

SENATE BILL NO. 349

INTRODUCED BY J. COHENOUR, C. BOLAND, J. ELLIS, T. JACOBSON, E. MCCLAFFERTY,
J. POMNICHOWSKI

A BILL FOR AN ACT ENTITLED: "AN ACT PROTECTING EXACT COORDINATE LOCATION DATA OF FISH AND WILDLIFE FROM PUBLIC DISSEMINATION MISUSE; CREATING PENALTIES FOR MISUSE OF EXACT LOCATION DATA; AMENDING SECTION 2-6-1003, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Fish and wildlife location data -- legislative findings -- penalties.** (†)

The legislature finds that:

— (a) Article IX, section 1, of the Montana constitution requires the legislature to prevent the unreasonable depletion and degradation of natural resources. Fish and wildlife are natural resources held in the public trust and managed by the department of fish, wildlife, and parks under the direction of the fish and wildlife commission;

— (b) the preservation of harvest heritage in Article IX, section 7, of the Montana constitution is consistent with Montana's tradition of fair chase hunting and fishing;

— (c) the fish and wildlife commission sets policies for and the department enforces laws related to the protection, preservation, management, and propagation of fish and wildlife in Montana;

— (d) the release of exact coordinate location data for some fish and wildlife could harm fish and wildlife held in the public trust, violates the tradition of fair chase, and impairs the ability of the department and the commission to meet their obligations pursuant to 87-1-201 and 87-1-301, respectively; and

— (e) protected information may include but is not limited to wildlife locations, den and nest sites, spawning locations, congregation areas, courtship display grounds, and harvest locations.

(2)(a)(1) Unless specifically authorized by the department, a person who obtains exact coordinate location data FROM THE DEPARTMENT may not use the data, or transfer the data to another person to use, in a way that harms, harasses, or kills fish or wildlife. A person who uses, transfers, or receives exact coordinate location data in violation of this subsection (2) SECTION shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both.

(b)(2) Upon conviction or forfeiture of bond or bail, the person may be subject to forfeiture of any current



1 hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this state or to
2 use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

3 ~~(e)(3)~~ A person convicted under this ~~subsection (2)~~ SECTION may be subject to the additional penalties
4 provided in 87-6-901 through 87-6-903.

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

7
8 ~~Section 2.~~ Section 2-6-1003, MCA, is amended to read:

9 ~~"2-6-1003. Access to public information -- safety and security exceptions -- Montana historical~~
10 ~~society exception exceptions.~~ (1) Except as provided in subsections (2) and (3) ~~through (4)~~, every person has
11 a right to examine and obtain a copy of any public information of this state.

12 ~~(2) A public officer may withhold from public scrutiny information relating to individual or public safety~~
13 ~~or the security of public facilities, including public schools, jails, correctional facilities, private correctional facilities,~~
14 ~~and prisons, if release of the information jeopardizes the safety of facility personnel, the public, students in a~~
15 ~~public school, or inmates of a facility. A public officer may not withhold from public scrutiny any more information~~
16 ~~than is required to protect individual or public safety or the security of public facilities.~~

17 ~~(3) The Montana historical society may honor restrictions imposed by private record donors as long as~~
18 ~~the restrictions do not apply to public information. All restrictions must expire no later than 50 years from the date~~
19 ~~the private record was received. Upon the expiration of the restriction, the private records must be made~~
20 ~~accessible to the public.~~

21 ~~(4) Pursuant to [section 1], the department of fish, wildlife, and parks may withhold exact coordinate~~
22 ~~location data to protect the safety and security of fish and wildlife that are held in the public trust."~~

23
24 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
25 integral part of Title 87, chapter 4 6, part 2, and the provisions of Title 87, chapter 4 6, part 2, apply to [section
26 1].

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28 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2019.

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