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INTRODUCED BY \_\_\_\_\_\_\_ BILL NO. 203 1 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE 4 5 PENALTIES FOR FISH AND GAME VIOLATIONS: AMENDING SECTIONS 26-315, 26-319, 26-324, 26-812, 26-1211, AND 95-2206, R.C.H. 6 7 1947: AND CREATING A POINT SYSTEM FOR LICENSE REVOCATION. R BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF CONTANA: 9 Section 1. Section 26-324, R.C.M. 1947, is amended to 10 read as follows: 11 "26-324. Penalty Penalties. (1) A person violating any 12 provision of Title 26, any other state law pertaining to 13 fish and game thereto, or the orders, or rules, and 14 regulations of the commission is, unless a different 15 ounishment is expressly provided by law for the violation, 16 quilty of a misdemeanor and shall be fined not less than 17 twonty-five dollars (\$25) -nor \$50 or more than five hundred 18 dellars, (\$500), or imprisoned in the county jail for not 19 less than 2 days or more than six-(6) months, or both fixed 20 and imprisoned. In addition, the person shall, in the 21 discretion of the court, forfeit be subject to forfeiture of 22 his license and privilege to hunt, fish, or trap within this

state for a period of sixteen (16) wonths from the date of conviction according to the point system in [sections 7 and

8 of this act 1. (2) (a) A person convicted of unlawfully taking. 3 killing, possessing, transporting, or wasting of a bighorn sheep, moose, or grizzly bear or any part of these animals 5 shall be fined not less than \$500 or wore than \$1,000. imprisoned in the county fail for not less than 5 days or more than 6 months, or both. In addition, that person shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state for 24 months. 11 (b) A person convicted of unlawfully taking, killing, 12 possessing, transporting, or wasting of a deer, antelope, wild buffalo, caribou, mountain goat, elk, mountain lion, or 1 11 black bear or any part of these animals shall be fined not less than \$300 or more than \$1,000, imprisoned in the county 15 jail for not less than 5 days or more than 6 months, or 17 both. In addition, that person shall forfeit any current 18 hunting, fishing, or trapping license issued by this state 19 and the privilege to hunt, fish, or trap in this state for 20 16 months. 21 (c) A person convicted of unlawfully attempting to 22 trap, take, shoot, or kill a game animal shall be fined not less than \$200 or more than \$600, imprisoned in the county 23 jail for not less than 2 days or more than 60 days, or both. 24

(d) A person convicted of hunting, fishing or trapping

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LC 0079/01 LC 0079/01

while his license is forfeited or his privilege denied shall be imprisoned in the county jail for not less than 5 days or more than 6 months. In addition that person may be fined not less than \$500 or more than \$1,000.

- (3) No fine or penalty established in this section way be suspended, deferred, or reduced.
- 7 (4) When a person is convicted of a violation of any
  8 provision of Title 26, any other state law pertaining to
  9 fish and game, or any order or rule of the commission, the
  10 clerk of court shall send notice, within 10 days of the
  11 action to the commission.
- 12 Section 2. Section 95-2206, R.C.M. 1947, is amended to 13 read as follows:
- 14 m95-2206. Sentence. Whenever any person has been found 15 guilty of a crime or offense upon a verdict or a plea of 16 guilty the court may:
  - (1) Defer imposition of sentence for a period not to exceed one—(1) year for any misdemeanor, except as provided in 26-324, and for a period not to exceed three—(3) years for any felony. The sentencing judge may impose upon the defendant any reasonable restrictions or conditions during the period of the deferred imposition. Such reasonable restrictions or conditions may include:
  - (a) jail base release:

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25 (b) jail time not to exceed minety (90) days;

- (c) conditions for probation;
- 2 (d) restitution;
- (e) any other reasonable conditions deemed necessary
- for rehabilitation or for the protection of society;
- (f) any combination of the above.
- 6 (2) Suspend execution of sentence up to the maximum
- 7 sentence allowed for the particular offense, except as
- 8 provided in 26-324. The sentencing judge may impose on the
- 9 defendant any reasonable restrictions during the period of
- 10 suspended sentence. Such reasonable restrictions may
- 11 include:

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- (a) jail base release;
- 13 (b) jail time not to exceed (90) days;
- 14 (c) conditions for probation;
- 15 (d) restitution;
- 16 (e) any other reasonable conditions deemed necessary
- 17 for rehabilitation or for the protection of society:
- 18 (f) any combination of the above.
- 19 If any restrictions or conditions are violated, any
- 20 elapsed time, except jail time, shall not be a credit
- 21 against the sentence, unless the court shall otherwise
- 22 order.
- 23 (3) Impose a fine as provided by law for the offense.
- 24 (4) Commit the defendant to a correctional institution
- 25 with or without fine by law for the offense.

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LC 0079/01 LC 0079/01

- 1 (5) Impose any combination of subsections (2), (3), or 2 (4) above.
- 3 (6) The district court may also impose any of the 4 following restrictions or conditions on the above sentence 5 which it deems necessary to obtain the objective of 6 rehabilitation and the protection of society:
- 7 (a) prohibit the defendant the right to hold public 8 office:
- 9 (b) prohibit the defendant the right to own or carry a dangerous weapon:
- 11 (c) prohibit freedom of association;
- 12 (d) prohibit freedom of movement;

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- (e) any other limitation reasonably related to the
   objectives of rehabilitation or the protection of society.
  - (7) The judge in the justice court shall not have the authority to restrict an individual's rights as enumerated in subsection (6).
  - Any judge who has suspended the execution of a sentence or deferred the imposition of a sentence of imprisonment under this section, or his successor, is authorized thereafter, in his discretion, during the period of such suspended sentence or deferred imposition of sentence to revoke such suspension or impose sentence and order such person committed, or may, in his discretion, order the prisoner placed under the jurisdiction of the state board of

- pardons as provided by law, or retain such jurisdiction with
  this court. Prior to the revocation of an order suspending
  or deferring the imposition of sentence, the person affected
  shall be given a hearing."
- 5 Section 3. Section 26-315, R.C.H. 1947, is amended to 6 read as follows:
- 7 \*\*26-315. Taking deer within boundaries of cities or 8 towns unlawful -- penalty. It shall be is unlawful to shoot, 9 kill, take, or cause to be shot, killed, taken or capturedy 10 or to attempt to shoot, kill, take or capture, any deer 11 within the boundaries of any incorporated or unincorporated 12 city or town of this state.
- 13 Any person violating the provisions of this act shall be quilty of a -micdemeanor, and -upon -conviction -thereof 14 15 shall be punished by a fine of not loss than twenty-five 16 dollars (\$25) nor nore than five hundred dollars (\$500), or 17 by imprisonment in the county jail-for a period of not less 18 than ten (10) days nor nore than one bandred and eighty 19 (180) - days, or by both such fine and inprisonment, and in addition-thereto-shall-forfeit-his-fish-and-game-lisense-for 20 21 a poriod of one (1) year."
- 22 Section 4. Section 26-319, R.C.H. 1947, is amended to read as follows:
- 24 "26-319. Penalty for violating closed season on 25 certain game birds — power of commission to open season. It

shall hereafter is be unlawful for any person to hunt, 1 shoot, kill, capture, possess, or cause to be hunted, killed, or captured or attempts attempt to shoot, kill, or 3 capture any quail, Chinese or Mongolian pheasants, commonly called ringneck pheasants. Hungarian partridge, chukar partridge, sage grouse, sharptailed grouse, blue grouse, 6 7 fool ben, prairie chicken, ruffed grouse, ptarmigan, or wild turkey until such time as the commission shall provide an 9 open season on any quail, Chinese or Mongolian pheasants, 10 commonly called ringneck pheasant, Hungarian partridge, chukar partridge, sage grouse, sharptailed grouse, blue 11 12 grouse, fool hen, prairie chicken, suffed grouse, ptarmigan, 13 or wild turkey. 14 Any person violating any of the provisions of this act 15 or any person who has in his possession any of such birds or 16 any-part-of any ough birds, -shall be guilty-of a misdomeaner 17 and upon conviction thereof shall be punished by a fine of 18 not less than fifty dellars (\$50.00), nor more than two 19 hundred -fifty dollars (\$250,00), or by imprisonment in the 20 sounty jail for not wore than sixty (50) days, or by [both] 21 such-fine and imprisonment." 22 Section 5. Section 26-812, R.C.H. 1947, is amended to 23 read as follows: 24 \*26-d12. Forfeiture of license or permit for

holder of a Montana resident or nonresident fishing or hunting license, or camping permit convicted of littering 3 camparounds, public or private lands, streams, or lakes while hunting, fishing, or camping shall forfeit his license 5 and privilege to hunt, fish, camp, or trap within Montana for a period of ene-(1) year from the date of conviction. 6 7 Any person who hunte, fishes, camps or traps in Sentana 8 while such license and privilege are suspended is quilty of Q. a-sisdemeanor-" 10 Section 6. Section 26-1211, R.C.M. 1947, is amended to 11 read as follows: 12 "26-1211. Enforcement - penalty - confiscation or 13 disposal of illegally kept animals - appeal. (1) The provisions of this act shall be enforced by any state fish 14 15 and-game warden or any other legally authorized officer. Amy person-violating the provisions of this ast shally toon 17 conviction, be puriched by a fire of not sore than two 18 hundred-fifty dellars- (\$250.00) y imprisonment-for a period 19 of not sore than ton (10) days, or both, and at the 20 discretion of the court the porait and all rights and 21 privileges inherent therein may be forfeited. Upon 22 conviction for a violation of 26-1205 through 26-1212, the permit required by 26-1205 through 26-1212 is revoked and 23 24 the privilege to purchase a permit is suspended for 16

littering-activity-during-suspension-as-misdemeaner. Any

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months.

LC 0079/01 LC 0079/01

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(2) Any animals being kept in violation of any section	OD
of this act may be confiscated or ordered disposed of at t	hе
discretion of the state-fish and game director. The	hе
permittee may appeal to the commission within twenty (2	0}
days of the date of the order to confiscate and t	Ьe
commission shall hold a hearing on such an appeal and t	he
decision of the commission shall be final."	
Section 7 There is a new R.C.B. section that reads:	20

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26-919 and 26-920.

- follows:

  Cancellation and suspension of license and privileges.

  (1) For purposes of this section and [sections 8, 9, and 10

  this act], the term "license" means any license,
  certificate, stamp, card, or permit issued by the department
  except outfitters', guides', and taxidermists' licenses, the
  cancellation and suspension of which is provided for in
- 17 (2) The commission shall revoke a license and suspend,
  18 for a period of 16 months, the privilege of purchasing any
  19 license and the benefits, rights, and privileges conferred
  20 by any license if the holder:
- 21 (a) has been convicted of causing a forest fire;
- 22 (b) has been convicted of fraudulent purchase of any
  23 license;
- (c) has caused the death of another person, though notin a criminal manner, while hunting;

2	of a city or town as prohibited in 26-315; or
3	(e) has been convicted of violations of the fish and
Ħ	game laws of any state so as to have accumulated 18 or more
5	points within any consecutive 5-year period, as indicated in
6	the table set forth in [section 8].
7	Section 8. There is a new R.C.M. section that reads as
8	follows:
9	Point system. For the purpose of suspending a license
10	as provided in [section 7], points shall be assessed as
11	follows:
12	(1) hunting, fishing, or trapping without a proper and
13	walid license 10 points
14	(2) false statement made in connection with the
15	purchase of any license issued under this title 18 points
16	(3) hunting migratory waterfowl without a walid
17	federal duck stamp in possession 6 points
18	(4) illegal transfer, sale, gift, loan, or assignment
19	of any license issued under this title 6 points
20	(5) alteration of any license issued under this title
21	18 points
22	(6) shooting from, upon, or across a public road
23	10 points
24	(7) hunting or fishing in a closed or improper area

(d) has illegally taken a deer within the boundaries

..... 6 points

LC 0079/01

1	(8) hunting, fishing, or trapping on private property
2	without permission of the owner 3 points
3	(9) hunting before or after hours 3 points
4	(10) use of an aircraft or a motor wehicle to take,
5	kill, capture, wound, injure, or harass wildlife . 18 points
6	(11) fishing with an unattended rod 3 points
7	(12) fishing with more than one rod 3 points
8	(13) hunting with an illegal weapon or unlawful method
9	of hunting 4 points
10	(14) use of unlawful devices in hunting small game or
11	in fishing 10 points
12	(15) use of unlawful devices in hunting big game
13	18 points
14	(16) illegal possession of big game 12 points
15	(17) illegal possession of small game or fish
16	10 points
17	(18) Pailure to tag big game 8 points
18	(19) failure to have evidence of sex accompanied with
19	wildlife, when necessary 6 points
20	(20) waste of fish on which a bag or possession limit
21	has been set by the commission 6 points
22	(21) waste of game meat 10 points
23	(22) hunting during a closed season 6 points
24	(23) refusing to produce a license or permit for
25	inspection 10 points

LC 0079/01

1	(24) failure to wear hunter orange garments when
2	required by law 10 points
3	(25) failure to stop at a check station 10 points
4	(26) building a fire in a prohibited area 8 points
5	(27) illegal possession of bald or golden eagle
6	
7	(28) illegal possession of raptors other than a bald or
8	golden eagle 10 points
9	(29) illegal possession of wildlife listed as
10	endangered 18 points
11	(30) failure to notify department of acquisition, loss,
12	death, release, or transfer of raptor 6 points
13	(31) transporting a raptor out of the state without a
14	walid permit 10 points
15	(32) acting as an outfitter or guide without a proper
16	and walid license under 26-916 18 points
17	Section 9. There is a new R.C.K. section that reads as
18	follows:
19	Multiple violations notice to license agents
20	renewal. (1) For more than one violation of any offense set
21	forth in [section 8], the commission, in its discretion,
22	shall:
23	(a) for a second offense, assess twice the number of
24 .	points listed for the violation;
25	(b) for a third or subsequent offense, assess 4 times

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the number of points listed for the offense.

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- 2 (2) A suspension of privilege under [section 7] shall
  3 be for a period not to exceed 3 years, and any person whose
  4 privilege to purchase any license has been suspended is not
  5 entitled to purchase any license issued by the department
  6 and may not apply for a renewal, reissue duplicate, or new
  7 license until the suspension has expired.
  - (3) Upon suspension, the commission shall give notice of the suspension to the person whose privilege has been suspended by registered or certified mail addressed to the last known address of such person and shall further give written notice to those individuals designated by the commission to act as license agents of the fact of such suspension and the identity of the person whose privilege has been suspended.
  - (u) If any person whose license has been cancelled or whose privilege to purchase any license has been suspended as provided in [section 7] is convicted of exercising or attempting to exercise the benefits conferred by the license during the period of cancellation or suspension, the commission shall renew or extend the period of cancellation or suspension for an additional period of 3 years from the date of conviction.
- 24 (5) For the purposes of license or privilege
  25 revocation or suspension, the payment of a penalty

- 1 assessment under 26-324 is a conviction of the offense for
- 2 which the penalty assessment was paid.
- 3 Section 10. There is a new R.C.M. section that reads
- 4 as follows:
- 5 Appeal of revocation or suspension of license or
- 6 privileges. A person whose license or privilege is suspended
- 7 or revoked may appeal to the district court of the county in
- 8 which he resides or of Lewis and Clark County for relief.

-End-

## STATE OF MONTANA

# FISCAL NOTE

RFI	THES	T NO.	455	5-7	7

Form BD-15

In compliance with a written request received <u>February 9</u> , 19 <u>77</u> , there is hereby submitted a Fiscal Note
for Senate Bill 203 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.
Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members
of the Legislature upon request.

## DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 203 generally revises the fines and penalties for various fish and game violations, and creates a violation point system for the purpose of cancellation and suspension of fish and game license privileges.

## **ASSUMPTIONS:**

- 1. Some dollar estimates can reasonably be made on the various standard minimum fines for certain violations, such as computing a \$25 assessment to a proposed minimum fine of \$50. However, it is much more difficult to determine the fiscal impact of the proposed fine structure which is based upon specific game species. For this reason, no dollar estimate could be made on certain proposed hunting violations.
- 2. A small allowance is made for an annual increase in fine collections.
- 3. To implement the proposed legislation, it is assumed that the Department will require one additional FTE Clerk, Statistical II; and possibly two additional days of Commission expenses to review suspension cases.
- 4. It is also assumed that courts will deduct from the fine revenues \$7.50 per case to cover court administrative expense.

### FISCAL IMPACT:

	FY 78	FY 79
Fish and Game fine collections under proposed law	\$148,400	\$151,000
Fish and Game fine collections under current law	123,000	125,000
Increase in fine collections	25,400	26,000
Less additional expenditures under proposed law	10,674	10,878
Net increase in revenues due to proposed legislation	<b>\$ 14,726</b>	<u>\$ 15,122</u>

Kill and I Drawn for

Office of Budget and Program Planning

Date: ユーノフーフフ

\$5 0203/02

45th Legislature

Approved by Comm. on Fish and Game

Ĺ	SENATE	BILL	NO	203
2	INTROOL	ICEO	BY I	DUNKLE

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A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
PENALTIES FOR FISH AND GAME VIOLATIONS; AMENDING SECTIONS
6 26-315, 26-319, 26-324, 26-812, AND 26-1211, AND-95-2286v
7 R.C.M. 1947+-AND-EREATING-A-POINT-SYSTEM-FOR-EIGENSE

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

Section 1. Section 26-324, R.C.N. 1947, is amended to read as follows:

#26-324. Penalty Penalties. [1] A person violating any provision of Title 26; any other state law pertaining to fish and game thereto, or the ordersy or rulesy and requirement of the commission is, unless a different punishment is expressly provided by law for the violation, quilty of a misdemeanor and shall be fined not less than twenty-five-dollars-(\$25)-nor \$50 or more than five-hundred dollars-(\$500), or imprisoned in the county jail for not less-than-2-days-or more than six-(6) months, or both fined and-imprisoned. In addition, the person shally--in-the discretion-of-the-county-forfeit be subject to forfeiture of his license and privilege to hunt, fish, or trap within this state for--a-period-of-sixteen-(16)-months-from-the-dete-of

1	conviction according to the point system in Cocctions 7	==225
2	8 of this set For a Period of 16 Months From the Da	TE_QE
3	CONVICTION.	

4 (2) (a) A person convicted of unlawfully taking.
5 killing. possessing. transporting. or wasting of a bighors
6 sheep. moose. BILD BISON. CARIBON. MOUNTALLY GOAT. or grizzly
7 bear or any part of these animals shall be fined not less
8 than \$500 or more than \$1.000. imprisoned in the county fail
9 for not less than 5 days or more than 6 months. or both. In
10 addition. that person shall forfeit any current bunting.
11 fishing. or trapping license issued by this state and the
12 privilege to bunt. fish. or trap in this state for 24 months
13 FRON THE LATE OF CONVICTION.

14 (b) A person convicted of unlawfully taking, killing, 15 possessing, transporting, or wasting of a deer, antelope, 16 wild buffalor caribou, mountain quet, elk, sountain lion, or 17 black hear or any part of these animals shall be fined not 18 less than \$300 or more than \$1,000, imprisoned in the county 19 jail for not less than 5 days or more than 6 months, or 20 both. In addition, that person shall forfeit any current 21 hunting, fishing, or trapping license issued by this state 22 and the privilege to hunt, fish, or trap in this state for 23 16 months FROM THE DATE OF CONVICTION.

24 (c) A person convicted of unlawfully attempting to
25 trap, take, shoot, or kill a game animal shall be fined not

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1	less than \$200 or more than \$600, imprisoned in the county
2	jail for not less than 2 days or more than 60 days, or both.
3	(D) A PERSON CONVICTED OF UNLAWFULLY TAKING. KILLING.
4	POSSESSING. TRANSPORTING. SHIPPING. LABRLING. PACKAGING. OR
5	WASTING OR UNLAWFULLY ATTEMPTING TO TAKE. KILL. OR PCSSESS
6	ANY GAME BIRD, WILD TURKEY, PISH, OR FUR-BEARING ABIFAL CO
7	ANY PART OF ANY SUCH ANIMAL OR FISH OR OF PAILURE TO TAG A
8	GABE ANIMAL OR GABE BIRD AS PRESCRIBED BY LAW SHALL BE FIRED
9	NOT LESS THAN \$50 OR HORE THAN \$200 OR IMPRISORED IN THE
10	COUNTY JAIL FOR NOT MORE THAN 30 DAYS. OR BOTH.
11	1812) A person convicted of hunting, fishing or
12	trapping while his license is forfeited or his privilege
13	denied shall be imprisoned in the county fail for not less
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21	glerk_of_gourt_shall_send_neticor_within_10_days_of_the
22	action to the compission."
23	Section-2: Section-95-2206; B.G.B1947; is exceded-to
24	read-as-fellows:
25	#95-2206SentenseSheneveranypersonhasbeen

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1	foundquilty-of-a-crime or offense-upon-a-verdict-or-a-ple
2	of-quilty-the-court-may:
3	(1)Befer-imposition-of-sentence-for-a-periodmotto
4	exceed-one-{1}-year-for-nny-misdemeanort <u>x-except-as-provide</u>
5	<u>in26-324xand</u> for-a-period-not-to-exceed-three-(3)-year:
6	for-any-felonyw-The-senteneing-judgemayimposeuponthe
7	defendantanyreasonable-restrictions-or-conditions-dufin
8	the-periodofthedeferredimpositionSuchreasonable
9	restrictions-or-conditions-may-include:
10	<del>(a)jail-base-relense;</del>
11	{b}jail-time-not-to-exceed-ninety-(98)-days;
12	<del>{e}conditions-for-probation</del> ;
13	<del>(d)restitution;</del>
14	<del>(e)anyotherreasonable-co</del> nditions-deemed-necessary
15	for-rehabilitation-or-for-the-protection-of-society:
16	<del>{f}}any-combination-of-the-above</del> ≠
17	<del>{2}Suspend-execution-of-sentence-uptothemaximu</del>
18	sentence-allowed-for-the-particular-offensex-except-as
19	<u>provided_in_26_32</u> 4The-sentencinq-judge-may-imposeonthe
20	defendantanyreasonable-restrictions-during-the-period-of
21	suspendedsentenceSuchreasonablerestrictionsmay
22	÷ne <del>lude</del> +
23	<del>(a)jail-base-releaset</del>
24	tb <del>}jail-time-not-to-exceed-(90}-dbγs</del> τ
25	te)conditions-for-probations

Approved by Comm. on Fish and Game

L SENATE BILL NO. 203
2 INTRODUCED BY DUNKLE

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A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE

PENALTIES FOR FISH AND GAME VIOLATIONS; AMENDING SECTIONS

26-315, 26-319, 26-324, 26-812, AND 26-1211, AND-95-22867

R.C.M. 1947;—AND—EREATING—A—POINT—SYSTEM—FOR—EXECUSE

REPORTION—

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2 8 -- 05 - this - set | For A PERIOD OF 16 MONTHS FROM THE DATE OF
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5 killing. possessing. transporting. or wasting of a bighorn
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7 bear or any part of these animals shall be fined not less
8 than \$500 or more than \$1.000. imprisoned in the county jail
9 for not less than 5 days or more than 6 months. or both. In
10 addition. that person shall forfeit any current hunting.
11 fishing. or trapping license issued by this state and the
12 privilege to hunt. fish. or trap in this state for 24 months
13 PROM THE DATE OF CONVICTION.

(b) A person convicted of unlawfully taking, killing. 14 possessing, transporting, or wasting of a deer, antelope, 15 16 wild buffalo, caribou, mountain quet, elk, mountain lion, or 17 black bear or any part of these animals shall be fined not less than \$300 or more than \$1,000, imprisoned in the county 18 19 jail for not less than 5 days or more than 6 months, or 20 both. In addition, that person shall forfeit any current 21 hunting, fishing, or trapping license issued by this state and the privilege to hunt. fish, or trap in this state for 23 16 months PROM THE DATE OF CONVICTION.

24 (c) A person convicted of unlawfully attempting to
25 trap, take, shoot, or kill a game animal shall be fined not

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1	less than \$200 or more than \$600, imprisoned in the county
2	jail for not less than 2 days or more than 60 days, or both.
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11	18+(E) A person convicted of hunting, fishing or
12	trapping while his license is forfeited or his privilege
13	denied shall be imprisoned in the county fail for not less
14	than 5 days or more than 6 months. In addition that person
15	may be fined not less than \$500 or more than \$1.000.
16	13} _ No fine or papalty established in this section as T
17	be suspended, deferred, or redused.
18	191 When a person is convicted of a violation of any
19	provision_of_Title_26xany_other_state_law_pertaining_te
20	figh and game, or east order or rule of the commission, the
21	glerk_of_gourt_ghall_send_neticer_within-10_dars_of_the
22	ection to the commission."
23	Section 2: Section 95-2206; B.G.N. 1947; is ascaded to
24	read-as-follows+
25	#95-2206Sentence Shenever any person hasbeen

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1	foundquilty-of-a-crime-or-offense-upon-a-verdict-or-a-plea
2	of-guilty-the-court-may:
3	<del>{}}Defer-imposition-of-sentence-for-a-seriodnotto</del>
4	exceed-one-(1)-year-for-any-misdemeanor; -except-as-provided
5	<u>in-26-324x-and</u> for-a-period-not-to-exceed-three-(3)-years
6	for-any-felony*-The-sentencing-judgemayimposeuponthe
7	defendantanyreasonable-restrictions-or-conditions-during
8	the-periodofthedeferredimpositionwSuchreasonable
9	restrictions-or-conditions-may-include:
10	<del>(a)jail-base-release;</del>
11	{b}jail-time-not-to-exceed-ninety-{98}-days;
12	fe <del>}conditions-for-probation</del> ;
13	<del>(d)restitution;</del>
14	te}onyo <del>therreasonable-conditions</del> -de <del>eme</del> d- <del>necessary</del>
15	for-rehabilitation-or-for-the-protection-of-society;
16	<del>(+)eny-combination-of-the-above</del> *
17	<del>(2)Suspend-execution-of-sentence-uptothe</del> maximum
18	sentenceallowedfortheparticularoffense <u>xszcept-as</u>
19	<u>provided_in=26_325</u> -The-sentencing-judge-may-imposeonthe
20	defendantanyreasonable-restrictions-during-the-period-of
21	suspendedsentenceSuchreasonablerestrictionsmay
22	÷ne+ude+
23	<del>(a)jail-base-release;</del>
24	(b)jail-time-not-to-exceed-(98)-days;
25	(c)conditions-for-probations

SB 0203/02

25

ı	fd}restitution;
2	(e)anyotherreasonable-conditions-deemed-necessary
3	for-rehabilitation-or-for-the-protection-of-society;
4	ff}any-combination-of-the-above:
5	If-any-restrictions-orconditionsareviolatedyany
6	elapsedtimeyexceptjailtimeyshallnotbe-a-credit
1	against-thesentenceyunlessthecourtshallotherwise
8	orders
9	(3)Imposea-fine-as-provided-by-law-for-the-offensew
10	(4)Commit-the-defendant-to-a-correctional-institution
11	with-or-without-fine-by-low-for-the-offense*
12	(5)Impose-any-combination-of-subsections-(2)y-(3)y-or
13	<del>(4)-sbove</del> w
14	(6)The-district-court-mayalsoimposeanyofthe
15	followingrestrictionsor-conditions-on-the-above-sentence
15	whichitdeemsnecessarytoobtaintheobjectiveof
17	rehabilitation-and-the-protection-of-society:
1 8	(a)prohibitthedefendantthe-right-to-nold-public
19	office†
2u	(b)prohibit-the-defendant-the-right-to-own-or-corry-a
21	dangerous-weepon;
22	<del>(e)prohibit-freedom-of-association;</del>
23	(d)prohibit-freedom-of-movement;
24	(e)any-other-limitationreasonablyrelatedtothe
25	objectives-of-rehabilitation-or-the-protection-of-society:

-5-

1 (/)--The--judge-in-the-justice-court-shall-not-have-the authority-to-restrict-an-individual\*s-rights--as--enumerated in-subsection-(6)\* 4 Any-judge-who-has-suspended-the-execution-of-a-sentence or--deferred--the--imposition--of-a-sentence-of-imprisonment under--this--sectiony--or--his--successory---is---authorized thereaftery--in--his--discretiony--during-the-period-of-such suspended-sentence-or-deferred--imposition--of--sentence--to revoker-such-suspension-ror--impose-sentence-and-order-such 10 person-committedy-or--mayy--in--his--discretiony--order--the 11 prisoner-placed-under-the-jurisdiction-of-the-state-board-of 12 pardons-as-provided-by-lawy-or-retain-such-jurisdiction-with 13 this--courty--Prior-to-the-revocation-of-an-order-suspending or-deferring-the-imposition-of-sentencey-the-person-affected 14 15 shall-be-given-a-hearing\* 15 Section 2. Section 26-315, R.C.M. 1947, is amended to 17 read as follows: 18 "26-315. Taking deer within boundaries of cities or 19 towns unlawful -- penalty. It shall-be is unlawful to shoot. 20 kill, take, or cause to be shot, killed, taken or captured, 21 or to attempt to shoot, kill, take or capture, any deer 22 within the boundaries of any incorporated or unincorporated 23 city or town of this state. 24 Any--person--violating-the-provisions-of-this-act-shall

be-quilty-of-a--misdemeanory--and--upon--conviction--thereof

-6-

SB 203

SB 203

shall-be-punished-by-a-fine-of-not-less-than-twenty-five dollars-(\$25)-nor-more-thon-five-hundred-dollars-(\$500)v-or-by-imprisonment-in-the-county-jail-for-a-period-of-not-less than-ten-(10)-days-nor-more-than-one-hundred-and-eighty (100)-daysv-or-by-both-such-fine-and-imprisonmenty-and-in addition-thereto-shall-forfeit-his-fish-and-game-license-for-a-period-of-one-(1)-years\*

Section 3. Section 26-319, R.C.M. 1947, is amended to read as follows:

#26-319. Penalty for violating closed season on certain game birds -- power of commission to open season. It shall-hereafter is be unlawful for any person to hunt, shoot, kill, capture, possesse or cause to be hunted, killede or captured or attempts attempt to shoot, kill, or capture any quail. Chinese or Mongolian pheasants, commonly called ringneck pheasants, Hungarian partridge, chukar partridge, sage grouse, sharptailed grouse, blue grouse, fool nen, prairie chicken, ruffed grouse, ptarmigane or wild turkey until such time as the commission shall provide an open season on any quail. Chinese or Mongolian pheasants, commonly called ringneck pheasant, Hungarian partridge, chukar partridge, sage grouse, sharptailed grouse, blue grouse, fool hen, prairie chicken, ruffed grouse, ptarmigane or wild turkey.

\*ny-person-violating-any-of-the-provisions-of-this--oct

or-any-person-who-has-in-his-possession-any-of-such-birds-or
any-part-of-any-such-birdsy-shall-be-quility-of-a-misdemeanor
and-upon-conviction-thereof-shall-be-punished-by-a-fine-of
not-less-than-fifty-dollars-(\$50\*00)y--nor--more--than--two
nundred--fifty--dollars-(\$250\*00)y--or-by-imprisonment-in-the
county-jail-for-not-more-than-sixty-(60)-daysy-or-by--fboth]
such-fine-and-imprisonment\*

8 Section 4. Section 26-812, R.C.M. 1947, is amended to 9 read as follows:

#26-812. Forfeiture of license or permit for littering—activity—during—suspension—as-misdemesnor. Any holder of a Montana resident or nonresident fishing or hunting license, or camping permit convicted of littering campgrounds, public or private lands, streams, or lakes while hunting, fishing, or camping shall forfeit his license and privilege to hunt, fish, camp, or trap within Montana for a period of one-(1) year from the date of conviction. Any—person—who—huntsy—fishesy—camps—or—traps—in—Montana while—such—license—and—privilege—are—suspended—is—auilty—of a—misuemeanory\*

Section 5. Section 26-1211, R.C.M. 1947, is amended to read as follows:

#26-1211. Enforcement -- penalty -- confiscation or disposal of illegally kept animals -- appeal. (1) The provisions of this act shall be enforced by any state-fish

\$8 203

-7-

-8-

SB 203

and-game warden or any other legally authorized officer. Any
person-violating-the-provisionsofthisactshellyupon
convictiony-bepunishedbyafineof-mot-more-than-two
hundred-fifty-dollars-(\$250x00)v-imprisonment-foraperiod
ofnotmorethanten(10)daysyorbothyand-at-the
discretion-of-thecourtthepermitandallrightsand
privitegesinherentthereinmaybeforfeitedv <u>Upon</u>
conviction for a violation of 26-1205 through 26-1212v the
permit required by 26-1205 through 26-1212 is revoked and
the privilege to purchase or permit is suspended for 16
MODERS ANY PERSON VIOLATING THE PROVISIONS OF THIS ACT
SHALL . UPON CONVICTION. BE PUNISHED AS PROVIDED IN 26-324.
AND AT THE DISCRETION OF THE COURT THE PERMIT AND ALL RIGHTS

Any animals being kept in violation of any section of this act may be confiscated or ordered disposed of at the discretion of the state--fish--and--name director. The permittee may appeal to the commission within twenty--t20th days of the date of the order to confiscate and the commission shall hold a hearing on such an appeal and the decision of the commission shall be final.\*

jection-6\*--There-is-a-new-R\*C\*M\*-section-that-reads-as
follows+

24 <u>Cancellation—and—suspension—of-license—and—privilegesv</u>
25 <u>(1)-For-purposes—of-this—section—and—fsections—8y-9y-and—10</u>

1	ofthisactjytheterm <del>*license*meansanylicense</del>
2	certificatey-stampy-cardy-or-permit-issued-by-the-departmen
3	except-outfitters*y-quides*y-and-toxidermists*-licensesy-th
4	cancellation-and-suspension-ofwhichisprovidedfori
5	<del>26-919-and-26-920</del> =
6	(2)The-commission-shall-revake-a-license-and-suspend
7	for-s-period-of-16-monthsy-the-privilege-of-purchasing-an
8	license-and-the-benefitsy-rightsy-andprivilegesconferre
9	<del>by-any-license-if-the-holder*</del>
10	{a}has-been-convicted-of-causing-a-forest-fire;
11	(b)hasbeenconvicted-of-fraudulent-purchase-of-an
12	license;
13	(c)has-caused-the-death-of-another-persony-though-no
14	in-a-criminal-mannery-while-hunting;
15	(d)has-illagally-taken-a-deer-withintheboundarie
16	of-a-city-or-town-as-prohibited-in-26-315;-or
17	{e}hasbeenconvicted-of-violations-of-the-fish-an
18	game-lows-of-any-state-so-as-to-have-accumulated-10-ormor
19	points-within-any-consecutive-5-year-periody-as-indicated-i
20	the-table-set-forth-in-{section-8]*
21	Sect <del>ion-TwThere-is-a-new-ReC</del> wM <del>w-section-that-reads-a</del>
22	follows:
23	rointsystem=For-the-purpose-of-suspending-a-licens
24	as-provided-in-fsection-7-jypointsshallbeassesseda

-9- SB 203

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-10- SE 203

\$8 0203/02

SB 203

l	(1)hunting-fishing-or-trapping-without-a-proper-and
2	volid-license-sususususususususususususususususus-10-points
3	(2)falsestatementmadeinconnectionwiththe
4	purchase-of-any-license-issued-under-this-title-ww-10-points
5	(3)huntingmigratorywaterfowlwithoutawalid
6	federol-duck-stamp-in-possession-wassassassassassas-6-points
7	(4)illegaltransferv-salev-gifty-loanv-or-assignment
8	of-any-license-issued-under-this-title-wwwwwwww-6-points
9	(5)alteration-of-any-license-issued-under-thistitle
0	**************************************
1	(6)shooting-fromy-upony-or-across-a-public-road-wwww
2	vvvvvvvvvvvvvvvvvvvvvvvvvvvvvvvvvvvvvv
3	(7)hunting-or-fishing-in-a-closed-or-improper-area-ww
4	**************************************
5	(8)huntingyfishingy-or-trapping-on-private-procerty
6	without-permission-of-the-owner-sessessessessessess-3-points
7	(9)hunting-before-or-after-hours-wwwwwwwwww-3-points
з	(10)-use-of-an-aircraft-or-amotorvehicletotokey
9	killy-capturey-woundy-injurey-or-harass-wildlife-w-18-points
0	(11)-fishing-with-on-unottended-rod-sessesses-3-points
1	(12)-fishing-with-more-thon-one-rod-wwwwwwww-3-points
2	(13)-huntingwith-am-illegal-weapon-or-unlawful-method
3	of-hunting-waassessessessessessessessessessesses
4	(14)-use-of-unlawful-devices-in-hunting-smallgameor
5	in-fishing-evereseseseseseseseseseseseseseseses

-11-

_	
1	(15)-use-of-unlawful-devices-in-hunting-big-gome-wwwww
2	**************************************
3	(16)-illegal-possession-of-big-game-wwwwwwwwwwww.12-point
4	(17)-illegal-possession-of-small-game-or-fish-wwwwwww
5	**************************************
6	(18)-Failure-to-tag-big-game-wwwwwwwwwwwwww-8-point
7	(19)-failuretohave-evidence-of-sex-accomponied-with
8	wildlifey-when-necessary-wwwwwwwwwwwwwwwwwwwww-6-point
9	(20)-waste-of-fish-on-which-a-bag-orpossessionlimit
10	has-been-set-by-the-commission-sessessessessesses-6-point:
11	(21)-waste-of-game-meat-sussassususususususus-10-point
12	(22) hunting-during-o-closed-season-wwwwwww-6-point
13	(23)-refusingtoproducealicenseorpermitfo
14	inspection-www.www.www.www.www.www.www.www.to-point
15	<del>(24)-failure-towearhunterorangegarmentswhe</del>
16	required-by-low-wavessavasavasavasavasavasavasavasava-18-point
17	(25)-failure-to-stop-at-a-check-station-wwww-18-points
18	(26)-building-a-fire-in-a-prohibited-area-wwww-8-points
19	(27)-illegal-possession-of-bald-or-galden-eanle-wwwwww
20	**************************************
21	<del>(28)-illegal-possession-of-reptors-other-than-s-bald-o</del>
22	golden-eagle-evvevessessessessessessessessessesses
23	(29)-illegolpossessionofwildlifelisteda
24	endangered-sassassassassassassassassassassassassas
25	/3A)-failuse-to-notify-denortment-of-occuisitionloss

59 203 -12-

SB 0203/02

deathy-releasey-or-transfer-of-raptor-wawawawawaw-6-points	
(31)-transporting-a-raptor-out-of-the-statewithouta	
valid-permit-sessessessessessessessessessessesses-18-points	
(32)-actingasan-outfitter-or-guide-without-a-proper	
and-valid-license-under-26-916-wwwwwwwwwwwwwwwwww-18-points	
Section-BuThere-is-a-new-RufuHu-section-that-reads-as	
follows+	
Multiple-violationsnaticetalicenseagents	
renewalw(1)-for-more-than-one-wiolation-of-any-offense-set	
forthin[section8-]y-the-commissiony-in-its-discretiony	
shall:	
(a)for-a-second-offensey-assess-twice-thenumberof	
points-listed-for-the-violation;	
<pre>fb}fore-third-or-subsequent-offensey-assess-4-times</pre>	
the-number-of-points-listed-for-the-offense*	
(2)A-suspension-of-privilege-under-{section-7}shall	
befor-a-period-not-to-exceed-3-yearsy-and-any-person-whose	
privilege-to-purchase-any-license-has-been-suspended-isnot	
entitledtopurchaseany-license-issued-by-the-department	
and-may-not-apply-for-a-renewaly-reissue-duplicateyornew	
license-until-the-suspension-hos-expired.	
(3)Uponsuspensiony-the-commission-shall-give-notice	
of-the-suspension-to-the-person-whoseprivilegehasbeen	
suspendedbyregistered-or-certified-wail-addressed-to-the	
last-known-address-of-such-personandshallfurtherdiv≠	

written--notice--to--those--individuals--designated--by--the commission-to-act-as-license-agents--of--the--fact--of--such suspension--and--the--identity-of-the-person-whose-privilege has-been-suspendeds (4)--If-any-person-whose-license-has-been-cancelled--or whose--privitede--to-purchase-any-license-has-been-suspended as-provided-in-[section-7]-is--convicted--of--exercising--or attempting-to-exercise-the-benefits-conferred-by-the-license during---the--period--of--cancellation--or--suspensiony--the commission-shall-renew-or-extend-the-period-of--cancellation or--suspension--for-on-additional-period-of-3-years-from-the date-of-convictions t51--For--the--purposes---of---license---or---privilege revocation---ar---auspensiony---the--payment--of--a--penalty assessment-under-26-324-is-a-conviction-of-the--offense--for which-the-penalty-assessment-was-paids Section-9---There-is-a-new-RutuMw-section-that-reads-as followse \*ppest-of-revocation-or-suspension-of-license-or privileges---A-person-whose--license--or---privilege---is suspended-or-revoked-may-appeal-to-the-district-court-of-the county--in-which-he-resides-or-of-Lewis-and-Clark-County-for reliets

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-13- SB 203

-14- SB 203

SB 0203/02

SB 0203/02 45th Legislature

1	SENATE BILL NO. 203
2	INTRODUCED BY DUNKLE

3

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE PENALTIES FOR FISH AND GAME VIOLATIONS: AMENDING SECTIONS 26-315, 26-319, 26-324, 26-812, AND 26-1211, AND-95-2286v R.C.M. 1947+--AND--CREATING--A--PRINT--SYSTEM--FRR--LICENSE REVOCATION."

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

11 Section 1. Section 26-324. R.C.M. 1947. is amended to 12 read -s follows:

\*26-324. Penalty Penalties. (1) A person violating any provision of litle 26, any other state law pertaining to fish and game thereto, or the ordersy or rulesy and requirement of the commission is, unless a different punishment is expressly provided by law for the violation, quilty of a misdemeanor and shall be fined not less than twenty-five--dollars-(\$25)-nor \$50 or more than five-hundred dollarsy-(\$500), or imprisoned in the county jail for not less-than-2-days-or more than six-(6) months, or both fined and-imprisoned. In addition, the person shally--in--the discretion-of-the-courty-forfeit be subject to forfeiture of his license and privilege to hunt, fish, or trao within this state for--a-period-of-sixteen-(16)-months-from-the-date-of

8 of this act | POR A PERIOD OF 16 BORTES FROM THE DATE OF 3 CONVICTION. (2) (a) a person convicted of unlawfully taking. 5 killing, possessing, transporting, or wasting of a highorn sheep, moose, NILD BISON, CARIBOU, HOUNTAIN GOAT, or grizzly bear or any part of these animals shall be fined not less than \$500 or more than \$1,000, imprisoned in the county isil

conviction according to the point crates in facations - 7 - and

for not less than 5 days or more than 6 months, or both. In 10 addition, that person shall forfeit any current hunting.

11 fishing, or trapping license issued by this state and the

privilege to hunt, fish, or trap in this state for 24 months 12

PROB THE DATE OF CONVICTION. 13

14 (b) A person convicted of unlawfully taking, killing. possessing, transporting, or wasting of a deer, antelope, 15 16 wild buffalor caribou, newstain coat, elk, mountain lion, or 17 black bear or any part of these animals shall be fined not 18 less than \$300 or more than \$1,000, imprisoned in the county 19 jail for not less than 5 days or more than 6 months, or 20 both. In addition, that person shall forfeit any current 21 hunting, fishing, or trapping license issued by this state 22 and the privilege to hunt, fish, or trap in this state for

23 16 months FROM THE DATE OF CONVICTION.

24 (c) A person convicted of unlawfully attempting to trap, take, shoot, or kill a game apinal shall be fined not

1	less than \$200 or more than \$600, imprisoned in the county
2	jail for not less than 2 days or more than 60 days or both.
3	1D) A PERSON CONVICTED OF UNLAWFULLY TAKING. KILLING.
tį	POSSESSING. TRANSPORTING. SHIPPING, LABRLING, PACKAGING, OR
5	WASTING OR UNLAWFULLY ATTEMPTIES TO TAKE, KILL. OR PCSSESS
6	ANY GAME BIRD. WILD TORKEY, PISH. OR FOR-BEARING ANDEAL CO
7	ANY PART OF ANY SUCH APINAL OR FISH OR OF PAILURE TO TAG A
8	GAME ANIMAL OR GAME BIRD AS PRESCRIBED BY LAW SHALL BE FINED
9	NCT_LESS_THAN_\$50_OR_MORE_THAN_\$200_OR_IMPRISONED_IN_THE
10	COUNTY JAIL FOR MOT MORE THAN 30 DAYS. OR BOTH.
11	fit(E) A person convicted of hunting, fishing or
12	trapping while his license is forfeited or his privilege
13	denied shall be imprisoned in the county hail for not less
14	than 5 days or more than 6 months, In addition that person
15	may be fined not less than \$500 or more than \$1,000.
16	131 Ho fine or penalty cotablished in this section may
17	be suspended, deferred, or reduced,
18	15) Then a person is sonvicted of a violation of any
19	provision of Title 26. and other state lax partaining to
20	figh and games or any order of rule of the gameission. the
21	clerk_of_court_shall_send_noticer_within_10_ders_of_the
22	action to the consission."
23	Section 2: Section 95-2206; ByGyHy-1947; in amended-to
24	read-as-fallows+
25	#95-2206. Sentence Whenever - any - person - has - been

1	foundguilty-of-a-crime-or-offense-upon-a-verdict-or-a-plea
2	of-quilty-the-court-may:
3	<del>(1)Befer-imposition-of-sentence-for-a-periodnotto</del>
4	exceed-one-{1}-year-for-any-misdemeanor; <u>y-except-as-provide</u> d
õ	in-26-324xand for-a-period-not-to-exceed-three-(3)-years
6	for-any-felonyw-The-sentencing-judgemayimposeuponthe
7	defendantanyreasonable-restrictions-or-conditions-during
8	the-periodofthedeferredimpositionSuchreasonable
9	restrictions-or-conditions-may-include+
10	(a)ja+l-base-releaset
11	(b)jail-time-not-to-exceed-ninety-(98)-days;
12	<del>{c}conditions-for-probation;</del>
13	<del>(d)restitution;</del>
14	(e)anyotherreasonable-conditions-deemed-necessary
15	for-rehabilitation-or-for-the-protection-of-society;
16	tf}any-combination-of-the-above
17	<del>{2}Suspend-execution-of-sentence-uptothemoximu</del>
18	sentenceallowedfortheparticularoffense <u>except-as</u>
19	provided in 26-326-The-sentencing-judge-may-impose-on-the
20	defendantanyreasonable-restrictions-during-the-period-of
21	suspendedsentencevSuchreasonablereatrictionssay
22	include*
23	ta)jail-base-releaset
24	tb)jsil-time-not-bo-exceed-(98)-days;
25	tc)conditions-for-probation;

SB 0203/02 SB 0203/02

1	(d)restitution;
2	{e}anyotherreasonable-conditions-deemed-necessary
3	for-rehabilitation-or-for-the-protection-of-society;
4	tf}any-combination-of-the-above-
5	If-any-restrictions-orconditionsareviolatedyany
6	ełapsedtimeyexceptjaiłtimeyshallnotbe-a-credit
1	against-thesentenceyunlessthecourtshallotherwise
ઇ	orders
9	(3)Imposea-fine-as-provided-by-law-for-the-offense∗
10	(4)Commit-the-defendant-to-a-correctional-institution
11	with-or-without-fine-by-law-for-the-offensew
12	(5)Impose-any-combination-of-subsections-(2)y-(3)y-or
13	<del>14)-above</del> *
14	(6)The-district-court-mayalsoimposeanyofthe
15	followingrestrictionsor-conditions-on-the-above-sentence
16	whichitdeemsnecessarytoobtaintheobjectiveof
17	rehabilitation-and-the-protection-of-society:
18	(a)prohibitthedefendantthe-right-to-hold-public
19	officet
2 u	(b)prohibit-the-defendant-the-right-to-own-or-corry-n
21	dangerous-weapon;
22	<del>(c)prohibit-freedom-of-association</del> ;
23	<del>(d)prohibit-freedom-of-movement;</del>
24	(e)any-other-limitationreasonablyrelatedtothe
25	objectives-of-rehabilitation-or-the-protection-of-society:

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1	( <del>}</del> } <del>Thejudge-in-the-justice-court-shall-not-have-th</del>
2	-suthority-to-restrict-an-individual*s-rightsasenumerated
3	in-subsection-(6)*
4	Any-judge-who-has-suspended-the-execution-of-a-sentence
5	ordaferredtheimpositionof-a-sentence-af-imprisonment
6	underthissectionyorhissuccessoryisauthorized
7	thereafteryinhisdiscretionyduring-the-period-of-suc
ម	suspended-sentence-or-deferredimpositionofsentencete
9	revokesuchsuspensionorimpose-sentence-and-order-such
10	person-committedy-ormayyinhisdiscretionyorderthe
11	prisoner-placed-under-the-jurisdiction-of-the-state-board-of
12	pardons-as-provided-by-lawy-or-retain-such-jurisdiction-with
13	thiscourtyPrior-to-the-revocation-of-an-order-suspending
14	or-deferring-the-imposition-of-sentencey-the-person-affected
15	shall-be-given-a-hearing="
16	Section 2. Section 26-315, R.C.M. 1947, is amended to
17	read as follows:
18	#26-31>. Taking deer within boundaries of cities on
19	towns unlawful penalty. It shell-be is unlawful to shoot
20	kill, take, or cause to be shot, killed, taken or captured,
21	or to attempt to shoot, kill, take or capture, any deer
22	within the boundaries of any incorporated or unincorporated
23	city or town of this state.
24	Anypersonviolating-the-provisions-of-this-act-shall

be-guilty-of-a--misdemeanory--and--upon--conviction--thereof

SA 203

5- \$8 203

\$8 0203/02

SB 0203/02

shall--be--punished--by--a-fine-of-not-less-than-twenty-five dollars-(\$25)-nor-more-than-five-hundred-dollars-(\$500)v--or-by--imprisonment-in-the-county-jail-for-a-period-af-not-less than-ten-(10)-days-nor-more--than--one--hundred--and--eighty (100)--daysv--or--by-both-such-fine-and-imprisonmenty-and-in addition-thereto-shall-forfeit-his-fish-and-game-license-for a-period-of-one-(1)-years\*

Section 3. Section 26-319, R.C.M. 1947, is amended to read as follows:

"26-319. Penalty for violating closed season on certain game birds — power of commission to open season. It shall-hereafter is be unlawful for any person to hunt, shoot, kill, capture, possess, or cause to be hunted, killed, or captured or attempts attempt to shoot, kill, or capture any quail, Chinese or Mongolian pheasants, commonly called ringneck pheasants, Hunqarian partridge, chukar partridge, sace grouse, sharptailed grouse, blue grouse, fool hen, prairie chicken, ruffed grouse, ptarmigan, or wild turkey until such time as the commission shall provide an open season on any quail, Chinese or Mongolian pheasants, commonly called ringneck pheasant, Hunqarian partridge, chukar partridge, sage grouse, sharptailed grouse, blue grouse, fool hen, prairie chicken, ruffed grouse, ptarmigan, or wild turkey.

Any-person-violating-any-of-the-provisions-of-this--act

-7-

or-any-person-who-has-in-his-possession-any-of-such-birds-or
any-pert-of-any-such-birdsy-shall-be-guilty-of-s-misdemeanor
and-upon-conviction-thereof-shall-be-punished-by-s-fine-of
not-less-thon-fifty-dallars-(\$50x00)y--nor-more-thon-two
nundred-fifty-dollars-(\$250x00)y-or-by-imprisonment-in-the
county-jail-for-not-more-thon-sixty-(60)-daysy-or-by-fboth)
such-fine-and-imprisonment+"

8 Section 4. Section 26-812, R.C.M. 1947, is amended to 9 read as follows:

#26-812. Forfeiture of license or permit for littering—activity—during—suspension—as-misdemeanor. Any holder of a Montana resident or nonresident fishing or hunting licensey or camping permit convicted of littering campgrounds, public or private lands, streams, or lakes while hunting, fishing, or camping shall forfeit his license and privilege to hunt, fish, camp, or trap within Montana for a period of one—(1) year from the date of conviction.

Any—person—who—huntsy—fishesy—camps—or—traps—in—Nontana while-such—license—and—privilege—are—suspended—is—quilty—of a-misdemeanory\*

Section 5. Section 26-1211, R.C.M. 1947, is amended to read as follows:

23 #26-1211. Enforcement -- penalty -- confiscation or
24 disposal of illegally kept animals -- appeal. (1) The
25 provisions of this act shall be enforced by any state-fish

SB 203

-8- S6 203

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of this act may be confiscated or ordered disposed of at the discretion of the state-fish-and-came director. The permittee may appeal to the commission within twenty--- {20} days of the date of the order to confiscate and the commission shall hold a hearing on such an appeal and the decision of the commission shall be final."

Section-6---There-is-a-new-RuCuMu-section-that-reads-as follows+

tancellation--and-suspension-of-license-and-priviledes= tt)-For-purposes-of-this-section-and-fsections-8y-9y-and--10

1	ofthisact]ytheterm#license*meansanylicense
2	certificatey-stampy-cardy-or-permit-issued-by-the-department
3	except-outfitters*y-quides*y-ond-toxidermists*-licensesy-the
4	cancellation-and-suspension-ofwhichisprovidedforin
5	26-919-and-26-920=
6	(±)The-commission-shotl-revoke-a-license-and-suspends
7	for-a-period-of-16-monthsy-the-privilege-of-purchasing-any
8	license-and-the-benefitsy-rightsy-andprivilegssconferred
9	by-any-license-if-the-holders
10	<del>(a)has-been-convicted-of-causing-a-forest-fire;</del>
11	(b)hasbeenconvicted-of-fraudulent-purchase-of-any
12	license;
13	{c}hos-caused-the-death-of-another-persony-though-not
14	in-a-criminal-mannery-while-hunting;
15	(d)has-illegally-taken-a-deer-withintheboundaries
16	of-a-city-or-town-as-prohibited-in-26-315;-or
17	(e}hasbeenconvicted-of-violations-of-the-fish-and
18	game-tows-of-any-state-so-as-to-have-accumulated-18-ormore
19	points-within-any-consecutive-5-year-periody-as-indicated-in
20	tne-table-set-forth-in-(section-0)*
21	Section-7There-is-a-new-R-C-Msection-that-reads-as
22	follows:
23	Pointsystemsfor-the-purpose-of-suspending-a-license
24	as-provided-in-faction-7jypoints <del>shallbeassessedas</del>

\$9 203

-10-SB 203

(1)huntingy-fishingy-or-trapping-without-a-proper-and
valid-license essessessessessessessessessessesses
(2)folsestatementmadeinconnectionwiththe
purchase-of-any-license-issued-under-this-title-wa-10-points
(3)hunting-migratory-waterfow)withoutsvalid
federal-duck-stamp-in-possession-evaluatessessesses-6-points
<del>(4)illegaltransferv-salev-giftv-loanv-or-assignment</del>
of-any-license-issued-under-this-title-wwwwwwwww-6-points
(5)alteration-of-any-license-issued-under-thistitle
**************************************
(6)shooting-fromupony-or-across-a-public-road-wwww
TOTAL
<del>(7)hunting-or-fishing-in-a-closed-or-improper-area-ss</del>
seasassassassassassassassassassassassass
(8)huntingyfishingy-or-tropping-on-private-property
without-permission-of-the-owner-semesessessesses-3-points
(9)hunting-before-or-after-hours-wwwwwwwww-3-points
(10)-use-of-an-aircraft-or-amotorvehicletotokey
killy-capturey-woundy-injurey-or-harass-wildlife-w-10-points
(11)-fishing-with-on-unottended-rod-sessesses-3-points
(12)-fishing-with-more-than-one-rod-sawawawawa-3-points
(13)-huntingwith-am-illegal-weapon-or-unlawful-method
of-hunting-secameseseseseseseseseseseseseseses
(14)-use-of-unlawful-devices-in-hunting-smallgameor
in fishing 10 mins

ì

1	(15)-use-of-unlawful-devices-in-hunting-big-game-wwwww
2	**************************************
3	(16)-illegal-possession-of-big-game-wwwwwwwwwwlZ-points
4	<del>(17)-illegal-possession-of-small-game-or-fish-wwwwww</del>
5	**************************************
6	<del>(18)</del> -Fa <del>ilure-to-tag-big-game-</del> ******************************
7	(19)-failuretohave-evidence-of-sex-accompanied-with
8	wildlifey-when-necessary-www.www.www.www.www.www.co-points
9	(20)-waste-of-fish-on-which-a-bag-orpossessionlimit
10	has-been-set <del>-by-the-commission-wwwwwwwwwwwwwwww-6-poi</del> nts
11	(21)-waste-of-game-meat-ssassassassassassas-10-points
12	<del>(22)-hunting-during-a-closed-season-www.wwww-6-points</del>
13	(23)-refusingtoproducealicenseorpermitfor
14	inspection-sessessessessessessessessessessessesses
15	(24)-failuretowearhunterorangegarmentswhen
16	required-by-lew-sessessessessessessessessessessesses
17	(25)-faiture-to-stop-at-a-check-station-wwww-10-points
18	(26)-building-a-fire-in-a-prohibited-area-****-8-points
19	(27)-illegal-possession-of-bald-or-galden-eagle-wwwwww
20	######################################
21	<del>(28)-illegal-possession-of-raptors-other-than-a-bald-or</del>
22	golden-eagle-suvversususususususususususususususususususu
23	(29)-illegalpossessionofwildlifelistedos
24	endangered-savassassassassassassassassassassas-18-points
25	4264-failuse-ta-satifu des saturat of conviction les

-12- S8 203

-11-

SB 203

\$8 0203/02

1	deathy-releasey-or-transfer-of-raptor-sassassassass-6-points
2	(31)-transporting-a-raptor-out-of-the-statewithouta
3	valid-permit-sessessessessessessessessessessessesses
4	(32)-actingasam-outfitter-or-quide-without-a-proper
5	and-valid-license-under-26-916-sessassassassassas-18-points
6	Section-BuThere-is-e-new-RuCuMu-section-that-reads-as
1	follows:
8	dultiple-violationsnoticetolicenseagents
9	renewal(1)-for-more-than-one-violation-of-any-offense-set
10	forthinfsection8-jy-the-commissiony-in-its-discretiony
11	shall*
12	(a)for-a-second-offensey-assess-twice-thenumberof
13	points-listed-for-the-violation;
14	{b}fora-third-or-subsequent-offensey-assess-i-times
15	the-number-of-points-listed-for-the-offenses
16	{2}A-suspension-of-privilege-under-{section-7}shall
17	befor-a-period-not-to-exceed-3-yearsy-and-any-person-whose
18	privilege-to-purchase-any-license-has-been-suspended-isnot
19	entitledtopurchaseany-license-issued-by-the-department
20	and-may-not-apply-for-a-renewaly-relasue-duplicateyarnew
21	license-until-the-suspension-hos-expired*
22	(3)Uponsuspensiony-the-commission-shall-give-notice
23	of-the-suspension-to-the-personwhoseprivilegehasbeen
24	suspendedbyregistered-or-certified-mail-addressed-to-the
25	lost-known-address-of-such-person-and-shallfurthergive

written--notice--to--those--individuals--designated--by--the 1 2 commission-to-act-as-license-sqents--of--the--fact--of--such 3 suspension-and-the-identity-of-the-person-whose-privileds 4 has-been-suspended+ 5 (4)--If-any-person-whose-license-has-been-cancelled--or 6 whose--privitede--to-purchase-any-license-has-been-suspended 7 as-provided-in-faction-71-is--convicted--of--exercising--or és attempting-to-exercise-the-benefits-conferred-by-the-license 9 during---the--period--of--cancellation--or--suspensiony--the 10 commission-shall-renew-or-extend-the-period-of--cancellation or--suspension--for-an-additional-period-of-3-years-from-the 11 12 date-of-convictions 13 (5)--for--the--purposes---of---license---or---privil-see 14 revocation---or---suspensiony---the--payment--of--a--penalty 15 assessment-under-26-324-is-a-conviction-of-the--offense--for 16 which-the-penalty-assessment-was-paids Section-9a--There-is-a-new-RaCaMa-section-that-reads-as 17 18 \*ewoffet 19 \*ppes}--of--revocation--or--suspension--of--license--or 20 privileges---A--person--whose--license--or---privilege---is 21 suspended-or-revoked-may-appeal-to-the-district-court-of-the 22 county--in-which-he-resides-or-of-tewis-and-Clark-County-for 23 reliefs

-End-

-13+ SB 203

-14- 58 203

# COMMITTEE ON FISH AND GAME AMENDMENTS TO SENATE BILL 203

Amend the third reading bill as follows:

1. Amend page 2, section 1, subsection (1), line 2.

Following: "PERIOD OF"

Strike: "16"

Insert: "not less than 24"

2. Amend page 2, section 1, subsection (2)(a), line 12.

Following: "for"

Strike: "24"

Insert: "not less than 30"

3. Amend page 2, section 1, subsection (2)(b), line 15.

Following: "possessing,"

Insert: "or"

Following: "transporting"
Strike: ", or wasting of"

4. Amend page 2, section 1, subsection (2)(b), line 17.

Following: "animals"

Insert: ", or wasting a deer, antelope, or elk,"

Amend page 2, section 1, subsection (2) (b), line 23.

Following: line 22

Strike: "16"

Insert: "not less than 24"

6. Amend page 6, section 2, line 19.

Following: "unlawful" Strike: "-- penalty"

7. Amend page 7, section 3, line 10.

Following: "26-319."

Strike: "Penalty for violating"
Insert: "Unlawful to hunt during"

45th Legislature

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SB 0203/03

SB 0203/03

1	SENATE BILL NO. 203
2	INTRODUCED BY DUNKLE
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
5	PENALTIES FOR FISH AND GAME VIDLATIONS; AMENDING SECTIONS
6	26-315, 26-319, 26-324, 26-812, AND 26-1211, AND-95-2296,
1	R.C.M. 1947+ANDGREATINGAPRINTSYSTEMFORLIGENSE
8	REVOCATION."
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 26-324, R.C.M. 1947, is amended to
12	read as follows:
13	#26-324. Penalty Penalties. (1) A person violating any
14	provision of Title 26: any other state law pertaining to
15	fish and game <del>thereto,</del> or the ordersy <u>or</u> rulesy <del>and</del>
16	regulations of the commission is unless a different
17	punishment is expressly provided by law for the violation,
18	guilty of a misdemeanor and shall be fined not less than
19	twenty-fivedollars-(\$25)-nor \$50 or more than five-hundred
20	dollarsy-(\$500), or imprisoned in the county jail for not
21	less-than-2-days-or more than six-(6) months, or both fined
22	and-represented. In addition, the person shallyinthe
23	discretion-of-the-courty-forfeit be subject to forfeiture of

his license and privilege to hunt, fish, or trap within this

state for--a-period-of-sixteen-(16)-months-from-the-date-of

3	FROM THE DATE OF CONVICTION.
4	(2) (a) A person convicted of unlawfully taking
5	killing. possessing. transporting. or wasting of a bighorn
6	Sheep, moose, WILD BISON, CARIBOU, MOUNTAIN GOAT, or grizzly
7	bear or any part of these animals shall be fined not less
8	than \$500 or more than \$1.000. imprisoned in the county jail
9	for not less then 5 days or more than 6 months, or both. I
10	addition. that person shall forfeit any current hunting
11	fishings or trapping license issued by this state and the
12	privilege to hunta fisha or trap in this state for 24 NO
13	LESS THAN 30 months FROM THE DATE OF CONVICTION.
14	(b) A person convicted of unlawfully taking, killing
15	possessing. OR transporting.or wasting of a deer. antelope
16	wild-buffelow caribous sountain goats elks sountain lions of
17	black bear or any part of these animals. OR WASTING A DEER
18	ANTELOPE. OR ELK: shall be fined not less than \$300 or more
19	than \$1,000; imprisoned in the county jail for not less:the
20	5-days-or more than 6 months, or both. In addition, that
21	person shall forfeit any current hunting, fishing, o
22	trapping license issued by this state and the privilege to
23	hunts fishs or trap in this state for 16 NOT LESS IHAN 2
24	months FROM THE DATE OF CONVICTION.

(c) A person convicted of unlawfully attempting to

-2-

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conviction according to the point system in [sections 7: and generality for a PERIOD OF 16 NOT LESS THAN 24 MONTHS

SB 0203/03 SB 0203/03

2	less than \$200 or more than \$600. imprisoned in the county
3	jail for not less than 2 days or more than 60 days, or both.
4	(D) A PERSON CONVICTED OF UNLAWFULLY TAKING. KILLING.
5	POSSESSING. TRANSPORTING. SHIPPING. LABELING. PACKAGING. OR
6	WASTING OR UNLAWFULLY ATTEMPTING TO TAKE. KILL. OR POSSESS
7	ANY GAME BIRD: HILD TURKEY. FISH. OR FUR-BEARING ANIMAL OR
8	ANY PART OF ANY SUCH ANIMAL OR FISH OR OF FAILURE TO TAG A
9	GAME ANIHAL OR GAME BIRD AS PRESCRIBED BY LAW SHALL BE FINED
10	NOT LESS THAN \$50 OR MORE THAN \$200 OR IMPRISONED IN THE
11	COUNTY JAIL FOR NOT MORE THAN 30 DAYS. OR BOTH.
12	td)(E) A person convicted of bunting, fishing or
13	trapping while his license is forfeited or his privilege
14	denied shall be imprisoned in the county jail for not less
15	than 5 days or more than 6 months. In addition that person
16	may be fined not less than \$500 or more than \$1.000.
17	(3) No-fine or penalty established in this section may
18	be-suspendedy-deferredy-or-reduceds
19	<pre>f41 When a person is convicted of a violation of any</pre>
20	provision of little townsy other state law pertaining to
21	fish and games or any order or rule of the commissions the
22	clerk-of-court-shall-send-noticewithin-18-days-of-the
23	action-to-the-commissions"
24	Section-2wSection-95-2206y-RwGwMw-1947y-is-amended-to
25	read-as-follows+

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traps takes shoots or kill a game animal shall be fined not

1	-75-120043entence+mneneveranypersonnosbee
2	found-guilty-of-a-crime-or-offense-upon-a-verdict-or-aple
3	qf-guilty-the-court-may:
4	(1)Beferimpositionof-sentence-for-a-period-not-to
5	exceed-one- <del>(1)-year-for-ony-misdemeanor)<u>-except-os-provide</u></del>
6	in-26-324x-and for-a-period-not-to-exceedthree(3)years
7	foranyfelonywThesentencing-judge-may-impose-upon-the
8	defendant-any-reasonable-restrictions-orconditionsduring
9	theperiodofthedeferredimpositionSuch-reasonable
10	restrictions-or-conditions-may-include:
11	<del>(a)jail-bose-releases</del>
12	{b}jail-time-not-to-exceed-ninety-{98}-days;
13	(c)conditions-for-probation;
14	(d)restitution;
15	(e)any-other-reasonable-conditionsdeemednecessary
16	for-rehabilitation-or-for-the-protection-of-society;
17	(f)any-combination-of-the-aboves
18	(2)Suspendexecutionofsentence-up-to-the-weximum
19	sentence-offensey-except-a
20	providedin26-324The-sentencing-judge-may-impose-on-the
21	defendant-eny-reasonable-restrictions-during-theperiodof
22	suspendedsentence:Suchreosonablerestrictionsmag
23	<del>include</del>
24	<del>(a)jail-base-releases</del>
25	(b)joil-time-not-to-exceed-(98)-dayst

SB 203

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SB 0203/03 SB 0203/03

ı	{c}conditions-for-probation;
2	td}restitution;
3	(e)any-other-reasonable-conditionsdeemednecessary
4	for-rehabilitation-or-for-the-protection-of-society;
5	<del>(f)any-combination-of-the-above</del>
6	Ifenyrestrictionsorconditions-are-violatedy-any
7	ełapsed-t <del>imey-exceptjsiłtimeyshallnotbeacredi</del> t
8	againstthesentenceyunlessthecourtshall-otherwise
9	orderv
10	(3)Impose-a-fine-as-provided-by-law-for-theoffenses
11	(4)Commit-the-defendant-to-a-correctional-institution
12	with-or-without-fine-by-law-for-the-offensew
13	<pre># 15}impose-any-combination-of-subsections-(2)v-(3)v-or</pre>
14	<del>(4)-above</del> v
15	<pre>+6</pre>
16	following-restrictions-or-conditions-on-theabovesentence
17	whichitdeemsnecessarytoobtaintheobjectiveof
18	rehabilitation-and-the-protection-of-society+
19	<del>{a}prohibit-the-defendant-the-righttoholdpubli</del> c
20	office;
21	(b)prohibit-the-defendant-the-right-to-own-or-carry-s
22	dangerous-weapont
23	(c)prohibit-freedom-of-association;
24	td}prohibit-freedom-of-movements
25	telanyotherlimitationreasonablyrelated-to-the

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-	objective of temperature of the proceedian of society
2	(7)The-judge-in-the-justice-court-shall-not-hovethe
3	authoritytorestrict-on-individual*s-rights-as-enumerated
4	in-subsection-(6)*
5	Any-judge-who-has-suspended-the-execution-of-a-sentence
6	or-deferred-the-imposition-ofasentenceofimprisonment
7	underthissectionyorhissuccessoryisauthorized
8	thereoftery-in-his-discretiony-duringtheperiodofsuch
9	suspendedsentenceordeferredimposition-of-sentence-to
10	revoke-such-suspension-or-imposementencemndordersuch
11	personcommittedyormayyin-hisdiscretiony-order-the
12	prisoner-placed-under-the-jurisdiction-of-the-state-board-of
13	pardons-as-provided-by-lawy-or-retain-such-jurisdiction-with
14	this-courty-Prior-to-the-revocation-of-an-ordersuspending
15	or-deferring-the-imposition-of-sentencey-the-person-affected
16	<del>shall-be-given-a-hearings"</del>
17	Section 2. Section 26-315, R.C.M. 1947, is amended to
18	read as follows:
19	#26-315. Taking deer within boundaries of cities or
20	towns unlawfulpenalty. It shall-be is unlawful to shoot.
21	kill, take, or cause to be shot, killed, taken or captured,
22	or to attempt to shoot, kill, take or capture, any deer
23	within the boundaries of any incorporated or unincorporated
24	city or town of this state.
25	kny-person-violating-the-provisions-of-thisactshall

SB 203

SB 203

SB 0203/03

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be--guitty--of--a-misdemeanory--and-upon-conviction-thereof
shall-be-punished-by-a-fine-of--not--less--then--twenty-five
dollars--(\$25)-nor-more-than-five-hundred-dollars-(\$580)y-or
by-imprisonment-in-the-county-jail-for-a-period-of-not--less
than--ten--(10)--days--nor--more-than-one-hundred-and-eighty
(180)-daysy-or-by-both-such-fine-and--imprisonmenty--and--in
addition-thereto-shall-forfeit-his-fish-and-game-license-for
a-period-of-one-(1)-years\*

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9 Section 3. Section 26-319, R.C.M. 1947, is amended to 10 read as follows:

"26-319. Penalty for violating UNLAWFUL TO HUNT DURING closed season on certain game birds -- power of commission to open season. It shall hereafter is be unlawful for any person to hunt, shoot, kill, capture, possess, or cause to be hunted, killed, or captured or attempts attempt to shoot, kill, or capture any quail, Chinese or Mongolian pheasants, commonly called ringneck pheasants, Hungarian partridge, chukar partridge, sage grouse, sharptailed grouse, blue grouse, fool hen, prairie chicken, ruffed grouse, ptarmigan, or wild turkey until such time as the commission shall provide an open season on any quail, Chinese or Mongolian pheasants, commonly called ringneck pheasant, Hungarian partridge, chukar partridge, sage grouse, sharptailed grouse, blue grouse, fool hen, prairie chicken, ruffed grouse, ptarmigan, or wild turkey.

Any-person-violating-any-of-the-provisions-of-this-act
or-any-person-who-has-in-his-possession-any-of-such-birds-or
any-pert-of-any-such-birdsy-shall-be-guilty-of-a-misdemeanor
and-upon-conviction-thereof-shall-be-punished-by-a--fine--of
not--less--than--fifty--dollars--(\$50x00)y-nor-more-than-two
hundred-fifty-dollars--(\$250x00)y-or-by-imprisonment--in--the
county--jail-for-not-more-than-sixty--(60)-daysy-or-by-[both]
such-fine-and-imprisonment=\*

9 Section 4. Section 26-812, R.C.M. 1947, is amended to read as follows:

#26-812. Forfeiture of license or permit for littering—activity—during—suspension—as—misdemeanor. Any holder of a Montana resident or nonresident fishing or hunting licensey or camping permit convicted of littering campgrounds, public or private lands, streams, or lakes while hunting, fishing, or camping shall forfeit his license and privilege to hunt, fish, camp, or trap within Montana for a period of one-(1) year from the date of conviction.

Any-person-who-huntsy-fishesy-camps—or—traps—in—Montana while—such-license-and-privilege-are-suspended—is-guilty-of a-misdemeanory\*

22 Section 5. Section 26-1211, R.C.M. 1947, is amended to 23 read as follows:

24 #26-1211. Enforcement -- penalty -- confiscation or 25 disposal of illegally kept animals -- appeal. (11) The \$8 0203/03

Ł	provisions of this act shall be enforced by any statefish
2	and-game warden or any other legally authorized officer. Any
3	personviolatingtheprovisionsofthis-act-shally-upon
4	conviction-be-punished-by-afineofnotmorethantwo
5	hundredfifty <del>dollars-</del> (\$250±00)y-impriso <del>nment-for-a-period</del>
6	of-not-morethanten(18)daysvorbothyandatthe
7	discretionofthecourtthepermitandail-rights-and
8	privilegesinherentthereinmaybeforfeited
9	conviction for -a-violation of 26-1205 through 26-1212, the
10	permit-required by-26-1205-through-26-1212is-revokedand
11	the-privilege-to-purchase-a-permit-is-suspended-for-to-
12	menths ANY PERSON VIOLATING THE PROVISIONS OF THIS ACT
13	SHALL: UPON CONVICTION: BE PUNISHED AS PROVIDED IN 26-324.
14	AND AT THE DISCRETION OF THE COURT THE PERMIT AND ALL RIGHTS
15	AND PRIVILEGES INHERENT THEREIN MAY BE FORFEITED.

(2) Any animals being kept in violation of any section of this act may be confiscated or ordered disposed of at the discretion of the state—fish—end—game director. The permittee may appeal to the commission within twenty—f203 days of the date of the order to confiscate and the commission shall hold a hearing on such an appeal and the decision of the commission shall be final.\*

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23 Section-6w-~There-is-e-new-RuCwNw-section-that-reads-es
24 follows:

25 Concellation-and-suspension-of-license-and--privileges\*

1	(i)For-purposes-of-this-section-and-[sections-8y-9y-and-10
2	ofthisactjvtheterm"license"meansanylicense
3	certificatey-stampy-cardy-or-permit-issued-by-the-department
4	except-outfitters*v-guides*v-ond-toxidermists*-licensesv-the
5	cancellation-and-suspension-of-which-is-provided-for-in
6	<del>26-91</del> 9-and- <del>26-920</del>
7	t2)The-commission-shall-revoke-a-license-and-suspendy
8	for-s-period-of-16-months, the privilege-ofpurchasingany
9	licenseandthe-benefitsy-rightsy-and-privileges-conferred
10	by-any-ticense-if-the-holder+
11	(a)has-been-convicted-of-cousing-a-forest-fire;
12	(b)has-been-convicted-of-fraudulent-purchaseofany
13	licenset
14	{c}has-caused-the-death-of-another-persony-though-not
15	in-s-criminal-mannery-while-hunting;
16	(d)hasillegallytaken-a-deer-within-the-boundaries
17	of-a-city-or-town-as-prohibited-in-26~3±5;-or
18	te}has-been-convicted-of-violations-of-thefishand
19	gamelaws-of-any-state-so-as-to-have-accumulated-la-or-more
20	points-within-any-consecutive-5-year-periody-as-indicated-in
21	the-table-set-forth-in-Esection-0]*
22	Section-7There-is-a-new-RutuMu-section-that-reads-as
23	foliows+
24	Point-systemsfor-the-purpose-of-suspending-olicense

SB 203

as--provided--in--{section--7}v--points-sholl-be-assessed-as

25

SB 0203/03

1	tenoffer
2	(1)huntingv-fishingv-or-tropping-without-a-proper-and
3	valid-license-чечечениниченининининининининининининини
4	(2)falsestatementmodeinconnectionwiththe
5	purchase-of-any-license-issued-under-this-title-ww-18-points
6	(3)huntingmigratorywaterfowlwithoutavalid
7	federal-duck-stamp-in-possession-wwwwwwwwwwwww-6-points
8	(4)illegal-transfery-soley-gifty-loany-orassignment
9	of-ony-license-issued-under-this-title-wwwwwwwww-6-points
10	(5)alterationof-any-license-issued-under-this-title
11	enementen
12	(6)shooting-fromy-upony-or-across-a-public-road-wawww
13	######################################
14	<del>(7)</del> hunting-or-fishing-in-a-closed-or-improper-area-ww
15	интический и получений и полу
16	(0)huntingy-fishingy-or-trapping-on-privateproperty
17	without-permission-of-the-owner-wavevavavavavavava-3-points
18	(9)hunting-before-or-after-hours-wwwwwwwww-3-points
19	(10)-useofanaircraftor-a-motor-vehicle-to-takey
20	killy-capturey-woundy-injurey-or-harass-wildlife-w-18-points
21	(11)-fishing-with-on-unattended-rod-sessesses-3-points
22	(12)-fishing-with-more-than-one-rod-wwwwwwww-3-points
23	(13)-hunting-with-on-illegol-weapon-or-unlowfulmethod
24	of-hunting-อะอองจังขององจองจองจองจองจองจองจองจองจองจองจองจ
25	(14)-useofunlawful-devices-in-hunting-small-game-or

1	in-fishing-อาจจากจากจากจากการ
2	(15)-use-of-unlowful-devices-in-hunting-big-gome-wwww
3	
4	(16)-illegal-possession-of-big-game-wwwwwwww-12-point
5	(17)-illegal-possession-of-small-game-or-fish-wwwwwww
6	
7	(10)-Failure-to-tag-big-game-vvevvvvvvvvvvv-0-point
8	(19)-failure-to-have-evidence-of-sexaccompaniedwit
9	wildlifey-when-necessary-www.www.wwwwwwwwwwww-6-point
10	<del>{20}-wasteoffish-on-which-a-bag-or-possession-limi</del>
11	has-been-set-by-the-commission-www.www.www.www.6-point
12	<del>{21}-waste-of-game-mant-wassassassassassassa-10-point</del>
13	(22 <del>)-hunting-during-a-closed-season-www.wwww-6-point</del>
14	<del>(23)-refusingtoproducealicenseorpermitfo</del>
15	inspection-serves esserves esserves esserves esserves esserves -10-point
16	{24}-failuretowearhunterorangegarmentswhe
17	required-by-low-vvvvvvvvvvvvvvvvvvvvvvvvvvvvvvvvvvv
18	<del>(25)-failure-to-stop-at-a-check-station-wwww-10-point</del>
19	<del>(26)-building-a-fire-in-a-prohibited-area-www-0-poi</del> nt
20	<del>(27)-illegal-possession-of-bal</del> d-or- <del>golden-eogle-</del> *****
21	vvvsvvsvasereseresereseresereseresereseresereser
22	<del>(20)-illegal-possession-of-raptors-other-than-a-bald-o</del>
23	golden-eagle-essessessessessessessessessessessesses
24	(29)-illegalpossessionofwildlifelisteda

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-11-\$8 203 -12-

SB 203

58 0203/03

ì	<del>(38)-failure-to-notify-department-of-acquisitiony-lossy</del>
2	deathy-reteasey-or-transfer-of-raptor-wwwwwwwwwww-6-points
3	<del>(31)-transportingaraptor-out-of-the-state-without-a</del>
4	volid-permit-essessessessessessessessessessesses
5	(32)-acting-as-on-outfitter-or-guide-withoutaproper
6	and-valid-license-under-26-916-vvvvvvvvvvvvvvvvv-18-points
7	Section-8wThere-is-a-new-RuCuMw-section-that-reads-as
8	+ewoffot
9	Multiplevioletionsnoticetelicense-agents
10	renewalw(1)-for-more-than-one-violation-of-any-offense-set
11	forth-in-[section-8-]y-the-commissionyinitsdiscretiony
12	shall*
13	te;foresecond-offensey-assess-twice-the-number-of
14	points-listed-for-the-violation;
15	<pre>{b}for-a-third-or-subsequent-offensey-assess-4times</pre>
16	the-number-of-points-listed-for-the-offense:
17	{2}Asuspension-of-privilege-under-{section-7}-sholl
18	be-for-s-period-not-to-exceed-3-yearsy-and-any-personwhose
1 7	privilegeto-purchase-any-license-has-been-suspended-is-not
20	entitled-to-purchase-any-license-issuedbythedephrtment
21	andmaynot-apply-for-a-renewaly-reissue-duplicatey-or-new
22	ticense-until-the-suspension-has-expired*
23	<del>(3)Upon-suspensiony-the-commission-shall-givenotice</del>
24	oftnesuspensiontothe-person-whose-privilege-has-been
25	suspended-by-registered-or-certified-moil-addressedtothe

lostknownaddressofsuch-person-and-shall-further-give
writtonnoticetothoseindividualsdesignatedbythe
commission-to-act-as-license-agents-of-the-fact-of-such
suspension-and-the-identity-of-thepersonwhoseprivilege
has-been-suspendedv
(4)ifany-person-whose-license-has-been-cancelled-or
whose-privitege-to-purchase-any-license-hasbeansuspended
asprovidedin[section7]-is-convicted-of-exercising-or
sttempting-to-exercise-the-benefits-conferred-by-the-license
duringtheperiodofcancellationorsuspensionthe
commissionshall-renew-or-extend-the-period-of-cancellation
or-suspension-for-an-additional-period-of-3-yearsfromthe
date-of-conviction*
date-of-convictionv (5)Forthepurposesofticenseorprivilage
(5)Forthepurposesofticenseorprivitage
(5)Forthepurposesoflicenseorprivilage
(5)—For—-thepurposes——of—-license—or—-privilage revocation—or—suspensionv—the—payment——of—-apenalty assessment—under—26-324-is-a-conviction—of-the-offense—for
(5)Forthepurposesoflicenseorprivilege revocationorsuspensionthepaymentofapensity ossessmentunder26-324-is-a-conviction-of-the-offense-for which-the-pensity-assessment-was-paid*
(5)Forthepurposesofticenseorprivitage revocationorsuspensionvthepaymentofapenalty ossessmentunder26-324-is-a-conviction-of-the-offense-for which-the-penalty-ossessment-was-paids Section-9vThere-is-a-new-RvCvMv-section-that-reads-as
(5)Forthepurposesoflicenseorprivilege revocationorsuspensionvthepaymentofapensity assessmentunder26-324-is-a-conviction-of-the-offense-for which-the-pensity-assessment-was-paidv Section-9vThere-is-a-new-RvCvMv-section-that-reads-as follows+
(5)Forthepurposesofticenseorprivitage revocationorsuspensionvthepaymentofapenalty ossessmentunder26-324-is-a-conviction-of-the-offense-for which-the-penalty-assessment-was-paidw Section-9wThere-is-a-new-RwCwMw-section-that-reads-as follows+ Appealofrevocationorsuspensionoflicenseor
(5)—For—the—purposes—of—ticense—or—privilege revocation—or—suspensionv—the—payment—of—a—pensity ossessment—under—26-324-is-a-conviction—of-the-offense—for which-the-pensity—assessment—was—paidv Section—9v—There—is-a-new—RvEvMv—section—that—reads—as follows:  Appeal—of—revocation—or—suspension—of—license—or privilegesv——A—person—whose—license—or—privilege—is

-End-

1	SENATE BILL NO. 203		
2	INTRODUCED BY DUNKLE	1	conviction <u>according to the point system in [sections 7 and</u>
3		2	9-of-this-act3 EQR A PERIOD OF 16 NOT LESS THAN 24 MONTHS
4	A BILL FOR AN ACT ENTITLED: MAN ACT TO GENERALLY REVISE THE	3	FROM THE DATE OF CONVICTION.
5	PENALTIES FOR FISH AND GAME VIOLATIONS; AMENDING SECTIONS	4	(2) (a) A person convicted of unlawfully taking.
6	26-315, 26-319, 26-324, 26-812, AND 26-1211, AND 95-302, AND	5	killing. possessing. transporting. or wasting of a bighorn
7	95-2206 R.C.M. 1947+AND	6	sheep. moose. WILD BISON. CARIBOU. MOUNTAIN GOAT. or grizzly
8	LIGENSE-REVOCATION."	7	bear or any part of these animals shall be fined not less
9	Eletise Revocky Long	8	than \$500 or more than \$1.000. imprisoned in the county jail
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	9	for not less then-5 days or more than 6 months, or both. In
	Section 1. Section 26-324, R.C. N. 1947, is amended to	10	addition, that person shall forfeit any current hunting.
11		11	fishing, or trapping license issued by this state and the
12	read as follows:	12	privilege to bunt, fish, or trap in this state for 24 NOI
13	#26-324. Penalty <u>Penalties</u> . (1) A person violating <u>any</u>	13	LESS THAN 30 months FROM THE DATE OF CONVICTION.
14	provision of Title 26. any other state law pertaining to	14	(b) A person convicted of unlawfully taking, killing,
15	fish and game <del>thereto,</del> or the orders <del>y</del> <u>or</u> rules <del>y and</del>	15	possessing. OR transporting or wasting of a deer, antelope.
16	regulations of the commission is, unless a different	16	wild buffalov caribouv mountain coatv elk. mountain lion. or
17	punishment is expressly provided by law for the violation.	17	black bear or any part of these animals. OR WASTING A DEER.
18	guilty of a misdemeanor and shall be fined not less than		
19	twenty-five-dollars-(\$25)-nor \$50 or more than fivehundred	18	ANTELOPE, OR ELK, shall be fined not less than \$300 or more
20	dollarsy{\$500}, or imprisoned in the county jail for not	19	than \$1.000. imprisoned in the county jail for not less-than
21	tess:thon=2-days=or more than six-(6) months, or both fined	20	5-days-or more than 6 months, or both. In addition, that
22	endimprisoned. In addition, the person shallin-the	21	person shall forfeit any current hunting. fishing. or
23	discretion-of-the-courty-forfeit be subject to forfeiture of	22	trapping license issued by this state and the privilege to
24	his license and privilege to hunt, fish, or trap within this	23	hunt, fish, or trap in this state for 16 NOT LESS THAN 24
25	state for-o-period-of-sixteen (16)-months-from-thedateof	24	months FROM THE DATE OF CONVICTION.
	, ,	25	(c) A person convicted of unlawfully attempting to

-2-

ì	trap, take, shoot, or kill a game animal shall be fined not
2	less than \$200 or more than \$600; imprisoned in the county
3	jail for not less than 2 days or both.
4	(D) A PERSON CONVICTED OF UNLAWFULLY TAKING. KILLING.
5	POSSESSING. IRANSPORTING. SHIPPING. LABELING. PACKAGING. OR
6	WASTING OR UNLAWFULLY ATTEMPTING TO TAKE. KILL. OR POSSESS
7	ANY GAME BIRD. WILD TURKEY. FISH. OR FUR-BEARING ANIMAL OR
8	ANY PART OF ANY SUCH ANIMAL OR FISH OR OF FAILURE TO TAG A
9	GAME ANIMAL OR GAME BIRD AS PRESCRIBED BY LAW SHALL BE FINED
10	NOT LESS THAN \$50 OR MORE THAN \$200 OR IMPRISONED IN THE
11	COUNTY JAIL FOR NOT MORE THAN 30 DAYS OR BOTH.
12	tdt(E) A person convicted of hunting fishing or
13	trapping while his license is forfeited or his privilege
14	denied shall be imprisoned in the county jail for not less
15	than 5 days or more than 6 months. In addition that person
16	may be fined not less than \$500 or more than \$1:000.
17	13) No-fine-or-penalty-established-in-this-section-may
18	be-auspendedy-deferredy-or-reducedy
19	tite-When-a-person-is-convicted-of-a-violationofany
20	provision-cofTitle26yany-other-state-law-pertaining-to
21	fish and games or enverter or rule of the commissions the
22	clerk-of-court-shall-send-noticev-within-10-days-of-the
23	astion-to-the-commission."
24	Section-2Section-95-2206y-ReCaMa-1947y-is-amended-to
25	read-as-follows:

-3-

2	foundquilty-of-a-crime-or-offense-upon-a-verdict-or-a-plea
3	of- <del>quilty-the-court-may*</del>
4	<del>{1}Befer-imposition-of-sentence-for-a-periodnotto</del>
5	exceed-one- <del>(1)-year-for-any-misdemeanor<u>ty-except-as-provide</u>d</del>
6	<u>in26-324xand</u> for-a-period-not-to-exceed-three-(3)-years
7	for-any-felonyw-The-sentencing-judgemayimposeuponthe
8	defendantanyreasonable-restrictions-or-conditions-during
9	the-periodofthedeferredimpositionSuchreasonable
10	restrictions-or-conditions-may-include:
11	tajjail-base-release;
12	<pre>fb}jail-time-not-to-exceed-ninety-{90}-days;</pre>
13	<del>{c}conditions-for-probation;</del>
14	<del>{d}restitution}</del>
15	<del>{e}onyotherreasonable-conditions-deemed-necessary</del>
16	for-rehabilitation-or-for-the-protection-of-society:
17	ff}any-combination-of-the-above:
18	f2}Suspend-execution-of-sentence-uotothemeximum
19	sentenceallowedfortheparticularoffense <u>vexcept-a</u>
20	<u>provided-in-26-324</u> The-sentencing-judge-may-imposeonthe
21	defendantanyreasonable-restrictions-during-the-period-of
22	suspendedsentence:Suchreasonablerestrictionsmay
23	<del>încludet</del>
24	to;jail-bose-release;
25	(b)jail-time-not-to-exceed-(90)-days;

495-2286w--Sentencew---Whenever--any--person--has--been

SB 0203/04 SB 0203/04

ı	te)eanditions-for-probation;
2	<del>(d)restitution;</del>
3	(e)anyotherreasonable-conditions-deemed-necessary
4	for-rehabititation-or-for-the-protection-of-society;
5	ff}eny-combination-of-the-above-
6	If-any-restrictions-or-conditions-sreviolatedyany
7	elapsedtime,exceptjailtime,shallnotbe-a-credit
8	ageinst-thesentenceyunlessthecourtshallotherwise
9	orderv
0	(3)Imposea-fine-as-provided-by-law-for-the-offenses
1	(4)Commit-the-defendant-to-a-correctional-institution
.2	with-or-without-fine-by-law-for-the-offense
3	{5}Impose-any-combination-of-subsections-{2}{3}-or
4	<del>(4)-above</del>
5	totThe-district-court-mayalsoimposeanyofthe
6	followingrestrictions-or-conditions-on-the-above-sentence
7	whichitdecmsnecessarytoobtaintheobjectiveof
8	rehabilitation-and-the-protection-of-society:
9	<del>(n)prohibitthedefendantthe-right-to-hold-public</del>
0	officet
1	(b)prohibit-the-defendant-the-right-to-own-or-carry-a
2	dangerous-weapons
3	<del>(c)prohibit-freedom-of-association;</del>
4	<del>(d)prohibit-freedom-of-movement</del> ;
5	telany-other-limitationreasonablyrelatedtothe

1	objectives-or-renabilitation-or-the-protection-or-societys
2	(7)Thejudge-in-the-justice-court-shall-not-have-the
3	authority-to-restrict-an-individual*s-rightsasenumerated
4	in-subsection-(6)=
5	Any-judge-who-has-suspended-the-execution-of-a-sentence
6	ordeferredtheimpositionof-a-sentence-of-imprisonment
7	underthissectionyorhissuccessoryisauthorized
8	thereafteryinhisdiscretionyduring-the-period-of-suc
9	suspended-sentence-or-deferredimpositionofsentenceto
0	revokesuchsuspensionorimpose-sentence-and-order-such
.1	person-committedy-ormayyinhisdiscretionyorderthe
2	prisoner-placed-under-the-jurisdiction-of-the-state-board-of
.3	pardons-as-provided-by-laws-or-retain-such-jurisdiction-with
4	thiscourtPrior-to-the-revocation-of-an-order-suspending
5	or-deferring-the-imposition-of-sentence-the-person-offected
6	shall-be-given-a-hearingv"
7	Section 2. Section 26-315, R.C.M. 1947, is amended to
8	read as follows:
9	*26-315. Taking deer within boundaries of cities or
0	towns unlawfulpenalty. It shall be is unlawful to shoot
1	kill, take, or cause to be shot, killed, taken or captured
2	or to attempt to shoot, kill, take or capture, any dee
3	within the boundaries of any incorporated or unincorporated
4	city or town of this state.
!5	Anypersonviolating-the-provisions-of-this-act-shall

SB 203

\$8 203

be-guilty-of-a-misdemeanory-and-upon-conviction-thereof
shall-be-punished-by-a-fine-of-not-less-than-twenty-five
dollars-(\$25)-nor-more-than-five-hundred-dollars-(\$500)y--or
by--imprisonment-in-the-county-jall-for-a-period-of-not-less
than-ten-(10)-days-nor-more--than-one--hundred--and--eighty
(100)--daysy--or--by-both-such-fine-and-imprisonmenty-and-in
addition-thereto-shall-forfeit-his-fish-and-game-license-for
a-period-of-one-(1)-yeory\*

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Section 3. Section 26-319, R.C.M. 1947, is amended to read as follows:

"26-319. Penalty-for-violating UNLAWFUL TO HUNT DURING closed season on certain game birds — power of commission to open season. It shall hereafter is be unlawful for any person to hunt, shoot, kill, capture, possess, or cause to be hunted, killed, or captured or attempts attempt to shoot, kill, or capture any quail. Chinese or Mongolian pheasants, commonly called ringneck pheasants, Hungarian partridge, chukar partridge, sage grouse, sharptailed grouse, blue grouse, fool hen, prairie chicken, ruffed grouse, ptarmigan, or wild turkey until such time as the commission shall provide an open season on any quail, Chinese or Mongolian pheasants, commonly called ringneck pheasant, Hungarian partridge, chukar partridge, sage grouse, sharptailed grouse, blue grouse, fool hen, prairie chicken, ruffed grouse, ptarmigan, or wild turkey.

Any-person-violating-any-of-the-provisions-of-this--act or-any-person-who-has-in-his-possession-any-of-such-birds-or ony-port-of-any-such-birdsy-shall-be-quilty-of-a-misdemeonor and--upon--conviction-thereof-shall-be-punished-by-a-fine-of not-less-than-fifty-dollars--(450+88)y--nor--more--than--two hundred-fifty-dollars-(\$250#00)y-or-by-imprisonment-in-the county-iail-for-not-more-than-sixty-(60)-daysy-or-by--fboth1 such-fine-and-imprisonment+\*

9 Section 4. Section 26-812, R.C.M. 1947, is amended to read as follows:

"26-812. Forfeiture of license or permit for littering—activity—during—suspension—as—misdemeanor. Any holder of a Montana resident or nonresident fishing or hunting license, or camping permit convicted of littering campgrounds, public or private lands, streams, or lakes while hunting, fishing, or camping shall forfeit his license and privilege to hunt, fish, camp, or trap within Montana for a period of one—(1) year from the date of conviction.

Any—person—who—hunts,—fishes,—camps—or—traps—in—Montana while—such—license—and—privilege—are—suspended—is—quilty—of a-misdemeanors"

22 Section 5. Section 26-1211. R.C.M. 1947. is amended to 23 read as follows:

24 \*\*26-1211• Enforcement -- penalty -- confiscation or 25 disposal of illegally kept animals -- appeal• (1) The

SB 0203/04

\$8 0203/04

1	provisions of this act shall be entorced by any state-from
2	and-game warden or any other legally authorized officer. Any
3	person-violating-the-provisionsofthisactshallyupon
4	convictions-bepunished-bya-fine-of-not-more-thon-two
5	hundred-fifty-dollars-{\$250+00}v-imprisonment-foraperiod
6	ofnotmorethonten(10)daysyorbothyand-at-the
7	discretion-of-thecourtthepermitandallrightsand
· . 8	privilegesinherentthereinmaybeforfeitedw <u>Upon</u>
9	conviction for a violation of 26 1205 through 26 1212v the
10	permit-required-by-26-1205-through-26-1212-is-revoked-and
11	the privilege to purchase a permit is suspended for 16
12	months ANY PERSON VIOLATING THE PROVISIONS OF THIS ACT
13	SHALL. UPON CONVICTION. BE PUNISHED AS PROVIDED IN 26-324.
14	AND AT THE DISCRETION OF THE COURT THE PERMIT AND ALL RIGHTS
15	AND PRIVILEGES INHERENT THEREIN MAY BE FORFEITED.
16	(2) Any animals being kept in violation of any section
17	of this act may be confiscated or ordered disposed of at the
18	discretion of the state-fish-and-game director. The
19	permittee may appeal to the commission within twenty{20}
20	days of the date of the order to confiscate and the
21	commission shall hold a hearing on such an appeal and the
22	decision of the commission shall be final."
23	Section-6wThere-is-a-new-RwCwHw-section-that-reads-as
24	follows:

(1)-for-purposes-of-this-section-and-fsections-8y-9y-and1
ofthisact}vtheterm#license#meansanylicense
certificatey-stampy-cardy-or-permit-issued-by-the-departmen
except-outfitters*v-guides*v-and-taxidermists*-licensesv-th
cancellation-and-suspension-of-whichisprovidedfori
26-919-and-26-928-
(2)The-commission-shall-revoke-a-license-and-suspend
foraperiod-of-16-monthsy-the-privilege-of-purchasing-an
license-and-the-benefitsy-rightsy-andprivilegesconferre
by-any-license-if-the-holder:
(a)has-been-convicted-of-cousing-a-forest-fire;
(b)hasbeenconvicted-of-fraudulent-purchase-of-an
†icenset
<del>{c}-has-caused-the-death-of-another-personv-though-no</del>
in-a-criminal-mannery-while-hunting;
(d)has-illagally-taken-a-deer-withintheboundarie
of-a-city-or-town-as-prohibited-in-26-315;-or
tethesbeenconvicted of violations of the fish an
game-laws-of-any-state-so-as-to-have-accumulated_18-ormor
points-within-any-consecutive-5-year-periody-as-indicated-i
the-table-set-forth-in-[section-0]w
Section-TwThere-is-a-new-RuCuMw-section-that-reads-a
Section-TwThere-is-a-new-RwCwHw-section-that-reads-a

as-provided-in-fsection-7]y--points--shall--be--assessed--as

-10-

Concellation--and-suspension-of-license-and-privileges.

1	follows:
2	<del>(1)huntingv-fishingv-or-trapping-without-a-proper</del> -and
3	valid-license-ssssssssssssssssssssssssssssssssss
4	(2)falsestatementmadeinconnectionwiththe
5	purchase-of-any-license-issued-under-this-title-ww-18-points
6	(3)huntingmigratoryweterfowlwithoutavalid
7	federal-duck-stamp-in-possession-everyweveveveveve-6-points
8	(4)illegaltransfery-saley-gifty-loany-or-assignment
9	of-any-license-issued-under-this-title-www.wwww-6-points
10	(5)alteration-of-any-license-issued-under-thistitle
11	**************************************
12	(6)shooting-fromy-upony-or-across-a-public-road-wwww
13	sessessessessessessessessessessessesses
14	(7)—hunting-or-fishing-in-a-closed-or-improper-area-ww
15	www.communerecommunerecommunerecommunerecommunerecommunerecommunerecommunerecommunerecommunerecommunerecommune
16	<del>(8)huntingyfishingy-or-trapping-on-private-property</del>
17	without-permission-of-the-owner-sessessessessess-3-points
18	<del>{9}hunting-before-or-after-hours-wwwwwwww-3-points</del>
19	(10) use of an aircraft or a motor -vehicle to -takev
20	killy-capturey-woundy-injurey-or-harass-wildlife-v-l0-points
21	(11)-fishinq-with-an-unottended-rod-sessesses-3-points
22	(12)-fishing-with-more than-one-rod-wwwwwwwww-3-points
23	(13)-huntingwith-an-illegal-weapon-or-unlawful-method
24	of-hunting-vessessessessessessessessessessessesses
25	(14)-use-of-unlawful-devices-in-hunting-smalldameor

ì	รัก-fishing-ออสธยยยยยยยยยยยยยยยยยยยยยยยยยยยยยยยยยยย
2	(15)-use-of-unlawful-devices-in-hunting-big-game-wwwww
3	**************************************
4	(16)-illegal-possession-of-big-game-wwwwwww-12-points
5	<del>(17)-illegel-possession-of-small-game-or-fish-wwwwwww</del>
6	
7	(18)-Failure-to-teg-big-game-wwwwwwwwwwwwwww-8-points
8	(19)-failure-tohave-evidence-of-sex-accompanied-with
9	wildlifey-when-necessary-wwwwwwwwwwwwwwwwwww-6-points
10	(28)-waste-of-fish-on-which-a-bag-orpossessionlimit
11	has-been-set-by-the-commission-wwwwwwwwwwwwwwwww-6-points
12	<del>[21]-waste-of-game-meat-severesessessessess-10-points</del>
13	1227-hunting-during-a-closed-season-wwwwwwww-6-points
14	1231-refusingtoproducealicenseorpermitfor
15	inspection-savassavassavassavassavassavassavassav
16	124)-foilure-towearhunterorangegarmentswhen
17	required-by-law-sessessessessessessessesses-10-points
16	{25}-failure-to-stop-at-a-check-station-wwww-10-points
19	1261-building-a-fire-in-a-prohibited-area-www-0-points
20	1271-illegal-possession-of-bald-or-golden-eagle-www.ww
21	**************************************
22	(20)-illegal-possession-of-raptors-other-than-a-bald-or
23	golden-engle-wwwwwwwwwwwwwwwwwwwwwwwww-10-points
24	t29;-illegalpossessionofwildlifelistedes
25	endangered-versus-versus-versus-versus-versus-versus-la-aniate

1	(30)-failure-to-notify-department-of-acquisitiony-lossy
2	deathy-releasey-or-transfer-of-raptor-sussussussuss-6-points
3	(31)-transporting-a-reptor-out-of-the-statewithouta
4	valid-permit-essessessessessessessessessessessesses
5	(32)-actingasan-outfitter-or-guide-without-a-proper
6	ond-volid-license-under-26-916-sessessessessess-18-points
7	Section-8There-is-a-new-RutuMa-section-that-reads-aq
8	follows+
9	Multiple-violationsnotice-to-license-agents
10	renewal(1)-For-more-than-one-violation-of-any-offense-set
11	forthin[section8-]v-the commissionv-in-its-discretionv
12	<del>shells</del>
13	(a)for-a-second-offensey-assess-twice-thenumberof
14	points-listed-for-the-violation;
15	th}fora-third-or-subsequent-offensey-assess-4-times
16	the-number-of-points-listed-for-the-offenses
17	(2)A-suspension-of-privilege-under-(section-7)shall
18	befor-a-period-mot-to-exceed-3-yearsy-and-any-person-whose
19	privilege-to-purchase-any-license-has-beem-suspended-ismot
20	entitledtopurchaseany-license-issued-by-the-department
21	and-may-not-apply-for-a-renewaly-reissue-duplicateyornew
22	license-until-the-suspension-hos-expired.
23	<del>(3)</del> Uponsuspensiony-the-commission-shall-give-notice
24	of-the-suspension-to-the-personwhoseprivilegehasbeen
25	suspended-byregistered-pr-certified-mail-addressed-to-the

tast-known-address-of-such-personandshaltfurthergiv
writtennoticetothoseindividualsdesignatedbyth
commission-to-act-as-license-agentsofthefoctofsuc
suspensionandtheidentity-of-the-person-whose-privileg
has-been-suspended+
(4)If-any-person-whose-license-has-been-concelledo
whoseprivilegeto-purchase-any-license-has-been-suspende
as-provided-in-[section-7]-isconvicted-ofexercisinga
attempting-to-exercise-the-benefits-conferred-by-the-licens
duringtheperiodofcancellationorsuspensionyth
commission-shall-renew-or-extend-the-period-ofcancellatio
o <del>rsuspensionfor-an-edditional-period-of-3-years-from-th</del>
date-of-conviction=
<del>{5}Forthepurposesoflicenseorprivile</del> g
revocationorsuspensionythepaymentofapensit
assessment-under-26-324-is-a-conviction-of-theoffensefo
which-the-penalty-assessment-was-paids
Section-10Thereisa-now-RuGaMu-section-that-read
as-follows+
Appealofrevocationorsuspensionoflicenseo
privitegesApersonwhoseticenseorprivitegei
suspended-or-revoked-may-appeal-to-the-district-court-of-th
county-in-which-he-resides-or-of-Lewis-and-Clark-Countyfo
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reliefu

SECTION 6. SECTION 95-302. R.C.M. 1947. IS AMENDED TO

#### READ AS FOLLOWS:

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13

- (a) Jurisdiction of all misdemeanors punishable by a fine not exceeding five—hundred—dollars—+\$500.00) or imprisonment not exceeding six +(6) months, or both such fine and imprisonment, and of all violations of fish and game statutes punishable by a fine of not more than \$1,000 or imprisonment for not more than 6 months, or both; excluding jurisdiction in cases commenced under the Montana Dangerous Drug Act except to act as examining and committing courts and to conduct preliminary hearings as provided in subsection (c).
- 14 (b) Concurrent Jurisdiction, with district courts, of
  15 all misdemeanors punishable by a fine only, not exceeding
  16 fifteen-hundred-dollars-(\$1,500.00); and
- 17 (c) Jurisdiction to act as examining and committing
  18 courts and for such purpose to conduct preliminary
  19 hearings.\*\*

-End-