

House BILL NO. 413
Knox

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A HUNTING AND FISHING LAW VIOLATOR EDUCATION PILOT PROGRAM FOR INDIVIDUALS WHOSE HUNTING OR FISHING LICENSES HAVE BEEN SUSPENDED OR REVOKED; ALLOWING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO MAKE RULES GOVERNING ADMINISTRATION OF THE PILOT PROGRAM; REQUIRING THAT A COURSE BE COMPLETED BEFORE A LICENSE MAY BE REISSUED; ALLOWING THE DEPARTMENT TO APPROVE AND CERTIFY PRIVATE ENTITIES TO CONDUCT THE COURSE; REQUIRING THE DEPARTMENT TO EVALUATE THE PROGRAM'S EFFECTIVENESS AND REPORT ITS FINDINGS TO THE 1999 LEGISLATURE; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because it grants rulemaking authority to the department of fish, wildlife, and parks to implement rules to establish and test an education pilot program for hunting and fishing law violators. The legislature intends that the department:

- (1) develop curriculum standards and a means of certifying the schools that will conduct a course under the administration of the department; and
- (2) develop an effective way to track violators who are sentenced to complete the course.

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

NEW SECTION. **Section 1. Ethics education pilot program -- rulemaking -- sentencing.** (1) The department shall:

- (a) develop and implement rules to establish and administer an education pilot program for hunting and fishing law violators whose offenses have resulted in suspension or revocation of their licenses;
- (b) administer the pilot program and either conduct the course with its own resources or designate private entities to develop the course curriculum and conduct the course;
- (c) establish certification requirements for the private entities;
- (d) ensure that any courses conducted pursuant to [this section] are not part of or taught in

1 conjunction with the safety education courses conducted pursuant to 87-2-105; and

2 (e) evaluate the effectiveness of the pilot program and report its findings and recommendations to
3 the 1999 legislature.

4 (2) Upon notification by the department that the education course is developed and operational, a
5 court shall require as part of a sentence to suspend or revoke a violator's license:

6 (a) completion of the course before any of the violator's license privileges may be reinstated;

7 (b) the posting of a bond to ensure the violator participates in the course; and

8 (c) payment of a reasonable fee by the offender to cover the cost of attending the course.

9 (3) If the person whose hunting or fishing license is suspended or revoked is not a resident of the
10 state of Montana, the sentencing court shall require the person to complete a similar ethics education
11 course in that person's state of residence. If a similar course does not exist in the violator's state of
12 residence, the person shall complete Montana's course before any Montana hunting or fishing license may
13 be reissued.

14 (4) This section does not intend to allow for reissuance of any licenses to a person whose hunting
15 or fishing privileges have been revoked for life.

16
17 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
18 integral part of Title 87, chapter 1, part 1, and the provisions of Title 87, chapter 1, part 1, apply to
19 [section 1].

20
21 **NEW SECTION. Section 3. Effective dates.** (1) Except as provided in subsection (2), [this act] is
22 effective October 1, 1997.

23 (2) [Section 1(1) and this section] are effective on passage and approval.

24
25 **NEW SECTION. Section 4. Termination.** [This act] terminates October 1, 2001.

26 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0413, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act establishing a hunting and fishing law violator education pilot program for individuals whose hunting or fishing licenses have been suspended or revoked; allowing the Department of Fish, Wildlife and Parks to make rules governing administration of the pilot program; requiring that a course be completed before a license may be reissued; allowing the department to approve and certify private entities to conduct the course; requiring the department to evaluate the program's effectiveness and report its findings to the 1999 Legislature; and providing effective dates and a termination date.

ASSUMPTIONS:

1. The Department of Fish, Wildlife and Parks (FWP) will be responsible for administering the program as of October 1, 1997.
2. FWP will be responsible for the development of curriculum guidelines and overseeing implementation of the program with existing staff and budgets.
3. The number of participants may range from 100 to 200 individuals annually.
4. Violators will be responsible for paying fees related to participating in the violator's school. State-certified provider entities will be responsible for curriculum development, collecting fees and tracking expenditures and making records available to the state for evaluation.
5. There will be no fiscal impact to the FWP as a result of passage of this legislation. The costs will be paid by the licensee who is required to complete a hunting and fishing violator education pilot program if ordered by the court.

FISCAL IMPACT:

None

Dave Lewis 2-5-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Dick Knox 2-6-97
DICK KNOX, PRIMARY SPONSOR DATE

Fiscal Note for HB0413, as introduced

HB 413

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6 SUSPENDED OR REVOKED, VIOLATORS WHO INJURE PERSONS OR PROPERTY IN STATE PARKS AND
7 ON STATELANDS, VIOLATORS WHO COMMIT THE OFFENSE OF CRIMINAL TRESPASS, AND VIOLATORS
8 WHO NEGLIGENTLY OR RECKLESSLY OPERATE A MOTORBOAT; ALLOWING A SENTENCING COURT TO
9 ORDER PUBLIC COMMUNITY SERVICE IN ADDITION TO OTHER FINES AND PENALTIES; ALLOWING THE
10 DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO MAKE RULES GOVERNING ADMINISTRATION OF THE
11 PILOT PROGRAM; REQUIRING THAT A COURSE BE COMPLETED BEFORE A LICENSE MAY BE REISSUED;
12 ALLOWING THE DEPARTMENT TO APPROVE AND CERTIFY PRIVATE ENTITIES TO CONDUCT THE
13 COURSE; REQUIRING THE DEPARTMENT TO EVALUATE THE PROGRAM'S EFFECTIVENESS AND REPORT
14 ITS FINDINGS TO THE 1999 LEGISLATURE; AND PROVIDING EFFECTIVE DATES AND A TERMINATION
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19 department of fish, wildlife, and parks to implement rules to establish and test an education pilot program
20 for hunting and fishing law violators. The legislature intends that the department:

21 (1) develop curriculum standards and a means of certifying the schools that will conduct a course
22 under the administration of the department; and

23 (2) develop an effective way to track violators who are sentenced to complete the course AND
24 RECOMMEND THAT A COURT, WHEN SENTENCING A VIOLATOR WHO HAS COMPLETED THE ETHICS
25 EDUCATION COURSE AND IS SUBSEQUENTLY CONVICTED OF ANOTHER OFFENSE RESULTING IN THE
26 SUSPENSION OR REVOCATION OF LICENSE PRIVILEGES, STRONGLY CONSIDER THE PERMANENT
27 REVOCATION OF THE VIOLATOR'S LICENSE PRIVILEGES.

28
29 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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1 NEW SECTION. Section 1. Ethics education pilot program -- rulemaking -- sentencing. (1) The
2 department shall:

3 (a) develop and implement rules to establish and administer an education pilot program for hunting
4 and fishing law violators whose offenses have resulted in suspension or revocation of their licenses, FOR
5 VIOLATORS WHO INJURE PERSONS OR PROPERTY IN STATE PARKS AND ON STATE LANDS,
6 VIOLATORS CONVICTED OF CRIMINAL TRESPASS, AND FOR VIOLATORS WHO NEGLIGENTLY OR
7 RECKLESSLY OPERATE A MOTORBOAT;

8 (b) administer the pilot program and either conduct the course with its own resources or designate
9 private entities to develop the course curriculum and conduct the course;

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12 conjunction with the safety education courses conducted pursuant to 87-2-105; and

13 (e) evaluate the effectiveness of the pilot program and report its findings and recommendations to
14 the 1999 legislature.

15 (2) Upon notification by the department that the education course is developed and operational, a
16 court shall require as part of a sentence to suspend or revoke a violator's license, AS PART OF A
17 SENTENCE FOR A VIOLATOR WHO IS CONVICTED OF INJURY TO A PERSON OR PROPERTY IN A STATE
18 PARK OR ON STATE LANDS, AS PART OF A SENTENCE FOR A VIOLATOR WHO IS CONVICTED OF
19 CRIMINAL TRESPASS PURSUANT TO 45-6-203, AND AS PART OF A SENTENCE FOR A VIOLATOR WHO
20 IS CONVICTED OF THE NEGLIGENT OR RECKLESS OPERATION OF A MOTORBOAT:

21 (a) completion of the course before any of the violator's license privileges may be reinstated;

22 (b) the posting of a bond to ensure the violator participates in the course; and

23 (c) payment of a reasonable fee by the offender to cover the cost of attending the course.

24 (3) THE COURT MAY ALSO INCLUDE IN THE SENTENCING ORDER A CONDITION THAT A
25 VIOLATOR SENTENCED UNDER SUBSECTION (2) SHALL PERFORM A DESIGNATED NUMBER OF HOURS
26 OF PUBLIC COMMUNITY SERVICE. WHENEVER POSSIBLE, THE PUBLIC SERVICE SHOULD BE OF A
27 NATURE THAT REMINDS THE PERSON OF THE EFFECTS OF THE CRIME AND THAT MITIGATES THOSE
28 EFFECTS TO THE EXTENT POSSIBLE.

29 ~~(3)~~(4) If the person whose hunting or fishing license is suspended or revoked is not a resident of
30 the state of Montana, the sentencing court shall require the person to complete a similar ethics education

1 course in that person's state of residence. If a similar course does not exist in the violator's state of
2 residence, the person shall complete Montana's course before any Montana hunting or fishing license may
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