

EXHIBIT 5  
DATE 3-1-05  
HB 487

House Bill 487  
March 1, 2005  
Presented by Chris Smith  
House Fish, Wildlife and Parks Committee

Mr. Chairman and committee members, for the record I am Chris Smith, Chief of Staff for Montana Department of Fish, Wildlife & Parks (FWP).

FWP supports the intent of both House Bill 487 and House Bill 514. Restitution is an important component in sentencing violators. Restitution is a deterrent to crime and compensates the citizens of Montana when someone knowingly, purposely or negligently steals or damages some of our wildlife resource. Under current law, the first \$60,000 in restitution paid to the state is deposited in FWP accounts for hunter education and law enforcement; the balance is deposited in the state's general fund.

House Bill 487 proposes doubling all the current restitution values. While some of these increases are appropriate, FWP is concerned that others could create problems. For example, the changes suggested on page one, line 15, are in conflict with the changes FWP and the Department of Justice are currently seeking to the statutes dealing with possession and sale of illegally taken game.

House Bill 131, which passed the House earlier this session, revises and clarifies language for felony and misdemeanor wildlife violations. The revisions in HB131 are based, in part, on current restitution values. If House Bill 487 increases the restitution for illegally taking an elk, caribou, bald eagle, black bear or non-trophy moose to \$2,000, anyone possessing one unlawfully-killed elk or one black bear, would be guilty of a wildlife felony. This would greatly increase the number of felonies, which will impact our enforcement efforts, as well as on the court systems that handle FWP cases.

Doubling all the restitution values for trophy-class animals in 87-1-115, may be excessive. The dollar amounts in current law are already significant, especially for bighorn sheep. Doubling them may make Justice courts less likely to impose any restitution or may make it impossible for violators to pay restitution ordered by the court. We would suggest the restitution for bighorn sheep remain at \$30,000. The restitution for trophy elk, moose, deer and mountain goats could all be standardized at \$8,000, with antelope increased to \$4,000.

House Bill 514 proposes to increase restitution for illegal take of any grizzly bear from \$2,000 to \$8,000. For simplicity, we would suggest amending that change into House Bill 487. Another alternative the committee may wish to consider, is that rather than making restitution for any grizzly bear \$8,000, set the restitution for non-trophy grizzlies at \$4,000 as proposed on page 1, line 14 of House Bill 487, and the restitution for trophy-class grizzlies, as defined by the FWP commission, at \$30,000 like it is for bighorn sheep. Given the relative scarcity and value of large grizzly bears, it seems appropriate to include them with bighorn sheep.

With these amendments, FWP supports House Bill 487.