62nd Legislature

1	HOUSE BILL NO. 449
2	INTRODUCED BY M. BLASDEL
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PENALTIES FOR THE INTENTIONAL, UNLAWFUL
5	${\sf IMPORTATION, INTRODUCTION, AND TRANSPLANTATION OF FISH; AND AMENDING SECTION 87-5-721,}$
6	MCA."
7	
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9	
10	Section 1. Section 87-5-721, MCA, is amended to read:
11	"87-5-721. Penalty license and permit revocation and denial. (1) Except as provided in subsection
12	(2), a person who violates a provision convicted of a violation of this part is guilty of a misdemeanor punishable
13	as provided in 87-1-102, and In addition, the department, upon conviction of the person, shall revoke any license
14	or permit issued by it under this title to the person and deny any application by the person for a license or permit
15	under this title for a period not to exceed 2 years from the date of the conviction.
16	(2) A person who intentionally imports, introduces, or transplants fish in violation of this part:
17	(a) is guilty of an offense punishable by a fine of not less than 500 (a) or more than $5,000$ (b) and $5,000$ (c) and $5,0$
18	and imprisonment for up to 1 year. A sentencing court may consider an appropriate amount of community service
19	in lieu of imprisonment. A sentencing court may not defer or suspend \$500 \$2,000 of the fine amount.
20	(b) is civilly liable for the amount necessary to eliminate or mitigate the effects of the violation. The
21	damages may be recovered on behalf of the public by the department or by the county attorney of the county in
22	which the violation occurred, in a civil action in a court of competent jurisdiction. Money recovered by the
23	department or a county attorney must be deposited in the state special revenue fund as provided in 87-1-601(1).
24	(c) upon conviction or forfeiture of bond or bail, shall forfeit from the date of conviction or forfeiture any
25	current hunting, fishing, or trapping license issued under this title by this state and the privilege to hunt, fish, or
26	trap in this state for not less than 24 months 5 years or more than 10 years. If the time necessary to eliminate or
27	mitigate the effects of the violation exceeds 24 months the imposed forfeiture period, a person may be required
28	to forfeit the privilege to hunt, fish, or trap in this state for more than 24 months an additional period of time. If the
29	effects of the violation cannot be eliminated or mitigated, a person may be required to forfeit the privilege to hunt,
30	fish, or trap in this state for the lifetime of that person life.

- 1 -

Legislative Services Division

1 (3) Any exotic wildlife held in violation of this part must be shipped out of state, returned to the point of 2 origin, or destroyed within a time set by the department, not to exceed 6 months. The person in possession of 3 the exotic wildlife may choose the method of disposition. If the person in possession of the exotic wildlife does 4 not comply with this requirement, the department may confiscate and then house, transport, or destroy the 5 unlawfully held exotic wildlife. The department may charge any person convicted of a violation of this part for the 6 costs associated with the handling, housing, transporting, or destroying of the exotic wildlife."

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8 <u>NEW SECTION.</u> Section 2. Saving clause. [This act] does not affect rights and duties that matured,
9 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

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- END -

