

1 SENATE BILL NO. 133

2 INTRODUCED BY D. BARRETT

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE RIGHTS OF HUNTERS;
5 PROTECTING HUNTERS' RIGHT TO PRIVACY; PROHIBITING THE DEPARTMENT OF FISH, WILDLIFE, AND
6 PARKS FROM RELEASING HUNTERS' PERSONAL INFORMATION WITHOUT PERMISSION OR A COURT
7 ORDER; MAKING IT UNLAWFUL TO HARASS, THREATEN, OR INTIMIDATE BY ANY MEANS AN INDIVIDUAL
8 BECAUSE THE INDIVIDUAL PURCHASES A HUNTING LICENSE OR ENGAGES IN THE LAWFUL TAKING
9 OF A WILD ANIMAL; AMENDING SECTIONS 87-2-106, 87-3-142, AND 87-3-144, MCA; AND PROVIDING AN
10 IMMEDIATE EFFECTIVE DATE."

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

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14 **Section 1.** Section 87-2-106, MCA, is amended to read:
15 **"87-2-106. Application for license -- penalties for violation -- forfeiture of privileges.** (1) A license
16 may be procured from the director, a warden, or an authorized agent of the director. The applicant shall state the
17 applicant's name, age, [last four digits of the applicant's social security number,] occupation, street address of
18 permanent residence, mailing address, qualifying length of time as a resident in the state of Montana, and status
19 as a citizen of the United States or as an alien and other facts, data, or descriptions as may be required by the
20 department. An applicant for a resident license shall present a valid Montana driver's license, Montana driver's
21 examiner's identification card, tribal identification card, or other identification specified by the department to
22 substantiate the required information. It is the applicant's burden to provide documentation establishing the
23 applicant's identity and qualifications to purchase a license. It is a misdemeanor for a license agent to sell a
24 hunting, fishing, or trapping license to an applicant who fails to produce the required identification at the time of
25 application for licensure. Except as provided in subsections (2) through (4), the statements made by the applicant
26 must be subscribed to before the officer or agent issuing the license.

27 (2) Except as provided in subsection (3), department employees or officers may issue licenses by
28 telephone, by mail, on the internet, or by other electronic means. Statements on an application for a license to
29 be issued by telephone, by mail, on the internet, or by other electronic means need not be subscribed to before
30 the employee or officer.

1 (3) To apply for a license under the provisions of 87-2-102(7), the applicant shall apply to the director
2 and shall submit at the time of application a notarized affidavit that attests to fulfillment of the requirements of
3 87-2-102(7). The director shall process the application in an expedient manner.

4 (4) A resident may apply for and purchase a wildlife conservation license, hunting license, or fishing
5 license for the resident's spouse, parent, child, brother, or sister who is otherwise qualified to obtain the license.

6 (5) A license is void unless subscribed to by the licensee.

7 (6) It is unlawful to subscribe to or make any statement, on an application or license, that is materially
8 false. Any material false statement contained in an application renders the license issued pursuant to it void. A
9 person violating any provision of this subsection is guilty of a misdemeanor.

10 (7) A person whose privilege to hunt, fish, or trap has been revoked is not eligible to purchase any
11 license until all terms of the court sentence in which the privilege was revoked, including making restitution, have
12 been met or the person is in compliance with installment payments specified by the court and the department has
13 received notification from the sentencing court to that effect pursuant to 87-1-102(1).

14 (8) It is unlawful for a nonresident to apply for or purchase for a nonresident's use the following resident
15 licenses and permits:

16 (a) wildlife conservation license;

17 (b) hunting license or permit; or

18 (c) fishing license or permit.

19 (9) (a) A person not meeting the residency criteria set out in 87-2-102 who is convicted of affirming to
20 or making a false statement to obtain a resident license or who is convicted of applying for or purchasing a
21 resident license in violation of subsection (8) shall be:

22 (i) fined not less than the greater of \$100 or twice the cost of the nonresident license that authorized the
23 sought-after privilege or more than \$1,000;

24 (ii) imprisoned in the county jail for not more than 6 months; or

25 (iii) both fined and imprisoned.

26 (b) In addition to the penalties specified in subsection (9)(a), upon conviction or forfeiture of bond or bail,
27 the person shall forfeit any current hunting, fishing, and trapping licenses and the privilege to hunt, fish, and trap
28 in Montana for not less than 18 months.

29 (10) It is a misdemeanor for a person to purposely or knowingly assist an unqualified applicant in
30 obtaining a resident license in violation of this section.

1 [(11) The department shall keep the applicant's social security number confidential, except that the
2 number may be provided to the department of public health and human services for use in administering Title
3 IV-D of the Social Security Act.]

4 (12) The department shall delete an applicant's social security number in any electronic database [5 years
5 after the date that application is made for the most recent license].

6 (13) Except as otherwise provided in this section, for the purposes of protecting an individual's privacy,
7 safety, and welfare, any personal information collected pursuant to this section, including but not limited to the
8 applicant's name, date of birth, driver's license number, address, phone number, sex, height, and weight, is
9 confidential and may not be released or disclosed to any person without:

10 (a) the written consent of the applicant; or

11 (b) an order issued by a court of competent jurisdiction, upon a finding that disclosure of the information
12 is necessary because the merits of public disclosure exceed the demand for individual privacy. (Bracketed
13 language terminates or is amended on occurrence of contingency--sec. 3, Ch. 321, L. 2001.)"

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15 **Section 2.** Section 87-3-142, MCA, is amended to read:

16 **"87-3-142. Harassment prohibited.** (1) (a) A person may not;

17 (i) intentionally interfere with the lawful taking of a wild animal or fishing by another-;

18 ~~(2) A person may not;~~ (ii) with intent to prevent or hinder its lawful taking or its capture, disturb a wild
19 animal or engage in an activity or place in its way any object or substance that will tend to disturb or otherwise
20 affect the behavior of a wild animal-; or

21 ~~(3) A person may not;~~ (iii) disturb an individual engaged in the lawful taking of a wild animal or fishing with
22 intent to prevent the taking of the animal or the capture of the fish.

23 ~~(4)(b)~~ This section subsection (1) does not prohibit a landowner or lessee from taking reasonable
24 measures to prevent imminent danger to domestic livestock and equipment. This section subsection (1) does not
25 prohibit or curtail normal landowner operations or lawful uses of water.

26 (2) A person may not purposely or knowingly harass, threaten, or intimidate by any means an individual
27 because the individual purchases a hunting license or engages in the lawful taking of a wild animal. This
28 prohibition includes in-person or written communication or electronic communication, as defined in 45-8-213, that
29 is received in this state."

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1 **Section 3.** Section 87-3-144, MCA, is amended to read:

2 **"87-3-144. Injunction.** A court of general jurisdiction may enjoin conduct in violation of 87-3-142 upon
3 petition by a person affected or who reasonably may be affected by ~~such~~ the conduct and upon a showing that
4 ~~such~~ the conduct is threatened or that it has occurred ~~on a particular premises~~ in the past and that it is not
5 unreasonable to expect that under similar circumstances it will be repeated."

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7 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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