

SENATE BILL NO. 344

INTRODUCED BY M. LANG

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A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE RECOVERY AND POSSESSION OF THE HORNS AND SKULLS OF MOUNTAIN SHEEP THAT DIED OF NATURAL CAUSES; DEFINING "HORN"; PROVIDING EXCEPTIONS; PROVIDING PENALTIES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Recovery and possession of horns and skulls from mountain sheep

that died of natural causes. (1) Except as provided in subsections (6) and (7), a person may recover and possess the horn or horns and attached skull, or portion thereof, of a mountain sheep that died of natural causes and was not purposefully or accidentally killed, captured, or taken, including due to being struck by a vehicle.

(2) Horns and skulls recovered pursuant to this section must be reported to the department by a method prescribed by the department within 48 hours and presented to the department for inspection and placement of a permanent pin in a horn within 10 days. The fee for the pin is \$25.

(3) The insertion of a pin does not certify that an animal died of natural causes, but identifies the horn or horns and indicates that the requirements of subsection (2) were met.

(4) The department may require a person who recovered a horn or horns and skull, or portion thereof, to return to the site of recovery to verify they were lawfully recovered.

(5) Skulls and horns recovered under this section may not be sold, bartered, or purchased and may not be transferred to another person without a permit issued by the department.

(6) This section does not allow the recovery or possession of horns and skulls found in state parks.

(7) The department may suspend the recovery of horns and skulls pursuant to this section during a disease-related die-off event within a mountain sheep population.

(8) For the purposes of this section, the term "horn" means the hollow horn sheath of a male mountain sheep, either attached to the skull or separated from the skull.

NEW SECTION. Section 2. Unlawful recovery and possession of horns and skulls from mountain

sheep that died of natural causes. (1) For a mountain sheep that died of natural causes, a person may not:



1 (a) recover or possess a horn or horns and attached skull, or portion thereof, in violation of the provisions
2 of [section 1];

3 (b) alter, deface, or remove a pin placed in a horn by the department;

4 (c) possess a horn that bears an altered, defaced, or counterfeit pin or from which a pin placed by the
5 department was removed.

6 (2) (a) A person who is convicted of or who forfeits bond or bail after being charged with a violation of
7 this section shall be:

8 (i) fined up to \$2,000 if the violation involved a horn or horns with less than a three-fourths curl or up to
9 \$30,000 if the violation involved a horn or horns equal to or greater than a three-fourths curl;

10 (ii) imprisoned in the county detention center for not more than 6 months; or

11 (iii) both fined and imprisoned pursuant to subsection (2)(a)(i) and (a)(ii).

12 (b) In addition, the person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of
13 any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, and trap in this
14 state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

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16 **NEW SECTION. Section 3. Codification instruction.** (1) [Section 1] is intended to be codified as an
17 integral part of Title 87, chapter 3, part 3, and the provisions of Title 87, chapter 3, part 3, apply to [section 1].

18 (2) [Section 2] is intended to be codified as an integral part of Title 87, chapter 6, part 1, and the
19 provisions of Title 87, chapter 6, part 1, apply to [section 2].

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21 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

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