

HOUSE BILL NO. 147

INTRODUCED BY REDFIELD, SHAW, WELBORN, WHITE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING PENALTIES FOR FAILURE TO OBTAIN A LANDOWNER'S PERMISSION FOR HUNTING; AND AMENDING SECTION 87-6-415, MCA."

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

Section 1. Section 87-6-415, MCA, is amended to read:

"87-6-415. Failure to obtain landowner's permission for hunting. (1) A resident or nonresident shall obtain permission of the landowner, the lessee, or their agents before taking or attempting to take nongame wildlife or predatory animals or hunting on private property.

(2) ~~Except as provided in subsection (3), a~~ A person who violates this section shall, upon conviction for a first offense, be fined an amount not to exceed ~~\$25 \$150~~ \$135.

(3) A person convicted of a ~~violation of this section for~~ SECOND OFFENSE OF hunting ~~a big game animal~~ on private property without obtaining permission of the landowner WITHIN 5 YEARS shall be fined not less than ~~\$50~~ or more than ~~\$1,000~~ or be imprisoned in the county detention center for not more than ~~6 months~~, or both \$500 unless the court imposes a larger fine.

(4) In addition, the person, upon conviction or forfeiture of bond or bail;

(A) may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for ~~a period of time set by the court~~ 3 years unless the court imposes a longer period of time; AND

(B) MAY BE ORDERED TO MAKE RESTITUTION FOR PROPERTY DAMAGE RESULTING FROM THE VIOLATION IN AN AMOUNT AND MANNER TO BE SET BY THE COURT. THE COURT SHALL DETERMINE THE MANNER AND AMOUNT OF RESTITUTION AFTER FULL CONSIDERATION OF THE CONVICTED PERSON'S ABILITY TO PAY THE RESTITUTION. UPON GOOD CAUSE SHOWN BY THE CONVICTED PERSON, THE COURT MAY MODIFY ANY PREVIOUS ORDER SPECIFYING THE AMOUNT AND MANNER OF RESTITUTION. FULL PAYMENT OF THE AMOUNT OF RESTITUTION ORDERED MUST BE MADE PRIOR TO THE RELEASE OF STATE JURISDICTION OVER THE PERSON CONVICTED."

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