

1 HOUSE BILL NO. 336

2 INTRODUCED BY M. MENAHAN

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PENALTIES FOR THE WASTE OF GAME ANIMALS,
5 GAME FISH, GAME BIRDS, AND FUR-BEARING ANIMALS; REQUIRING FORFEITURE OF PRIVILEGES AND
6 PAYMENT OF RESTITUTION; AND AMENDING SECTIONS 87-1-111, 87-1-115, 87-3-102, AND 87-3-506,
7 MCA."

8

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

10

11 **Section 1.** Section 87-1-111, MCA, is amended to read:

12 **"87-1-111. Restitution for illegal killing, or possession, or waste of certain wildlife.** (1) Except as
13 provided in 87-1-115 and in addition to other penalties provided by law, a person convicted or forfeiting bond or
14 bail upon a charge of the illegal taking, killing, or possession, or waste of a wild bird, mammal, or fish listed in this
15 section shall reimburse the state for each bird, mammal, or fish according to the following schedule:

16 (a) ~~bighorn~~ mountain sheep and endangered species, \$2,000;

17 (b) elk, caribou, bald eagle, black bear, wolf, and moose, \$1,000;

18 (c) mountain lion, lynx, wolverine, buffalo, golden eagle, osprey, falcon, antlered deer as defined by
19 commission regulation, bull trout longer than 18 inches, and adult buck antelope as defined by commission
20 regulation, \$500;

21 (d) deer not included in subsection (1)(c), antelope not included in subsection (1)(c), fisher, raptor not
22 included in subsection (1)(c), swan, bobcat, white sturgeon, river-dwelling grayling, and paddlefish, \$300;

23 (e) fur-bearing animals, as defined in 87-2-101 and not listed in subsection (1)(c) or (1)(d), \$100;

24 (f) game bird (except swan), \$25;

25 (g) game fish, \$10.

26 (2) When a court enters an order declaring bond or bail to be forfeited, the court may also order that
27 some or all of the forfeited bond or bail be paid as restitution to the state according to the schedule in subsection
28 (1). A hearing to determine the amount of restitution, as required under 46-9-512, is not required for an order of
29 restitution under this section."

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1 **Section 2.** Section 87-1-115, MCA, is amended to read:

2 **"87-1-115. Restitution for illegal killing, ~~or possession, or waste~~ of trophy wildlife.** In addition to
3 other penalties provided by law, a person convicted or forfeiting bond or bail on a charge of the purposeful or
4 knowing illegal killing, taking, ~~or possession, or waste~~ of a trophy animal listed in this section shall reimburse the
5 state for each trophy animal according to the following schedule:

6 (1) ~~bighorn~~ mountain sheep with at least one horn equal to or greater than three-fourth curl as defined
7 by commission regulation, \$30,000;

8 (2) elk with at least six points on one antler, as defined by commission regulation, or any grizzly bear,
9 \$8,000;

10 (3) moose having antlers with a total spread of at least 30 inches, as defined by commission regulation,
11 or any mountain goat, \$6,000;

12 (4) antlered deer with at least four points on one antler as defined by commission regulation, \$8,000;

13 (5) antelope with at least one horn greater than 14 inches in length as defined by commission regulation,
14 \$2,000."

15

16 **Section 3.** Section 87-3-102, MCA, is amended to read:

17 **"87-3-102. Waste of fish, birds, or game.** (1) A person who is responsible for the death of a mountain
18 lion ~~or wolf~~, except as provided in 87-3-130, commits the offense of waste of game if the person abandons the
19 head or hide in the field.

20 (2) A person who is responsible for the death of a grizzly bear commits the offense of waste of game if
21 the person abandons the head or hide or any parts required by department or commission regulation for scientific
22 purposes. All parts of a grizzly bear required by department or commission regulation for scientific purposes must
23 be delivered to an officer or employee of the department for inspection as soon as possible after removal, and
24 the department shall return to the licensee any bone structure and skull within 1 year upon written request. The
25 hide must be returned immediately.

26 (3) A person responsible for the death of any game animal, except a mountain lion ~~or wolf~~, commits the
27 offense of waste of game if the person purposely or knowingly:

28 (a) detaches or removes from the carcass only the head, hide, antlers, tusks, or teeth or any or all of
29 these parts;

30 (b) wastes any part of any game animal, game bird, or game fish suitable for food by transporting,

1 hanging, or storing the carcass in a manner that renders it unfit for human consumption; or

2 (c) abandons in the field the carcass of any game animal or any portion of the carcass suitable for food.

3 (4) A person in possession of a game animal or game animal parts, a game bird, or a game fish suitable

4 for food commits the offense of waste of game if the person purposely or knowingly:

5 (a) transports, stores, or hangs the animal, bird, or fish in a manner that renders it unfit for human
6 consumption; or

7 (b) disposes of or abandons any portion of a game animal, game bird, or game fish that is suitable for
8 food.

9 (5) For the purposes of this section, the meat of a grizzly bear or a black bear that is found to be infected
10 with trichinosis is not considered to be suitable for food.

11 (6) A person convicted of ~~waste of game~~ a violation of this section may be fined not less than \$50 or
12 more than \$1,000 or imprisoned in the county jail for a term not to exceed 6 months, or both. In addition, the
13 person, upon conviction or forfeiture of bond or bail, ~~may be subject to forfeiture of~~ shall:

14 (a) ~~forfeit~~ any current hunting, fishing, and or trapping licenses license issued by this state and the
15 privilege to hunt, fish, or trap in this state for 24 months from the date of conviction or forfeiture; unless the court
16 imposes a longer ~~forfeiture~~ period. ~~If the court imposes forfeiture of the person's license and privilege to hunt, fish,~~
17 ~~or trap, the~~ The department shall notify the person of the forfeiture and loss of privileges. The person shall
18 surrender all hunting, fishing, and trapping licenses to the department within 10 days of notification.

19 (b) pay restitution pursuant to 87-1-111 or 87-1-115."

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21 **Section 4.** Section 87-3-506, MCA, is amended to read:

22 **"87-3-506. Wasting of fur-bearing animals.** (1) A person commits the offense of wasting a fur-bearing
23 animal if that person purposely or knowingly:

24 (a) fails to pick up traps or snares at the end of the trapping season so that the pelt of a fur-bearing
25 animal is wasted;

26 (b) attends traps or snares so that fur-bearing animals are wasted; or

27 (c) wastes the pelt of any fur-bearing animal.

28 (2) The department shall enforce the provisions of this section.

29 (3) (a) Federal, state, and county predator control programs are exempt from this section.

30 (b) Pelts of muskrat and beaver killed pursuant to 87-3-501(2) are exempt from this section.

1 (4) A person convicted of a violation of this section shall be fined not less than \$50 or more than \$1,000
2 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon
3 conviction or forfeiture of bond or bail, shall:

4 (a) forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt,
5 fish, or trap in this state for 24 months from the date of conviction or forfeiture unless the court imposes a longer
6 period. The department shall notify the person of the forfeiture and loss of privileges. The person shall surrender
7 all hunting, fishing, and trapping licenses to the department within 10 days of notification.

8 (b) pay restitution pursuant to 87-1-111.

9 ~~(4)~~(5) As used in this section, "pelt" means the pelt, skin, or fur of a fur-bearing animal."
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11 NEW SECTION. Section 5. Saving clause. [This act] does not affect rights and duties that matured,
12 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

13 - END -