

SENATE BILL NO. 285

INTRODUCED BY

*Spinnick* *By Lynch Bishop*  
*Jacobson* *with* *Senators* *Spague* *Spinnick*

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A PERSON FROM APPLYING FOR A SPECIAL LICENSE OR ENTERING A DRAWING FOR A MOOSE, BIGHORN SHEEP, OR MOUNTAIN GOAT LICENSE OR PERMIT FOR 10 YEARS IF THE PERSON IS CONVICTED OF THE UNLAWFUL TAKING OF A SIMILAR SPECIES OF GAME ANIMAL; 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 who purposely or knowingly violates any a provision of this title, any other state law pertaining to fish and game, or the orders or rules of the commission or department is guilty of a misdemeanor, except if a felony is expressly provided by law, and shall be fined an amount not less than \$50 or more than \$500, or imprisoned in the county jail for not more than 6 months, or both, unless a different punishment is expressly provided by law for the violation. In addition, the person, upon conviction or forfeiture of bond or bail, shall be subject to forfeiture of ~~his~~ the person's license and the privilege to hunt, fish, or trap within this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of not less than 24 months from the date of conviction or forfeiture.

(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 an amount not less than \$500 or more than \$1,000, or imprisoned in the county jail for not more than 6 months, or both. In addition, that person, upon conviction or forfeiture of bond or bail, shall forfeit any current hunting, fishing, recreational use, 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 or forfeiture.

(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 an amount not less than \$300 or more than \$1,000, or imprisoned in the county jail for not more than 6 months, or both. In addition, that person, upon conviction or forfeiture of bond or bail, shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in

1 this state for not less than 24 months from the date of conviction or forfeiture.

2 (c) A person convicted of unlawfully attempting to trap, take, shoot, or kill a game animal shall be  
3 fined an amount not less than \$200 or more than \$600, or imprisoned in the county jail for not more than  
4 60 days, or both.

5 (d) A person convicted of unlawfully taking, killing, possessing, transporting, shipping, labeling,  
6 packaging, or wasting or unlawfully attempting to take, kill, or possess any game bird, wild turkey, or fish  
7 or any part of ~~any such a game bird, wild turkey,~~ or fish or of failure to tag a game animal or game bird as  
8 prescribed by law shall be fined an amount not less than \$50 or more than \$200 or imprisoned in the  
9 county jail for not more than 30 days, or both.

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

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

19 (3) A person convicted or who has forfeited bond or bail under this section and whose license  
20 privileges are forfeited may not purchase, acquire, obtain, possess, or apply for a hunting, fishing, or  
21 trapping license or permit during the period when license privileges have been forfeited. A person convicted  
22 of unlawfully purchasing, acquiring, obtaining, possessing, or applying for a hunting, fishing, or trapping  
23 license during the period when license privileges have been forfeited shall be fined an amount not less than  
24 \$500 or more than \$1,000 or imprisoned in the county jail for not more than 60 days, or both.

25 (4) A person convicted or who has forfeited bond or bail under subsection (2) and who has been  
26 ordered to pay restitution under the provisions of 87-1-111 may not apply for any special license under Title  
27 87, chapter 2, part 7, or enter any drawing for a special license or permit for a period of 5 years following  
28 the date of conviction or restoration of license privileges, whichever is later. If the violation involved the  
29 unlawful taking of a moose, a bighorn sheep, or a mountain goat, the person may not apply for a special  
30 license or enter a drawing for a special license or permit for the same species of game animal that was

1 unlawfully taken for an additional period of 5 years following the ending date of the first 5-year period. A  
2 person convicted of unlawfully applying for any special license under Title 87, chapter 2, part 7, or  
3 unlawfully entering a drawing for a special license or permit shall be fined an amount not less than \$500  
4 or more than \$1,000 or imprisoned in the county jail for not more than 60 days, or both.

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

7 -END-



1 this state for not less than 24 months from the date of conviction or forfeiture.

2 (c) A person convicted of unlawfully attempting to trap, take, shoot, or kill a game animal shall be  
3 fined an amount not less than \$200 or more than \$600, or imprisoned in the county jail for not more than  
4 60 days, or both.

5 (d) A person convicted of unlawfully taking, killing, possessing, transporting, shipping, labeling,  
6 packaging, or wasting or unlawfully attempting to take, kill, or possess any game bird, wild turkey, or fish  
7 or any part of ~~any such a~~ a game bird, wild turkey, or fish or of failure to tag a game animal or game bird as  
8 prescribed by law shall be fined an amount not less than \$50 or more than \$200 or imprisoned in the  
9 county jail for not more than 30 days, or both.

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

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

19 (3) A person convicted or who has forfeited bond or bail under this section and whose license  
20 privileges are forfeited may not purchase, acquire, obtain, possess, or apply for a hunting, fishing, or  
21 trapping license or permit during the period when license privileges have been forfeited. A person convicted  
22 of unlawfully purchasing, acquiring, obtaining, possessing, or applying for a hunting, fishing, or trapping  
23 license during the period when license privileges have been forfeited shall be fined an amount not less than  
24 \$500 or more than \$1,000 or imprisoned in the county jail for not more than 60 days, or both.

25 (4) A person convicted or who has forfeited bond or bail under subsection (2) and who has been  
26 ordered to pay restitution under the provisions of 87-1-111 may not apply for any special license under Title  
27 87, chapter 2, part 7, or enter any drawing for a special license or permit for a period of 5 years following  
28 the date of conviction or restoration of license privileges, whichever is later. If the violation involved the  
29 unlawful taking of a moose, a bighorn sheep, or a mountain goat, the person may not apply for a special  
30 license or enter a drawing for a special license or permit for the same species of game animal that was

1 unlawfully taken for an additional period of 5 years following the ending date of the first 5-year period. A  
2 person convicted of unlawfully applying for any special license under Title 87, chapter 2, part 7, or  
3 unlawfully entering a drawing for a special license or permit shall be fined an amount not less than \$500  
4 or more than \$1,000 or imprisoned in the county jail for not more than 60 days, or both.

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

7 -END-

SENATE BILL NO. 285

INTRODUCED BY

*Spanish* *of Lynch* *Murray*  
*Jacobson* *with* *committee* *Spague* *Senators*

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A PERSON FROM APPLYING FOR A SPECIAL LICENSE OR ENTERING A DRAWING FOR A MOOSE, BIGHORN SHEEP, OR MOUNTAIN GOAT LICENSE OR PERMIT FOR 10 YEARS IF THE PERSON IS CONVICTED OF THE UNLAWFUL TAKING OF A SIMILAR SPECIES OF GAME ANIMAL; 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 who purposely or knowingly violates any a provision of this title, any other state law pertaining to fish and game, or the orders or rules of the commission or department is guilty of a misdemeanor, except if a felony is expressly provided by law, and shall be fined an amount not less than \$50 or more than \$500, or imprisoned in the county jail for not more than 6 months, or both, unless a different punishment is expressly provided by law for the violation. In addition, the person, upon conviction or forfeiture of bond or bail, shall be subject to forfeiture of his the person's license and the privilege to hunt, fish, or trap within this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of not less than 24 months from the date of conviction or forfeiture.

(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 an amount not less than \$500 or more than \$1,000, or imprisoned in the county jail for not more than 6 months, or both. In addition, that person, upon conviction or forfeiture of bond or bail, shall forfeit any current hunting, fishing, recreational use, 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 or forfeiture.

(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 an amount not less than \$300 or more than \$1,000, or imprisoned in the county jail for not more than 6 months, or both. In addition, that person, upon conviction or forfeiture of bond or bail, shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in

1 this state for not less than 24 months from the date of conviction or forfeiture.

2 (c) A person convicted of unlawfully attempting to trap, take, shoot, or kill a game animal shall be  
3 fined an amount not less than \$200 or more than \$600, or imprisoned in the county jail for not more than  
4 60 days, or both.

5 (d) A person convicted of unlawfully taking, killing, possessing, transporting, shipping, labeling,  
6 packaging, or wasting or unlawfully attempting to take, kill, or possess any game bird, wild turkey, or fish  
7 or any part of ~~any such~~ a game bird, wild turkey, or fish or of failure to tag a game animal or game bird as  
8 prescribed by law shall be fined an amount not less than \$50 or more than \$200 or imprisoned in the  
9 county jail for not more than 30 days, or both.

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

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

19 (3) A person convicted or who has forfeited bond or bail under this section and whose license  
20 privileges are forfeited may not purchase, acquire, obtain, possess, or apply for a hunting, fishing, or  
21 trapping license or permit during the period when license privileges have been forfeited. A person convicted  
22 of unlawfully purchasing, acquiring, obtaining, possessing, or applying for a hunting, fishing, or trapping  
23 license during the period when license privileges have been forfeited shall be fined an amount not less than  
24 \$500 or more than \$1,000 or imprisoned in the county jail for not more than 60 days, or both.

25 (4) A person convicted or who has forfeited bond or bail under subsection (2) and who has been  
26 ordered to pay restitution under the provisions of 87-1-111 may not apply for any special license under Title  
27 87, chapter 2, part 7, or enter any drawing for a special license or permit for a period of 5 years following  
28 the date of conviction or restoration of license privileges, whichever is later. If the violation involved the  
29 unlawful taking of a moose, a bighorn sheep, or a mountain goat, the person may not apply for a special  
30 license or enter a drawing for a special license or permit for the same species of game animal that was



1 unlawfully taken for an additional period of 5 years following the ending date of the first 5-year period. A  
2 person convicted of unlawfully applying for any special license under Title 87, chapter 2, part 7, or  
3 unlawfully entering a drawing for a special license or permit shall be fined an amount not less than \$500  
4 or more than \$1,000 or imprisoned in the county jail for not more than 60 days, or both.

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

7

-END-

## 1 SENATE BILL NO. 285

2 INTRODUCED BY PIPINICH, CRIPPEN, LYNCH, BISHOP, MESAROS, JACOBSON, MILLER, HERTEL,

3 CRISMORE, SPRAGUE, SQUIRES, FORRESTER

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A PERSON FROM APPLYING FOR A SPECIAL  
6 LICENSE OR ENTERING A DRAWING FOR A MOOSE, BIGHORN SHEEP, OR MOUNTAIN GOAT LICENSE  
7 OR PERMIT FOR 10 YEARS IF THE PERSON IS CONVICTED OF THE UNLAWFUL TAKING OF A SIMILAR  
8 SPECIES OF GAME ANIMAL; AND AMENDING SECTION 87-1-102, MCA."

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

11  
12 **Section 1.** Section 87-1-102, MCA, is amended to read:

13 **"87-1-102. Penalties.** (1) A person who purposely or knowingly violates ~~any~~ a provision of this  
14 title, any other state law pertaining to fish and game, or the orders or rules of the commission or  
15 department is guilty of a misdemeanor, except if a felony is expressly provided by law, and shall be fined  
16 an amount not less than \$50 or more than \$500, or imprisoned in the county jail for not more than 6  
17 months, or both, unless a different punishment is expressly provided by law for the violation. In addition,  
18 the person, upon conviction or forfeiture of bond or bail, shall be subject to forfeiture of ~~his~~ the person's  
19 license and the privilege to hunt, fish, or trap within this state or to use state lands, as defined in 77-1-101,  
20 for recreational purposes for a period of not less than 24 months from the date of conviction or forfeiture.

21 (2) (a) A person convicted of unlawfully taking, killing, possessing, transporting, or wasting of a  
22 bighorn sheep, moose, wild bison, caribou, mountain goat, or grizzly bear or any part of these animals shall  
23 be fined an amount not less than \$500 or more than \$1,000, or imprisoned in the county jail for not more  
24 than 6 months, or both. In addition, that person, upon conviction or forfeiture of bond or bail, shall forfeit  
25 any current hunting, fishing, recreational use, or trapping license issued by this state and the privilege to  
26 hunt, fish, or trap in this state for not less than 30 months from the date of conviction or forfeiture.

27 (b) A person convicted of unlawfully taking, killing, possessing, or transporting a deer, antelope,  
28 elk, mountain lion, or black bear or any part of these animals or wasting a deer, antelope, or elk shall be  
29 fined an amount not less than \$300 or more than \$1,000, or imprisoned in the county jail for not more than  
30 6 months, or both. In addition, that person, upon conviction or forfeiture of bond or bail, shall forfeit any

1 current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in  
2 this state for not less than 24 months from the date of conviction or forfeiture.

3 (c) A person convicted of unlawfully attempting to trap, take, shoot, or kill a game animal shall be  
4 fined an amount not less than \$200 or more than \$600, or imprisoned in the county jail for not more than  
5 60 days, or both.

6 (d) A person convicted of unlawfully taking, killing, possessing, transporting, shipping, labeling,  
7 packaging, or wasting or unlawfully attempting to take, kill, or possess any game bird, wild turkey, or fish  
8 or any part of ~~any such a game~~ a game bird, wild turkey, or fish or of failure to tag a game animal or game bird as  
9 prescribed by law shall be fined an amount not less than \$50 or more than \$200 or imprisoned in the  
10 county jail for not more than 30 days, or both.

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

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

20 (3) A person convicted or who has forfeited bond or bail under this section and whose license  
21 privileges are forfeited may not purchase, acquire, obtain, possess, or apply for a hunting, fishing, or  
22 trapping license or permit during the period when license privileges have been forfeited. A person convicted  
23 of unlawfully purchasing, acquiring, obtaining, possessing, or applying for a hunting, fishing, or trapping  
24 license during the period when license privileges have been forfeited shall be fined an amount not less than  
25 \$500 or more than \$1,000 or imprisoned in the county jail for not more than 60 days, or both.

26 (4) A person convicted or who has forfeited bond or bail under subsection (2) and who has been  
27 ordered to pay restitution under the provisions of 87-1-111 may not apply for any special license under Title  
28 87, chapter 2, part 7, or enter any drawing for a special license or permit for a period of 5 years following  
29 the date of conviction or restoration of license privileges, whichever is later. If the violation involved the  
30 unlawful taking of a moose, a bighorn sheep, or a mountain goat, the person may not apply for a special

1 license or enter a drawing for a special license or permit for the same species of game animal that was  
2 unlawfully taken for an additional period of 5 years following the ending date of the first 5-year period. A  
3 person convicted of unlawfully applying for any special license under Title 87, chapter 2, part 7, or  
4 unlawfully entering a drawing for a special license or permit shall be fined an amount not less than \$500  
5 or more than \$1,000 or imprisoned in the county jail for not more than 60 days, or both.

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

8

-END-