

1 SB BILL NO. 141
 2 INTRODUCED BY Monroe Rehbein Bishop Fish
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4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT PENALTY PROVISIONS OF THE FISH AND
 5 GAME CODE ARE SUPPLEMENTAL TO BUT DO NOT SUPERSEDE THE CRIMINAL CODE; PROVIDING THAT
 6 THE GENERAL TIME LIMITS FOR PROSECUTION OF FISH AND GAME OFFENSES ARE GOVERNED BY THE
 7 TIME LIMITS SET OUT IN THE CRIMINAL CODE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
 8

9 WHEREAS, the Montana Supreme Court decision in State v. Gatts, No. 95-402 (1996), limited
 10 penalties for fish- and game-related crimes to those specified in the fish and game code, precluding the
 11 state from bringing charges under the state criminal code; and

12 WHEREAS, it is the intent of the Legislature that the charging for and punishment of fish- and
 13 game-related violations be authorized under the criminal code as well as the fish and game code and that
 14 the fish and game code not be considered the exclusive remedy for fish and game violations to the
 15 exclusion of the criminal code; and

16 WHEREAS, it is the intent of the Legislature that if fish- and game-related violations constitute an
 17 offense under both the criminal code and the fish and game code, the prosecution has the discretion to
 18 bring charges under either or both codes.
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20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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22 NEW SECTION. **Section 1. Fish and wildlife code not to supersede criminal code -- statute of**
 23 **limitations.** (1) The penalty provisions of this title are intended to supplement but not supersede the
 24 provisions of Title 45. Nothing in this title limits the prosecution of any conduct defined as an offense in
 25 Title 45.

26 (2) Unless otherwise provided, the general time limitations for prosecutions for violations of any
 27 offense under this title are those time limitations specified in 45-1-205.
 28

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

1 [section 1].

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3 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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APPROVED BY COM
ON JUDICIARY

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SB BILL NO. 141

INTRODUCED BY Marion Rehbein Burhop Fish

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT PENALTY PROVISIONS OF THE FISH AND GAME CODE ARE SUPPLEMENTAL TO BUT DO NOT SUPERSEDE THE CRIMINAL CODE; PROVIDING THAT THE GENERAL TIME LIMITS FOR PROSECUTION OF FISH AND GAME OFFENSES ARE GOVERNED BY THE TIME LIMITS SET OUT IN THE CRIMINAL CODE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, the Montana Supreme Court decision in State v. Gatts, No. 95-402 (1996), limited penalties for fish- and game-related crimes to those specified in the fish and game code, precluding the state from bringing charges under the state criminal code; and

WHEREAS, it is the intent of the Legislature that the charging for and punishment of fish- and game-related violations be authorized under the criminal code as well as the fish and game code and that the fish and game code not be considered the exclusive remedy for fish and game violations to the exclusion of the criminal code; and

WHEREAS, it is the intent of the Legislature that if fish- and game-related violations constitute an offense under both the criminal code and the fish and game code, the prosecution has the discretion to bring charges under either or both codes.

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

NEW SECTION. Section 1. Fish and wildlife code not to supersede criminal code -- statute of limitations. (1) The penalty provisions of this title are intended to supplement but not supersede the provisions of Title 45. Nothing in this title limits the prosecution of any conduct defined as an offense in Title 45.

(2) Unless otherwise provided, the general time limitations for prosecutions for violations of any offense under this title are those time limitations specified in 45-1-205.

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

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 25 Title 45.

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 27 offense under this title are those time limitations specified in 45-1-205.
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3 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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INTRODUCED BY

SB BILL NO. 141Monroe Rehbein Bishop Jesh

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1 [section 1].

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3 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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-END-

1 SENATE BILL NO. 141

2 INTRODUCED BY MESAROS, REHBEIN, BISHOP, TASH

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT PENALTY PROVISIONS OF THE FISH AND
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