

## HOUSE JOINT RESOLUTION NO. 16

INTRODUCED BY RIPLEY, BLACK, BARKUS, ESSMANN, L. JONES

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THAT THE REVISION AND RECODIFICATION OF THE CRIMINAL CODES WITHIN TITLE 87 OF THE MONTANA CODE ANNOTATED BE GIVEN PRIORITY ~~BY THE CODE COMMISSIONER.~~

~~WHEREAS, section 1-11-204(3)(b), MCA, directs the Code Commissioner to recodify the Montana Code Annotated on a title-by-title basis in a manner that is secondary to the completion of other interim duties; and~~

WHEREAS, the hunting and fishing heritage of Montana recreationists means that a large number of Montanans are subject to the fish and game laws; and

WHEREAS, there are a large number of fish and game bills every session and significant changes to the fish and game laws are enacted at each session; and

WHEREAS, the law school and other entities have expressed the desire to assist the Legislative Branch in long-term projects related to Montana law; and

WHEREAS, practitioners, judges, and citizens find THAT THE CRIMINAL CODES INTERTWINED WITHIN Title 87 of the Montana Code Annotated ARE difficult to ~~use~~ READ, UNDERSTAND, AND PROSECUTE.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

~~That the REVISION AND recodification of Title 87 of the Montana Code Annotated be given priority. THAT PRIORITY BE GIVEN TO A REVISION OF THE CRIMINAL CODES REGARDING FISH, WILDLIFE, AND PARKS VIOLATIONS THAT ARE CONTAINED IN TITLE 87 OF THE MONTANA CODE ANNOTATED AND THAT THE REVISION BE PROPOSED TO THE 2009 LEGISLATURE.~~

BE IT FURTHER RESOLVED, that entities interested in ~~assisting in the~~ A PROPOSED REVISION AND recodification of THE CRIMINAL CODES IN Title 87 are encouraged to participate in the PROPOSED REVISION AND recodification process.

BE IT FURTHER RESOLVED, THAT REVISIONS WILL NOT INCLUDE POLICY CHANGES TO CURRENT LAWS AND WILL ADHERE TO THE INTENT OF THE LEGISLATURES THAT CRAFTED THE LAWS.

BE IT FURTHER RESOLVED, THAT THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS, THE ATTORNEY GENERAL, AND THE MONTANA MAGISTRATES ASSOCIATION JOIN IN REQUESTING THE MONTANA SUPREME COURT TO

APPOINT A FISH, WILDLIFE, AND PARKS CRIMINAL CODE REVISION COMMISSION TO OVERSEE AND DIRECT A REVISION.

BE IT FURTHER RESOLVED, THAT THE ATTORNEY GENERAL'S OFFICE, THE LEGISLATIVE SERVICES DIVISION, THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS, THE MONTANA MAGISTRATES ASSOCIATION, AND THE MONTANA COUNTY ATTORNEYS ASSOCIATION ASSIST AND PARTICIPATE IN THE PROPOSED REVISION.

BE IT FURTHER RESOLVED, THAT THE LAW SCHOOL AT THE UNIVERSITY OF MONTANA-MISSOULA BE REQUESTED TO PROVIDE ASSISTANCE AND PARTICIPATE IN THE PROPOSED REVISION.

BE IT FURTHER RESOLVED, THAT FUNDING FOR THE REVISION PROJECT AND THE FISH, WILDLIFE, AND PARKS CRIMINAL CODE REVISION COMMISSION WILL BE ABSORBED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS WITHOUT ADDITIONAL FUNDS.

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