EXHIBIT 3
DATE 1.11.05
HB 131

HB 131 map

The bill will clarify the code placement of criminal penalties for misdemeanor and felony unlawful possession and unlawful sale of game animals, game birds, and fur-bearing animals. The penalties have been scattered in several sections, and HB 131 will place the penalties for "unlawful possession, shipping and transportation", and "unlawful sale" in their own separate sections, which will clean up the language in the code and make the penalties easier for sportsmen, wardens, and judges to find and apply.

Section 1 is the general misdemeanor penalty statute for violations of most fish and game laws. The language of subsection (2)(f), beginning on page 2 line 25, is actually a duplicative reference to the "possession" penalties, and that language is no longer necessary, because...

...**Section 2** combines all of the "unlawful possession, shipping and transportation" penalties and exemptions in one section. Misdemeanor possession, shipping and transportation penalties were previously covered in 87-1-102 (2)(f) (which we just deleted in section 1), and in 87-3-111 (section 2), 87-3-112 (section 3), and 87-3-113 (which we repeal in section 7). Felony possession penalties used to be in 87-3-118 (section 6, page 9, line 22). So what HB 131 does is combine all of those penalties in a single section-- 87-3-111 (section 2). Possession penalties are based on the aggregate value of animals possessed, using the restitution schedule in two other sections which are not in this bill and is not a change from current law. The misdemeanor possession penalty is in (6)(a), so if the value of the animals in possession does not exceed $1,000 the general misdemeanor penalty in section 1 will apply. The felony possession penalty (more than $1,000 value) is now moved to (6)(b) from the old section 6, page 9, line 22.

Section 3 takes out old possession language and puts it in section 2(4) with the other possession stuff. All that's left of section 3 is the unlawful fishing implement law. A violation of section 3 will remain a general misdemeanor penalty governed by section 1 (as it is now).

Section 4 does nothing but correct an internal reference on page 7, line 21, which was necessitated by the repealer (section 7).

Section 5 cleans up the definitions that are used in sections 2, 5, and 6.

Section 6 combines all the "unlawful sale" penalties and exemptions in one section--87-3-118, (section 6). The misdemeanor sale penalties used to be covered by the language in section 2 (see page 5, line 11), and are now in section 6(4), again reflecting the general misdemeanor penalty in section 1. The felony sale penalties are now in section 6(5)(a) and (5)(b), which is essentially a rewording of the old (5) for consistency.

Section 7 repeals 87-3-113, which is present law covering the removal of illegally taken animals or animal parts from the state. The section is no longer necessary because that conduct is now covered in section 2.

In summary, there are no substantive changes or any revisions of existing penalties in HB 131, but it will make the code more usable for enforcement purposes and enhance public awareness.