

SENATE BILL NO. 224

INTRODUCED BY J. SHOCKLEY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING FISH, WILDLIFE, AND PARKS LAWS REGARDING THE
5 ILLEGAL USE OF ALCOHOL AND DANGEROUS DRUGS, DISORDERLY CONDUCT, AND PUBLIC
6 NUISANCE TO AUTHORIZE FISH, WILDLIFE, AND PARKS WARDENS AND PARK RANGERS TO ENFORCE
7 LAWS RELATED TO MINORS IN POSSESSION OF INTOXICATING SUBSTANCES, MISDEMEANOR
8 POSSESSION OF DANGEROUS DRUGS, DISORDERLY CONDUCT, AND PUBLIC NUISANCE ON LANDS
9 OWNED OR OPERATED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS, ON OTHER ~~PUBLIC~~
10 STATE LANDS PURSUANT TO AN AGREEMENT WITH THE LAND MANAGEMENT AGENCY, AND ON
11 ~~PUBLIC~~ STATE WATERS; AMENDING SECTIONS 23-1-122 AND 87-1-506, MCA; AND PROVIDING AN
12 IMMEDIATE EFFECTIVE DATE."

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

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16 **Section 1.** Section 23-1-122, MCA, is amended to read:

17 **"23-1-122. Enforcement powers of park rangers and game wardens.** (1) Park rangers appointed
18 pursuant to 23-1-121 and fish and game wardens appointed pursuant to 87-1-501 are authorized officers with
19 the authority to enforce the laws and adopted rules relating to parks and outdoor recreation contained in chapters
20 1 and 2 of this title, except chapter 2, part 7.

21 (2) An authorized officer may:

22 (a) arrest, in accordance with Title 46, chapter 6, any person within an area managed by the department
23 upon probable cause to believe that the person has committed an offense against chapters 1 and 2 of this title,
24 except chapter 2, part 7, or rules of the department or the fish, wildlife, and parks commission;

25 (b) enforce the disorderly conduct and public nuisance laws under 45-8-101 and 45-8-111 as they apply
26 ~~to the operation of motorboats on waters within areas managed by the department under this part~~ on lands owned
27 or operated by the department, on other public STATE lands pursuant to an agreement with the land management
28 agency, and on public STATE waters; and

29 (c) ~~enforce 45-5-625~~ 45-5-624 as it pertains to possession of intoxicating substances by minors on lands
30 owned or operated by the department, on other public STATE lands pursuant to an agreement with the land

1 management agency, and on public STATE waters;

2 (d) enforce 45-9-102 as it pertains to misdemeanor possession of dangerous drugs on lands owned or
 3 operated by the department, on other public STATE lands pursuant to an agreement with the land management
 4 agency, and on public STATE waters; and

5 ~~(e)~~(e) exercise other powers of peace officers in the enforcement of:

6 (i) laws relating to parks and outdoor recreation contained in chapters 1 and 2 of this title, except chapter
 7 2, part 7;

8 (ii) rules of the department and the fish, wildlife, and parks commission; and

9 (iii) judgments obtained for violations of the laws and rules specified in this subsection ~~(2)(e)~~ (2)(e)."

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11 **Section 2.** Section 87-1-506, MCA, is amended to read:

12 **"87-1-506. Enforcement powers of wardens.** (1) A warden may:

13 (a) serve a subpoena issued by a court for the trial of a violator of the fish and game laws;

14 (b) search, without a warrant, any tent not used as a residence, any boat, vehicle, box, locker, basket,
 15 creel, crate, game bag, or package, or their contents upon probable cause to believe that any fish and game law
 16 or department rule for the protection, conservation, or propagation of game, fish, birds, or fur-bearing animals has
 17 been violated;

18 (c) search, with a search warrant, any dwelling house or other building;

19 (d) seize game, fish, game birds, and fur-bearing animals and any parts of them taken or possessed in
 20 violation of the law or the rules of the department;

21 (e) seize and hold, subject to law or the orders of the department, devices that have been used to
 22 unlawfully take game, fish, birds, or fur-bearing animals;

23 (f) arrest, in accordance with Title 46, chapter 6, a violator of a fish and game law or rule of the
 24 department, violation of which is a misdemeanor;

25 (g) enforce the disorderly conduct and public nuisance laws, 45-8-101 and 45-8-111, as they apply to
 26 ~~the operation of motorboats on all waters of the state~~ on lands owned or operated by the department, on other
 27 public STATE lands pursuant to an agreement with the land management agency, and on public STATE waters;

28 (h) as provided for in 37-47-345, investigate and make arrests for violations of the provisions of Title 37,
 29 chapter 47, and of any rules adopted pursuant to that chapter relating to the regulation of outfitters and guides
 30 in the state; and

1 (i) exercise the other powers of peace officers in the enforcement of the fish and game laws, the rules
2 of the department, and judgments obtained for violation of those laws or rules;

3 (j) enforce ~~45-5-625~~ 45-5-624 as it pertains to possession of intoxicating substances by minors on lands
4 owned or operated by the department, on other public STATE lands pursuant to an agreement with the land
5 management agency, and on public STATE waters; and

6 (k) enforce 45-9-102 as it pertains to misdemeanor possession of dangerous drugs on lands owned or
7 operated by the department, on other public STATE lands pursuant to an agreement with the land management
8 agency, and on public STATE waters.

9 (2) The meat of game animals that are seized pursuant to subsection (1)(d) must be donated directly
10 to the Montana food bank network, or to public or charitable institutions, to the extent reasonably feasible. Any
11 meat that the department is unable to donate must be sold pursuant to 87-1-511, with the proceeds to be
12 distributed as provided in 87-1-513(2)."

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

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