

## 1 SENATE BILL NO. 187

2 INTRODUCED BY M. PHILLIPS

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE USE OF A MOTOR VEHICLE TO PURPOSELY  
5 INJURE OR KILL PREDATORY ANIMALS; AMENDING SECTION 87-6-405, MCA; AND PROVIDING AN  
6 IMMEDIATE EFFECTIVE DATE."

7

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

9

10 **Section 1.** Section 87-6-405, MCA, is amended to read:

11 **"87-6-405. Unlawful use of vehicle while hunting.** (1) Except as provided in 87-2-803, a person may  
12 not hunt or attempt to hunt any game animal or game bird from any self-propelled, motor-driven, or drawn vehicle.  
13 For the purposes of this section, the term "hunt" does not include:

14 (a) spotting game from a vehicle; or

15 (b) if hunting on, from, or across a road or trail or the shoulder, berm, or barrow pit right-of-way of a road  
16 or trail that is not a public highway, as defined in 61-1-101, a person who has both feet on the ground and whose  
17 body is outside of a vehicle.

18 (2) ~~A~~ Except as provided in subsection (3), a person may not:

19 (a) concentrate, drive, rally, stir up, run, molest, flush, herd, chase, harass, or impede the movement of  
20 or attempt to concentrate, drive, rally, stir up, run, molest, flush, herd, chase, harass, or impede the movement  
21 of a game animal or game bird from or with the use or aid of a self-propelled, motor-driven, or drawn vehicle. This  
22 subsection (2)(a) does not apply to landowners and their authorized agents engaged in the immediate protection  
23 of that landowner's property.

24 (b) use a motor-driven vehicle other than on a road or trail designated for travel by a landowner unless  
25 permission has been given by that landowner;

26 (c) use a motor-driven vehicle on a road or trail on state land if that road or trail is posted as closed by  
27 the land management agency unless permission has been given by that land management agency. The  
28 restriction in this subsection (2)(c) applies only to state land and not to federal land.

29 (3) A person may pursue a predatory animal as defined in 81-7-101 with the use or aid of a  
30 self-propelled, motor-driven, or drawn vehicle but may not use the vehicle as a weapon to purposely injure or kill

1 the predatory animal.

2 ~~(3)~~(4) The following penalties apply for a violation of this section:

3 (a) A person convicted of or who forfeits bond or bail after being charged with a violation of subsection  
4 (1) shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for not  
5 more than 6 months, or both. In addition, the person shall forfeit any current hunting, fishing, or trapping license  
6 issued by this state and the privilege to hunt, fish, and trap in this state for 24 months from the date of conviction  
7 or forfeiture of bond or bail unless the court imposes a longer period.

8 (b) A person convicted of or who forfeits bond or bail after being charged with a violation of subsection  
9 (2) or (3) shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center  
10 for not more than 6 months, or both. In addition, the person may be subject to forfeiture of any current hunting,  
11 fishing, or trapping license issued by this state and the privilege to hunt, fish, and trap in this state or to use state  
12 lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

13 (c) A person convicted of or who forfeits bond or bail after being charged with a second or subsequent  
14 violation of subsection (2)(a) within 5 years shall be fined not less than \$500 or more than \$1,000 or be  
15 imprisoned for not more than 6 months, or both. In addition, the person shall forfeit any current hunting, fishing,  
16 or trapping license issued by this state and the privilege to hunt, fish, and trap in this state for 24 months from the  
17 date of conviction or forfeiture of bond or bail unless the court imposes a longer period.

18 ~~(4)~~(5) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905  
19 through 87-6-907."

20

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

22

- END -