

HB 352 INTRODUCED BY SCHYE  
REVISE OFFENSE OF ILLEGAL SPOTLIGHTING

1/21 INTRODUCED  
1/21 REFERRED TO FISH & GAME  
1/29 HEARING  
2/10 TABLED IN COMMITTEE

1 House BILL NO. 352  
2 INTRODUCED BY Schuy  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE OFFENSE  
5 OF ILLEGAL SPOTLIGHTING BY ESTABLISHING THE PURPOSE TO HUNT  
6 ANY ANIMAL AS AN ELEMENT OF THE OFFENSE AND BY REMOVING THE  
7 PEACE OFFICER AND LANDOWNER EXEMPTION FROM THE OFFENSE; AND  
8 AMENDING SECTION 87-3-122, MCA."

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

11 Section 1. Section 87-3-122, MCA, is amended to read:

12 "87-3-122. Spotlighting unlawful. (1) It is unlawful  
13 for any person or ~~one or more of a~~ group of persons  
14 together, acting with the purpose to locate and hunt any  
15 animal, to throw or cast the rays of a spotlight an  
16 artificial light having a luminance of greater than .75  
17 candlepower attached to or cast from a motorized vehicle  
18 into any field, pasture, woodland, forest, or prairie  
19 wherein wildlife or domestic livestock may be or may be  
20 reasonably expected to be while having in his possession or  
21 their possession or under control a firearm or other  
22 implement whereby any wildlife or domestic animal could be  
23 killed by aid of an artificial light.

24 (2) ~~(a) All officers authorized to enforce the game~~  
25 ~~and livestock laws of the state of Montana and all~~

1 ~~landowners, lessees, or their agents, while on their own~~  
2 ~~lands in connection with their legitimate activities, and~~  
3 ~~employees of such landowners, lessees, and agents are exempt~~  
4 ~~from the provisions of this section.~~

5 (b) The provisions of this section do not apply where  
6 the headlights of a motor vehicle, operating and proceeding  
7 in a normal manner on any highway or roadway, cast a light  
8 upon such animal on or adjacent to the highway or roadway  
9 and there is no intent or attempt to locate that animal.

10 (3) A person convicted of violating subsection (1) of  
11 this section shall be fined not to exceed \$500 or be  
12 imprisoned in the county jail for any term not to exceed 6  
13 months, or both."

14 NEW SECTION. Section 2. Extension of authority. Any  
15 existing authority of the department of fish, wildlife, and  
16 parks to make rules on the subject of the provisions of this  
17 act is extended to the provisions of this act.

-End-

INTRODUCED BILL

-2- HB-352

