 of the fine amount and 7 days
22 of imprisonment.

23 (b) is civilly liable for the amount necessary to eliminate or mitigate the effects of the violation. The
24 damages may be recovered on behalf of the public by the department or by the county attorney of the
25 county in which the violation occurred, in a civil action in a court of competent jurisdiction. Money
26 recovered by the department or a county attorney must be deposited in the state special revenue fund as
27 provided in 87-1-601(1).

28 (c) upon conviction or forfeiture of bond or bail, shall forfeit from the date of conviction or
29 forfeiture any current hunting, fishing, or trapping license issued under this title and the privilege to hunt,
30 fish, or trap in this state for not less than 24 months. If the time necessary to eliminate or mitigate the

1 effects of the violation exceeds 24 months, a person may be required to forfeit the privilege to hunt, fish,
2 or trap in this state for more than 24 months. If the effects of the violation cannot be eliminated or
3 mitigated, a person may be required to forfeit the privilege to hunt, fish, or trap in this state for the lifetime
4 of that person."

5

-END-

1 HOUSE BILL NO. 271

2 INTRODUCED BY HARPER, DOHERTY, MASOLO, TROPILA, MARSHALL, RANEY, CRIPPEN,
3 BOHLINGER, SIMON, KITZENBERG, DEVANEY, MOOD, DOWELL

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PENALTY FOR THE INTENTIONAL
6 IMPORTATION, INTRODUCTION, OR TRANSPLANTATION OF FISH IN VIOLATION OF TITLE 87, CHAPTER
7 5, PART 7; AND AMENDING SECTION 87-5-721, MCA."

8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10

11 Section 1. Section 87-5-721, MCA, is amended to read:

12 "87-5-721. Penalty -- license and permit revocation and denial. (1) Except as provided in
13 subsection (2), a person who violates a provision of this part is guilty of a misdemeanor punishable as
14 provided in 87-1-102, and the department, upon conviction of the person, shall revoke any license or permit
15 issued by it under this title to the person and deny any application by the person for a license or permit
16 under this title for a period not to exceed 2 years from the date of the conviction.

17 (2) A person who intentionally imports, introduces, or transplants fish in violation of this part:

18 (a) is guilty of a ~~misdemeanor~~ an offense punishable by a fine of not less than \$500 or more than
19 \$1,000 ~~\$5,000 or~~ and imprisonment for ~~not more than 6 months, or both, up to 5 years~~ 1 YEAR. A
20 SENTENCING COURT MAY CONSIDER AN APPROPRIATE AMOUNT OF COMMUNITY SERVICE IN LIEU
21 OF IMPRISONMENT. A sentencing court may not defer or suspend \$500 of the fine amount and 7 days
22 of imprisonment.23 (b) is civilly liable for the amount necessary to eliminate or mitigate the effects of the violation. The
24 damages may be recovered on behalf of the public by the department or by the county attorney of the
25 county in which the violation occurred, in a civil action in a court of competent jurisdiction. Money
26 recovered by the department or a county attorney must be deposited in the state special revenue fund as
27 provided in 87-1-601(1).28 (c) upon conviction or forfeiture of bond or bail, shall forfeit from the date of conviction or
29 forfeiture any current hunting, fishing, or trapping license issued under this title and the privilege to hunt,
30 fish, or trap in this state for not less than 24 months. If the time necessary to eliminate or mitigate the

1 effects of the violation exceeds 24 months, a person may be required to forfeit the privilege to hunt, fish,
2 or trap in this state for more than 24 months. If the effects of the violation cannot be eliminated or
3 mitigated, a person may be required to forfeit the privilege to hunt, fish, or trap in this state for the lifetime
4 of that person."

5

-END-