EXHIBIT 2
DATE 1.11.05
HB 131

DEPARTMENT OF JUSTICE
HB 131: Clarifying FWP Sale & Possession Statutes

Background

The purpose of the statutory changes proposed in HB 131 is to clarify muddled language regarding the **unlawful possession** and **unlawful sale** of game animals, game fish, birds or fur-bearing animals (both misdemeanor and felony). Clear statutory language benefits everyone attempting to apply and interpret Montana's law.

Specifics of HB 131

The amendment to Section 87-1-102 would simply delete a duplicative penalty for unlawful possession. The benefit of this proposed legislation lies mostly in the changes to sections 87-3-111, 112, 117, and 118. Much of the old language has been replaced with more concise words that are already defined in the same chapter (Title 87, Chapter 3). The applicable penalties for misdemeanor possession and unlawful fishing implements would remain in 87-3-102. The duplicate section of 87-3-113 has been taken out. Nothing of substance has been added.

		Existing	Proposed
Possession:	Misdemeanor	87-3-111 87-3-112 87-1-102(2)(f)	87-3-111
	Felony	87-3-118	87-3-111
Sale:	Misdemeanor	87-3-111	87-3-118
	Felony	87-3-118	87-3-118
Shipping/transportation:		87-3-111 87-3-113	87-3-111
Unlawful fishing implements:		87-3-112	87-3-112

Legislative services drafters require that statutes appear in a bill in numerical order. The order of statutory changes listed in HB 131 is the result of the need to eliminate the duplicative sentence found in the general penalty section of Title 87: 87-1-102. The remaining sections (87-3-111, 112, 115, 117, and 118) were all left in order and the resulting proposed changes were made to clarify and keep any portion of those statutes that could be salvaged.

2005 Legislature
January 6, 2005