

SENATE BILL NO. 52

INTRODUCED BY J. COHENOUR

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

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING ADDITIONAL PENALTIES FOR HUNTING WHILE USING PROJECTED ARTIFICIAL LIGHT; AMENDING SECTION 87-6-401, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 87-6-401, MCA, is amended to read:

**"87-6-401. Unlawful use of equipment while hunting.** (1) A person may not:

(a) hunt or attempt to hunt any game animal or game bird by the aid or with the use of any snare, except as allowed in 87-3-127 and 87-3-128, set gun, projected artificial light, trap, salt lick, or bait;

(b) use any recorded or electrically amplified bird or animal calls or sounds or recorded or electrically amplified imitations of bird or animal calls or sounds to assist in the hunting, taking, killing, or capturing of wildlife except for predatory animals, wolves, and those birds not protected by state or federal law;

(c) while hunting, take into a field or forest or have in the person's possession any device or mechanism devised to silence, muffle, or minimize the report of any firearm, whether the device or mechanism is operated from or attached to any firearm. This subsection (1)(c) does not prohibit the use of a device or mechanism registered with the bureau of alcohol, tobacco, firearms and explosives to silence, muffle, or minimize the report of a firearm when hunting wildlife.

(d) while hunting, possess any electronic motion-tracking device or mechanism, as defined by commission rule, that is designed to track the motion of a game animal and relay information on the animal's movement to the hunter. A radio-tracking collar attached to a dog that is used by a hunter engaged in lawful hunting activities is not considered a motion-tracking device or mechanism for purposes of this subsection (1)(d).

(e) while hunting, use archery equipment that has been prohibited by rule of the commission;

(f) use a shotgun to hunt deer or elk except with weapon type and loads as specified by the department;

(g) use a rifle to hunt or shoot upland game birds unless the use of rifles is permitted by the department.

This does not prohibit the shooting of wild waterfowl from blinds over decoys with a shotgun only, not larger than

1 a number 10 gauge, fired from the shoulder.

2 (h) use a rifle to hunt or shoot wild turkey during the spring wild turkey season.

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

8 (3) A person convicted of hunting while using projected artificial light as described in subsection (1)(a)  
9 may be subject to the additional penalties provided in 87-6-901 ~~and 87-6-902~~ through 87-6-903.

10 (4) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 through  
11 87-6-907."

12

13 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

14

- END -