

HOUSE BILL NO. 329

INTRODUCED BY REAM, ELLISON, E. SMITH, BISHOP

IN THE HOUSE

JANUARY 20, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON FISH & GAME.

FEBRUARY 6, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 7, 1987 PRINTING REPORT.

FEBRUARY 9, 1987 SECOND READING, DO PASS AS AMENDED.

FEBRUARY 10, 1987 ENGROSSING REPORT.

FEBRUARY 11, 1987 THIRD READING, PASSED.
AYES, 84; NOES, 13.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 12, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON FISH & GAME.

MARCH 27, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 30, 1987 SECOND READING, CONCURRED IN.

ON MOTION, RULES SUSPENDED AND BILL
PLACED ON THIRD READING THIS DAY.

THIRD READING, CONCURRED IN.
AYES, 48; NOES, 2.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 7, 1987

RECEIVED FROM SENATE.

ON MOTION, CONSIDERATION PASSED
FOR THE DAY.

APRIL 8, 1987

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 9, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

1 *House* BILL NO. *329*
 2 INTRODUCED BY *Ream Ellison*
 3 *Carl Smith Bishop*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING RESTITUTION
 5 FOR THE ILLEGAL KILLING OR POSSESSION OF CERTAIN WILDLIFE;
 6 PROVIDING A PENALTY; AND PROVIDING FOR DISPOSITION OF
 7 RESTITUTION MONEY."
 8

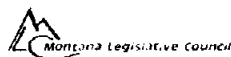
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Restitution for illegal killing or
 11 possession of certain wildlife. In addition to other
 12 penalties provided by law, a person convicted of the illegal
 13 killing or possession of a wild bird, mammal, or fish listed
 14 in this section shall reimburse the state for such bird,
 15 mammal, or fish according to the following schedule:

- 16 (1) bighorn sheep, mountain goat, caribou, buffalo,
- 17 grizzly bear, moose, and endangered species, \$1,000;
- 18 (2) elk, mountain lion, black bear, lynx, and
- 19 wolverine, \$500;
- 20 (3) deer, antelope, fisher, raptors, swans, bobcat,
- 21 and sturgeons, \$300;
- 22 (4) paddlefish, grayling, and furbearers not listed in
- 23 subsection (1), (2), or (3), \$100;
- 24 (5) game birds (except swans) and nongame birds
- 25 (except raptors, rock doves, house sparrows, and starlings),

1 \$25;
 2 (6) game fish, \$10.
 3 Section 2. Payment -- penalty for nonpayment. (1) In
 4 each case of conviction, the court before which the
 5 conviction is obtained shall order payment of the sum stated
 6 in [section 1].
 7 (2) Failure to make payment in the time and manner
 8 prescribed by the court constitutes civil contempt of court
 9 and is punishable as provided in Title 3, chapter 1, part 5.
 10 Section 3. Disposition of proceeds. All money
 11 collected by a court pursuant to [this act] must be remitted
 12 to the state treasurer for deposit in the state special
 13 revenue fund as provided in 87-1-601(1).

-End-



-2- INTRODUCED BILL
 HB-329

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB329, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill provides for a civil penalty for the illegal killing or possession of certain wildlife, birds, and fish; and provides for the disposition of these funds.

ASSUMPTIONS:

1. Estimates are based upon a three year average of the number of convictions received in Montana for the illegal killing or possession of wild birds, mammals and fish listed in this bill.
2. Estimate that 1/4 of the convictions will not result in a fine collection.

FISCAL IMPACT:

	<u>FY88 and FY89</u>		
	<u>Estimated Restitution for Illegal Killing or Possession</u>		
	<u>Estimated Convictions</u>	<u>Restitution</u>	<u>Total</u>
1. Bighorn Sheep, Mountain Goat, Caribou, Buffalo, Grizzly Bear, Moose, Endangered Species	10	1,000	\$10,000
2. Elk, Mountain Lion, Black Bear, Lynx, Wolverine	30	500	15,000
3. Deer, Antelope, Fisher, Raptors, Swans, Bobcat, Sturgeons	40	300	12,000
4. Paddlefish, Grayling, Furbearers not listed above	40	100	4,000
5. Game Birds and non-game birds	60	25	1,500
6. Game Fish	276	10	2,760
TOTAL			\$45,260
3/4 resulting in fine collection			\$33,945

This bill will result in the Department of Fish, Wildlife and Parks receiving \$33,945 in restitution per year.

David L. Hunter DATE 1/26/87
 DAVID L. HUNTER, BUDGET DIRECTOR
 Office of Budget and Program Planning

Bob Ream DATE _____
 BOB REAM, PRIMARY SPONSOR

Fiscal Note for HB329, as introduced.

HB-329

APPROVED BY COMM.
ON FISH AND GAME

HOUSE BILL NO. 329

INTRODUCED BY REAM, ELLISON, E. SMITH, BISHOP

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING RESTITUTION FOR THE CERTAIN ILLEGAL KILLING OR POSSESSION OF CERTAIN WILDLIFE; PROVIDING A PENALTY; AND PROVIDING FOR DISPOSITION OF RESTITUTION MONEY."

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

Section 1. Restitution for illegal killing or possession of certain wildlife. In addition to other penalties provided by law, a person convicted of the illegal killing or possession of a wild bird, mammal, or fish listed in this section shall reimburse the state for EACH such bird, mammal, or fish according to the following schedule:

(1) bighorn sheep, mountain goat, caribou, buffalo, grizzly bear, moose, and endangered species, \$1,000;

(2) elk, mountain lion, black bear, lynx, and wolverine, \$500;

(3) deer, antelope, fisher, raptors, swans, bobcat, and sturgeons, \$300;

(4) paddlefish, grayling, and furbearers not listed in subsection (1), (2), or (3), \$100;

(5) game birds (except swans) and--nongame--birds {except-raptors, rock-doves, house-sparrows, and--starlings}

AND TURKEYS, \$25;

(6) game fish, \$10.

SECTION 2. FINDING REQUIRED. BEFORE RESTITUTION MAY BE ORDERED PURSUANT TO [SECTION 1], THE FINDER OF FACT AT TRIAL OR THE COURT UPON ENTRY OF A GUILTY PLEA MUST FIND THAT SUCH ILLEGAL KILLING OR POSSESSION WAS DONE KNOWINGLY OR PURPOSELY AS DEFINED IN 45-2-101.

Section 3. Payment -- penalty for nonpayment. (1) In each case of conviction, the court before which the conviction is obtained shall order payment of the sum stated in [section 1].

(2) Failure to make payment in the time and manner prescribed by the court constitutes civil contempt of court and is punishable as provided in Title 3, chapter 1, part 5.

Section 4. Disposition of proceeds. All money collected by a court pursuant to [this act] must be remitted to the state treasurer for deposit in the state special revenue fund as provided in 87-1-601(1).

-End-



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 2 INTRODUCED BY REAM, ELLISON, E. SMITH, BISHOP
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 12 penalties provided by law, a person convicted of the illegal
 13 killing or possession of a wild bird, mammal, or fish listed
 14 in this section shall reimburse the state for EACH such
 15 bird, mammal, or fish according to the following schedule:
 16 (1) bighorn sheep, mountain goat, caribou, buffalo,
 17 grizzly bear, moose, and endangered species, \$1,000;
 18 (2) SIX-POINT OR LARGER BULL elk, mountain lion, black
 19 bear, lynx, and wolverine, \$500;
 20 (3) FOUR-POINT OR LARGER BUCK deer, antelope, fisher,
 21 raptors RAPTOR, swans SWAN, bobcat, and sturgeons STURGEON,
 22 \$300;
 23 (4) paddlefish, grayling, and furbearers not listed in
 24 subsection (1), (2), or (3), \$100;
 25 (5) game birds BIRD (except swans SWAN) and-nongame

1 birds-(except--raptors,--rock--doves,--house--sparrows,--and
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(3) FOUR-POINT-OR-LARGER-BUCK deer, antelope, ANTELOPE, fisher, raptors RAPTOR, swans SWAN, bobcat, and sturgeons PALLID AND WHITE STURGEON, \$300;

(4) paddlefish, grayling, and furbearers not listed in subsection (1), (2), or (3), \$100;

(5) game birds BIRD (except swans SWAN) and nongame

birds {except raptors, rock doves, house sparrows, and starlings} AND TURKEYS TURKEY, \$25;

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-End-



SENATE

STANDING COMMITTEE REPORT

March 27, 1987

19.....

MR. PRESIDENT

Fish and Game

We, your committee on.....

having had under consideration..... House Bill..... No. 329.....

Third reading copy (Blue)
color

RESTITUTION FOR ILLEGAL KILLING OF WILDLIFE

Representative Bob Ream (Senator Wm. Yellowtail)

Respectfully report as follows: That..... House Bill..... No. 329.....

be amended as follows:

1. Page 1, line 18.
Strike: "SIX POINT OR LARGER BULL"

2. Page 1, line 20.
Strike: "FOUR-POINT OR LARGER BUCK"
Following: "antelope,"
Insert: "antelope,"

3. Page 1, line 21.
Following "sturgeons"
Insert: "pallid and white"

4. Page 2, line 2.
Strike: "AND" and "TURKEY"

AND AS AMENDED
BE CONCURRED IN

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~~XXXXXXXXXX~~

MB

Ed Smith

Senator Ed Smith

Chairman.

3-27-87
JH
5:10