

HOUSE BILL NO. 348

INTRODUCED BY M. NOLAND, B. BROWN, A. DOANE, W. GALT, C. GLIMM, S. GUNDERSON,
C. KNUDSEN, B. TSCHIDA, S. VINTON, K. WHITE, G. HERTZ

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SEARCH POWERS OF GAME WARDENS; AND
AMENDING SECTION 87-1-506, MCA."

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

Section 1. Section 87-1-506, MCA, is amended to read:

"87-1-506. Enforcement powers of wardens. (1) A warden may:

(a) serve a subpoena issued by a court for the trial of a violator of the fish and game laws;

~~(b) search, without a warrant, any tent not used as a residence, any boat, vehicle, box, locker, basket, creel, crate, game bag, or package, or their contents upon probable cause to believe that any fish and game law or department rule for the protection, conservation, or propagation of game, fish, birds, or fur-bearing animals has been violated;~~

~~(e)(b) conduct a search, with a search warrant, in accordance with Title 46, chapter 5, any dwelling house or other building;~~

~~(d)(c) seize game, fish, game birds, and fur-bearing animals and any parts of them taken or possessed in violation of the law or the rules of the department;~~

~~(e)(d) seize and hold, subject to law or the orders of the department, devices that have been used to unlawfully take game, fish, birds, or fur-bearing animals;~~

~~(f)(e) arrest, in accordance with Title 46, chapter 6, a violator of a fish and game law or rule of the department, violation of which is a misdemeanor;~~

~~(g)(f) enforce the disorderly conduct and public nuisance laws, 45-8-101 and 45-8-111, as they apply to the operation of motorboats on all waters of the state;~~

~~(h)(g) as provided for in 37-47-345, investigate and make arrests for violations of the provisions of Title 37, chapter 47, and of any rules adopted pursuant to that chapter relating to the regulation of outfitters and guides in the state;~~

~~(i)(h) enforce the provisions of Title 80, chapter 7, part 10, and rules adopted under Title 80, chapter 7,~~

1 part 10, for those invasive species that are under the department's jurisdiction; and
2 ~~(j)~~(i) exercise the other powers of peace officers in the enforcement of the fish and game laws, the rules
3 of the department, and judgments obtained for violation of those laws or rules.

4 (2) The meat of game animals that are seized pursuant to subsection ~~(1)(d)~~ (1)(c) must be donated
5 directly to the Montana food bank network or to public or charitable institutions to the extent reasonably feasible.
6 Any meat that the department is unable to donate must be sold pursuant to 87-1-511, with the proceeds to be
7 distributed as provided in 87-1-513(2)."

8 - END -