

SENATE BILL NO. 21

INTRODUCED BY J. COHENOUR

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR AUTOMATIC FORFEITURE OF HUNTING, FISHING, AND TRAPPING LICENSES AND PRIVILEGES FOR UNLAWFUL PROCUREMENT, POSSESSION, USE, OR TRANSFER OF REPLACEMENT LICENSES, PERMITS, OR TAGS; AND AMENDING SECTIONS 87-6-302 AND 87-6-304, MCA."

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

Section 1. Section 87-6-302, MCA, is amended to read:

"87-6-302. Unlawful procurement of license, permit, or tag. (1) A person may not:

(a) subscribe to or make any materially false statement on an application or license. Any ~~material~~ materially false statement contained in an application renders the license issued pursuant to it void.

(b) purchase a hunting, fishing, or trapping license without first having obtained a wildlife conservation license pursuant to 87-2-201; or

(c) purposely or knowingly assist an unqualified applicant in obtaining a resident license.

(2) A license agent may not sell any hunting, fishing, or trapping license to:

(a) an applicant who fails to produce the required identification at the time of application for licensure pursuant to 87-2-106(1) and 87-2-202(1); or

(b) a person who does not present the person's wildlife conservation license at the time of application for the ~~licenses~~ license.

(3) A person convicted of a violation of this section 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. In addition, except as provided in subsection (4), the person, upon conviction or forfeiture of bond or bail, 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.

(4) A person convicted under subsection (1)(a) of unlawfully procuring a replacement license, PERMIT, OR TAG shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt,

1 fish, or trap in this state for 24 months from the date of conviction or forfeiture of bond or bail unless a court
2 imposes a longer period. FOR EACH SUBSEQUENT VIOLATION, THE PERSON SHALL FORFEIT ANY CURRENT HUNTING,
3 FISHING, OR TRAPPING LICENSE ISSUED BY THIS STATE AND THE PRIVILEGE TO HUNT, FISH, OR TRAP IN THIS STATE FOR
4 THE SAME PERIOD OF TIME IMPOSED BY THE COURT FOR THE PERSON'S PREVIOUS VIOLATION PLUS AN ADDITIONAL 24
5 MONTHS."

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7 **Section 2.** Section 87-6-304, MCA, is amended to read:

8 **"87-6-304. License, permit, or tag offenses.** (1) A person may not apply for, purchase, or possess
9 more than one license, permit, or tag of any one class or more than one special license for any one species listed
10 in 87-2-701. This provision does not apply to Class B-4 or Class B-5 licenses or to licenses issued under
11 87-2-104(2) for game management purposes. However, when more than one license, permit, or tag is authorized
12 by the commission, a person may not apply for, purchase, or possess more licenses, permits, or tags than are
13 authorized.

14 (2) The holder of a replacement license, permit, or tag may not make the replacement license, permit,
15 or tag available for use by another person.

16 (3) Except as provided in 87-6-305(2), a person to whom a license or permit has been issued may not
17 fish, hunt for any game bird or game animal, or attempt to hunt for any fur-bearing animal in this state unless the
18 person is carrying the required license or permit at the time.

19 (4) A person may not refuse to exhibit a license or permit and the identification used in purchasing a
20 license or permit for inspection to a warden or other officer requesting to see it.

21 (5) A person may not at any time alter or change a license in any material manner or loan or transfer any
22 license to another person. A person other than the person to whom a license is issued may not use the license.
23 A person may not attach the person's license to a game animal killed by another person.

24 (6) A person convicted of a violation of this section shall be fined not less than \$50 or more than \$1,000
25 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, except as
26 provided in subsection (7), the person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture
27 of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this
28 state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

29 (7) A person convicted under subsection (1), (2), or (5) of unlawfully procuring, possessing, using, or
30 transferring a replacement license, PERMIT, OR TAG shall forfeit any current hunting, fishing, or trapping license

1 issued by this state and the privilege to hunt, fish, or trap in this state for 24 months from the date of conviction
2 or forfeiture of bond or bail unless a court imposes a longer period. FOR EACH SUBSEQUENT VIOLATION, THE PERSON
3 SHALL FORFEIT ANY CURRENT HUNTING, FISHING, OR TRAPPING LICENSE ISSUED BY THIS STATE AND THE PRIVILEGE TO
4 HUNT, FISH, OR TRAP IN THIS STATE FOR THE SAME PERIOD OF TIME IMPOSED BY THE COURT FOR THE PERSON'S PREVIOUS
5 VIOLATION PLUS AN ADDITIONAL 24 MONTHS."

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7 NEW SECTION. Section 3. Saving clause. [This act] does not affect rights and duties that matured,
8 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

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10 NEW SECTION. Section 4. Severability. If a part of [this act] is invalid, all valid parts that are severable
11 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part
12 remains in effect in all valid applications that are severable from the invalid applications.

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