

HOUSE BILL NO. 595

INTRODUCED BY HARPER, BRANDEWIE
BY REQUEST OF THE DEPARTMENT OF
FISH, WILDLIFE, AND PARKS

IN THE HOUSE

FEBRUARY 11, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
	FIRST READING.
FEBRUARY 18, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 19, 1993	PRINTING REPORT.
FEBRUARY 20, 1993	SECOND READING, DO PASS.
FEBRUARY 22, 1993	ENGROSSING REPORT.
FEBRUARY 23, 1993	THIRD READING, PASSED. AYES, 96; NOES, 1.
FEBRUARY 24, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 2, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
	FIRST READING.
MARCH 17, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 18, 1993	SECOND READING, CONCURRED IN.
MARCH 19, 1993	THIRD READING, CONCURRED IN. AYES, 40; NOES, 7.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 20, 1993	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 595
2 INTRODUCED BY Raymond B. Lewis
3 BY REQUEST OF THE DEPARTMENT OF
4 FISH, WILDLIFE, AND PARKS
5

6 A BILL FOR AN ACT ENTITLED: "AN ACT GIVING JUSTICE OF THE
7 PEACE COURTS CONCURRENT JURISDICTION WITH DISTRICT COURTS OF
8 FISH AND GAME VIOLATIONS THAT ARE PUNISHABLE BY A FINE
9 EXCEEDING \$1,000 OR IMPRISONMENT EXCEEDING 6 MONTHS, OR
10 BOTH; PROVIDING FOR A CIVIL, RATHER THAN A CRIMINAL,
11 RESTITUTION PENALTY; AND AMENDING SECTIONS 3-10-303 AND
12 87-5-721, MCA."
13

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

15 **Section 1.** Section 3-10-303, MCA, is amended to read:

16 "3-10-303. Criminal jurisdiction. The justices' courts
17 have jurisdiction of public offenses committed within the
18 respective counties in which such the courts are established
19 as follows:

20 (1) jurisdiction of all misdemeanors punishable by a
21 fine not exceeding \$500 or imprisonment not exceeding 6
22 months, ~~or both such-fine-and-imprisonment~~;

23 (2) jurisdiction of all misdemeanor violations of fish
24 and game statutes punishable by a fine of not more than
25 \$1,000 or imprisonment for not more than 6 months, or both;

1 (3) concurrent jurisdiction with district courts of all
2 misdemeanors punishable by a fine exceeding \$500 or
3 imprisonment exceeding 6 months, ~~or both such-fine-and~~
4 ~~imprisonment~~;

5 (4) concurrent jurisdiction with district courts of all
6 misdemeanor violations of fish and game statutes punishable
7 by a fine exceeding \$1,000 or imprisonment exceeding 6
8 months, or both.

9 ~~(4)(5)~~ jurisdiction to act as examining and committing
10 courts and for such that purpose to conduct preliminary
11 hearings;

12 ~~(5)(6)~~ jurisdiction of all violations of Title 61,
13 chapter 10; and

14 ~~(6)(7)~~ all misdemeanor violations of Title 81, chapter
15 8, part 2."

16 **Section 2.** Section 87-5-721, MCA, is amended to read:

17 "87-5-721. Penalty -- license and permit revocation and
18 denial. (1) Except as provided in subsection (2), a person
19 who violates a provision of this part is guilty of a
20 misdemeanor punishable as provided in 87-1-102, and the
21 department, upon conviction of the person, shall revoke any
22 license or permit issued by it under this title to the
23 person and deny any application by the person for a license
24 or permit under this title for a period not to exceed 2
25 years from the date of the conviction.

1 (2) A person who intentionally imports, introduces, or
2 transplants fish in violation of this part:

3 (a) is guilty of a misdemeanor punishable by a fine of
4 not less than \$500 and--may--be--fined--up--to--the--amount
5 necessary--to--eliminate--or--mitigate--the--effects--of--the
6 violation or more than \$1,000 or imprisonment for not more
7 than 6 months, or both; and

8 (b) is civilly liable for the amount necessary to
9 eliminate or mitigate the effects of the violation. The
10 damages may be recovered on behalf of the public by the
11 department or by the county attorney of the county in which
12 the violation occurred, in a civil action in a court of
13 competent jurisdiction. Money recovered by the department or
14 a county attorney must be deposited in the state special
15 revenue fund as provided in 87-1-601(1).

16 (b)(c) upon conviction or forfeiture of bond or bail,
17 shall forfeit from the date of conviction or forfeiture any
18 current hunting, fishing, or trapping license issued under
19 this title and the privilege to hunt, fish, or trap in this
20 state for not less than 24 months. If the time necessary to
21 eliminate or mitigate the effects of the violation exceeds
22 24 months, a person may be required to forfeit the privilege
23 to hunt, fish, or trap in this state for more than 24
24 months. If the effects of the violation cannot be eliminated
25 or mitigated, a person may be required to forfeit the

1 privilege to hunt, fish, or trap in this state for the
2 lifetime of that person."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

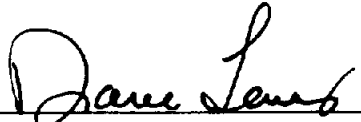
In compliance with a written request, there is hereby submitted a Fiscal Note for HB0595, as introduced.

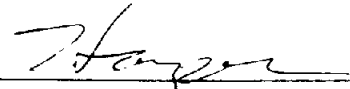
DESCRIPTION OF PROPOSED LEGISLATION: An act giving Justice of the Peace courts concurrent jurisdiction with district courts of fish and game violations that are punishable by a fine exceeding \$1,000 or imprisonment exceeding 6 months, or both, and providing for a civil, rather than a criminal restitution penalty.

ASSUMPTIONS:

1. The courts will convict one person per biennium for intentionally importing, introducing or transplanting fish illegally. The civil liability to eliminate or mitigate the effects of the violation will be \$1,500 per incident.

FISCAL IMPACT: The Department of Fish, Wildlife and Parks will receive \$1,500 per biennium to use to eliminate or mitigate the effects of illegal introductions.

 2-15-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2-16-93
HAL HARPER, PRIMARY SPONSOR DATE
Fiscal Note for HB0595, as introduced
HB595

APPROVED BY COMM.
ON FISH AND GAME

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2 INTRODUCED BY Rep. B...
3 BY REQUEST OF THE DEPARTMENT OF
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17 have jurisdiction of public offenses committed within the
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19 as follows:

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22 months, or both such-fine-and-imprisonment;

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24 and game statutes punishable by a fine of not more than
25 \$1,000 or imprisonment for not more than 6 months, or both;

1 (3) concurrent jurisdiction with district courts of all
2 misdemeanors punishable by a fine exceeding \$500 or
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4 imprisonment;

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6 misdemeanor violations of fish and game statutes punishable
7 by a fine exceeding \$1,000 or imprisonment exceeding 6
8 months, or both.

9 (4)(5) jurisdiction to act as examining and committing
10 courts and for such that purpose to conduct preliminary
11 hearings;

12 (5)(6) jurisdiction of all violations of Title 61,
13 chapter 10; and

14 (6)(7) all misdemeanor violations of Title 81, chapter
15 8, part 2."

16 **Section 2.** Section 87-5-721, MCA, is amended to read:

17 "87-5-721. Penalty -- license and permit revocation and
18 denial. (1) Except as provided in subsection (2), a person
19 who violates a provision of this part is guilty of a
20 misdemeanor punishable as provided in 87-1-102, and the
21 department, upon conviction of the person, shall revoke any
22 license or permit issued by it under this title to the
23 person and deny any application by the person for a license
24 or permit under this title for a period not to exceed 2
25 years from the date of the conviction.

1 (2) A person who intentionally imports, introduces, or
2 transplants fish in violation of this part:

3 (a) is guilty of a misdemeanor punishable by a fine of
4 not less than \$500 ~~and may be fined up to the amount~~
5 ~~necessary to eliminate or mitigate the effects of the~~
6 violation or more than \$1,000 or imprisonment for not more
7 than 6 months, or both; and

8 (b) is civilly liable for the amount necessary to
9 eliminate or mitigate the effects of the violation. The
10 damages may be recovered on behalf of the public by the
11 department or by the county attorney of the county in which
12 the violation occurred, in a civil action in a court of
13 competent jurisdiction. Money recovered by the department or
14 a county attorney must be deposited in the state special
15 revenue fund as provided in 87-1-601(1).

16 ~~(b)(c)~~ upon conviction or forfeiture of bond or bail,
17 shall forfeit from the date of conviction or forfeiture any
18 current hunting, fishing, or trapping license issued under
19 this title and the privilege to hunt, fish, or trap in this
20 state for not less than 24 months. If the time necessary to
21 eliminate or mitigate the effects of the violation exceeds
22 24 months, a person may be required to forfeit the privilege
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HB 595

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