

SENATE BILL NO. 39
INTRODUCED BY BISHOP

IN THE SENATE

JANUARY 2, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
	FIRST READING.
JANUARY 20, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 21, 1989	PRINTING REPORT.
JANUARY 23, 1989	SECOND READING, DO PASS.
JANUARY 24, 1989	ENGROSSING REPORT.
JANUARY 25, 1989	THIRD READING, PASSED. AYES, 39; NOES, 11.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 26, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
FEBRUARY 20, 1989	FIRST READING.
MARCH 3, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 4, 1989	PASSED CONSIDERATION FOR THE DAY.
MARCH 6, 1989	SECOND READING, CONCURRED IN.
MARCH 7, 1989	THIRD READING, CONCURRED IN. AYES, 88; NOES, 5.
	RETURNED TO SENATE.

IN THE SENATE

MARCH 8, 1989

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 SENATE BILL NO. 39
2 INTRODUCED BY BISHOP
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A PENALTY
5 FOR A PERSON WHO APPLIES FOR A SPECIAL LICENSE WITHIN 5
6 YEARS AFTER VIOLATING CERTAIN STATE HUNTING OR FISHING LAWS;
7 AND AMENDING SECTION 87-1-102, MCA."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 **Section 1.** Section 87-1-102, MCA, is amended to read:
11 "87-1-102. Penalties. (1) A person violating any
12 provision of this title, any other state law pertaining to
13 fish and game, or the orders or rules of the commission or
14 department is, unless a different punishment is expressly
15 provided by law for the violation, guilty of a misdemeanor
16 and shall be fined not less than \$50 or more than \$500,
17 imprisoned in the county jail for not more than 6 months, or
18 both. In addition, the person shall be subject to
19 forfeiture of his license and privilege to hunt, fish, or
20 trap within this state for a period of not less than 24
21 months from the date of conviction.
22 (2) (a) A person convicted of unlawfully taking,
23 killing, possessing, transporting, or wasting of a bighorn
24 sheep, moose, wild bison, caribou, mountain goat, or grizzly
25 bear or any part of these animals shall be fined not less

1 than \$500 or more than \$1,000, imprisoned in the county jail
2 for not more than 6 months, or both. In addition, that
3 person shall forfeit any current hunting, fishing, or
4 trapping license issued by this state and the privilege to
5 hunt, fish, or trap in this state for not less than 30
6 months from the date of conviction.
7 (b) A person convicted of unlawfully taking, killing,
8 possessing, or transporting a deer, antelope, elk, mountain
9 lion, or black bear or any part of these animals or wasting
10 a deer, antelope, or elk shall be fined not less than \$300
11 or more than \$1,000, imprisoned in the county jail for not
12 more than 6 months, or both. In addition, that person shall
13 forfeit any current hunting, fishing, or trapping license
14 issued by this state and the privilege to hunt, fish, or
15 trap in this state for not less than 24 months from the date
16 of conviction.
17 (c) A person convicted of unlawfully attempting to
18 trap, take, shoot, or kill a game animal shall be fined not
19 less than \$200 or more than \$600, imprisoned in the county
20 jail for not more than 60 days, or both.
21 (d) A person convicted of unlawfully taking, killing,
22 possessing, transporting, shipping, labeling, packaging, or
23 wasting or unlawfully attempting to take, kill, or possess
24 any game bird, wild turkey, or fish or any part of any such
25 bird or fish or of failure to tag a game animal or game bird

1 as prescribed by law shall be fined not less than \$50 or
 2 more than \$200 or imprisoned in the county jail for not more
 3 than 30 days, or both.

4 (e) A person convicted of purposely or knowingly
 5 taking, killing, possessing, transporting, shipping,
 6 labeling, or packaging a fur-bearing animal or pelt of a
 7 fur-bearing animal in violation of any provision of this
 8 title shall be fined not less than \$50 or more than \$1,000
 9 or imprisoned in the county jail for not more than 6 months,
 10 or both. In addition, that person shall forfeit any current
 11 license and the privilege to hunt, fish, or trap for not
 12 less than 24 months from the date of conviction and any
 13 pelts possessed unlawfully must be confiscated.

14 (f) A person convicted of hunting, fishing, or
 15 trapping while his license is forfeited or his privilege
 16 denied shall be imprisoned in the county jail for not less
 17 than 5 days or more than 6 months. In addition, that person
 18 may be fined not less than \$500 or more than \$1,000.

19 (3) A person convicted under subsection (2) may not
 20 apply for any special license under Title 87, chapter 2,
 21 part 7, or enter any drawing for a special license or permit
 22 for a period of 5 years following the date of conviction or
 23 restoration of license privileges, whichever is later. A
 24 violation of this subsection is a misdemeanor, punishable as
 25 provided in subsection (1).

1 ~~(3)~~(4) Notwithstanding the provision of subsection
 2 (1), the penalties provided by this section shall be in
 3 addition to any penalties provided in Title 37, chapter 47,
 4 and Title 87, chapter 4, part 2."

-End-

APPROVED BY COMM.
ON FISH AND GAME

SENATE BILL NO. 39

INTRODUCED BY BISHOP

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A PENALTY FOR A PERSON WHO APPLIES FOR A SPECIAL LICENSE WITHIN 5 YEARS AFTER VIOLATING CERTAIN STATE HUNTING OR FISHING LAWS; PROHIBIT A PERSON WHO IS CONVICTED OF VIOLATING CERTAIN STATE HUNTING AND FISHING LAWS FROM APPLYING FOR A SPECIAL LICENSE WITHIN 5 YEARS AFTER THE CONVICTION; AND AMENDING SECTION 87-1-102, MCA."

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

Section 1. Section 87-1-102, MCA, is amended to read:

***87-1-102. Penalties.** (1) A person violating any provision of this title, any other state law pertaining to fish and game, or the orders or rules of the commission or department is, unless a different punishment is expressly provided by law for the violation, guilty of a misdemeanor and shall be fined not less than \$50 or more than \$500, imprisoned in the county jail for not more than 6 months, or both. In addition, the person shall be subject to forfeiture of his license and privilege to hunt, fish, or trap within this state for a period of not less than 24 months from the date of conviction.

(2) (a) A person convicted of unlawfully taking,

killing, possessing, transporting, or wasting of a bighorn sheep, moose, wild bison, caribou, mountain 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 jail for not 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 not less than 30 months from the date of conviction.

(b) A person convicted of unlawfully taking, killing, possessing, or transporting a deer, antelope, elk, mountain lion, or black bear or any part of these animals or wasting a deer, antelope, or elk shall be fined not less than \$300 or more than \$1,000, imprisoned in the county jail for not 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 not less than 24 months from the date of conviction.

(c) A person convicted of unlawfully attempting to trap, take, shoot, or kill a game animal shall be fined not less than \$200 or more than \$600, imprisoned in the county jail for not more than 60 days, or both.

(d) A person convicted of unlawfully taking, killing, possessing, transporting, shipping, labeling, packaging, or

1 wasting or unlawfully attempting to take, kill, or possess
 2 any game bird, wild turkey, or fish or any part of any such
 3 bird or fish or of failure to tag a game animal or game bird
 4 as prescribed by law shall be fined not less than \$50 or
 5 more than \$200 or imprisoned in the county jail for not more
 6 than 30 days, or both.

7 (e) A person convicted of purposely or knowingly
 8 taking, killing, possessing, transporting, shipping,
 9 labeling, or packaging a fur-bearing animal or pelt of a
 10 fur-bearing animal in violation of any provision of this
 11 title shall be fined not less than \$50 or more than \$1,000
 12 or imprisoned in the county jail for not more than 6 months,
 13 or both. In addition, that person shall forfeit any current
 14 license and the privilege to hunt, fish, or trap for not
 15 less than 24 months from the date of conviction and any
 16 pelts possessed unlawfully must be confiscated.

17 (f) A person convicted of hunting, fishing, or
 18 trapping while his license is forfeited or his privilege
 19 denied shall be imprisoned in the county jail for not less
 20 than 5 days or more than 6 months. In addition, that person
 21 may be fined not less than \$500 or more than \$1,000.

22 (3) A person convicted OR WHO HAS FORFEITED BOND OR
 23 BAIL under subsection (2) AND WHO HAS BEEN ORDERED TO PAY
 24 RESTITUTION UNDER THE PROVISIONS OF 87-1-111 may not apply
 25 for any special license under Title 87, chapter 2, part 7,

1 or enter any drawing for a special license or permit for a
 2 period of 5 years following the date of conviction or
 3 restoration of license privileges, whichever is later. A
 4 violation of this subsection is a misdemeanor, punishable as
 5 provided in subsection (1);

6 (3)(4) Notwithstanding the provision of subsection
 7 (1), the penalties provided by this section shall be in
 8 addition to any penalties provided in Title 37, chapter 47,
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(2) (a) A person convicted of unlawfully taking,

killing, possessing, transporting, or wasting of a bighorn sheep, moose, wild bison, caribou, mountain 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 jail for not 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 not less than 30 months from the date of conviction.

(b) A person convicted of unlawfully taking, killing, possessing, or transporting a deer, antelope, elk, mountain lion, or black bear or any part of these animals or wasting a deer, antelope, or elk shall be fined not less than \$300 or more than \$1,000, imprisoned in the county jail for not 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 not less than 24 months from the date of conviction.

(c) A person convicted of unlawfully attempting to trap, take, shoot, or kill a game animal shall be fined not less than \$200 or more than \$600, imprisoned in the county jail for not more than 60 days, or both.

(d) A person convicted of unlawfully taking, killing, possessing, transporting, shipping, labeling, packaging, or

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 15 less than 24 months from the date of conviction and any
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 7 (1), the penalties provided by this section shall be in
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(2) (a) A person convicted of unlawfully taking,

killing, possessing, transporting, or wasting of a bighorn sheep, moose, wild bison, caribou, mountain 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 jail for not 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 not less than 30 months from the date of conviction.

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7 (1), the penalties provided by this section shall be in
8 addition to any penalties provided in Title 37, chapter 47,
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