

FIRST READING

MISSING

Approved by Committee
on Judiciary

HOUSE BILL NO. 493

INTRODUCED BY JAMES MOORE, VINCENT,

SLOAN, HARPER, HUENNEKENS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A SCHEDULE OF PENALTIES FOR VIOLATIONS OF THE NONGAME AND ENDANGERED SPECIES ACT; ~~AUTHORIZING--ONE-HALF--OF--FINES--IMPOSED--TO--BE PAID--TO--PERSONS--GIVING--INFORMATION--LEADING--TO--CONVICTIONS;~~ AMENDING SECTION 26-1808, R.C.M. 1947."

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

Section 1. Section 26-1808, R.C.M. 1947, is amended to read as follows:

"26-1808. Violation of act -- misdemeanor -- enforcement -- disposition of unlawfully captured wildlife.

(1) Any person who violates the provisions of this act or whoever fails to procure or violates the terms of any permit issued thereunder shall be guilty of a misdemeanor.

(2) Upon a first conviction for a violation under this chapter, the court may fine the defendant not to exceed two hundred fifty dollars (\$250). Upon a second such conviction, the defendant may be fined not to exceed five hundred dollars (\$500) or be imprisoned in the county jail for any term not to exceed ~~six-(6)-months~~ THIRTY (30) DAYS, or both. Upon subsequent such convictions, the defendant

shall be fined not less than five hundred dollars (\$500) or more than one thousand dollars (\$1,000), and in addition may be imprisoned in the county jail for any term not to exceed six (6) months. ~~One-half-(1/2)-of-any-fine--imposed--under this--section--shall--be--paid--to--the--person--giving--information which--leads--to--the--conviction.~~

~~(2)--(3)~~ Any officer employed and authorized by the director or any peace officer of the state or of any municipality or county within the state shall have authority to enforce the provisions of this act.

~~(3)--(4)~~ Wildlife seized under the provisions of this act shall be held by an officer or agent of the department pending disposition of court proceedings, and thereafter be forfeited to the state for disposition as the director may deem appropriate; provided, that, prior to forfeiture, the director may direct the transfer of wildlife so seized to a qualified zoological, educational, or scientific institution for safekeeping. The commission is authorized to issue regulations to implement this subsection."

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