

Senate Bill 312
February 1, 2005
Presented by Jim Kropp
Senate Fish and Game Committee

Mr. Chairman and committee members, for the record I am Jim Kropp, Law Enforcement Chief of Montana Department of Fish, Wildlife & Parks (FWP).

The Department supports this bill with the amendments provided in order to clarify the penalties for second and third offenses of "Hunting big game on private property without landowner permission." The amendments will allow FWP wardens to better apply the intended penalties in the field and avoid the negative consequences outlined on the fiscal note.

On average, FWP wardens cite 275 instances of hunting without permission annually. In the last 10 years, 80 people have committed multiple offenses for this violation. While some of our sportsmen do occasionally mistakenly access private land, the proposed penalties will not apply until a second offense occurs.

People who knowingly and purposely trespass in order to hunt big game harm the image of all hunters. As you know access to private land is important for hunters and its important for wildlife management. With the proposed amendments, this bill is helpful in regulating those violators that frustrate landowners and tarnish the image of our Montana sportsmen.

Amendments to Senate Bill No. 312

First Reading

For the Senate Fish and Game Committee
January 31, 2005

1. Title page, line 7

Following: "SECOND"

Insert: " AND THIRD"

2. Page 4, line 3.

Strike: "(vii) failure to obtain permission to hunt big game animals on private property, as required in 87-3-304."

3. Page 5, line 16;

Following: "conviction for a"

Strike: "second"

Insert: "first"

Following: "penalties in"

Strike: "87-1-102(6)"

Insert: "87-1-102(1)"

4. Page 5, line 17.

Following: subsection (2)(b)

Insert: "(3)(a) A person who violates this section shall, upon conviction for a second offense within 10 years of the first conviction under this section, be subject to the penalties in 87-1-102(1). In addition, the person, upon conviction or forfeiture of bond or bail, shall forfeit all current hunting, fishing and trapping licenses issued by this state and the privilege to hunt, fish, and trap in this state for 24 months from the date of conviction or forfeiture, unless the court imposes a longer forfeiture period.

(b) (i) The department shall notify the offender of the loss of privileges.

(ii) The offender shall surrender all hunting, fishing, and trapping licenses to the department within 10 days after having received notice from the department that privileges have been revoked.

(4) (a) A person who violates this section shall, upon conviction for a third offense within 10 years of the first conviction under this section, be subject to the penalties in 87-1-102(1). In addition, the person, upon conviction or forfeiture of bond or bail, shall forfeit all current hunting, fishing, and trapping licenses issued by the state and the privilege to hunt, fish, and trap in this state for a period of 60 months from the date of conviction or forfeiture, unless the court imposes a longer forfeiture period.

(b)(i) The department shall notify the offender of the loss of privileges.

(ii) The offender shall surrender all hunting, fishing, and trapping licenses to the department within 10 days after having received notice from the department that privileges have been revoked.