

SENATE BILL NO. 298

INTRODUCED BY B. MOLNAR

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO HUNTING BY DISABLED PERSONS; PROVIDING REQUIREMENTS FOR CROSSBOWS; REVISING RULEMAKING AUTHORITY; ALLOWING A DISABLED HUNTER TO HUNT WITHOUT A COMPANION OR WITH A COMPANION NOT LICENSED TO HUNT; ESTABLISHING REPORTING REQUIREMENTS; AMENDING SECTIONS 37-3-203, 87-1-301, 87-2-105, 87-2-803, AND 87-2-817, MCA; AND PROVIDING A TERMINATION DATE."

WHEREAS, Montana sold 58,326 archery permits in 2021; and
WHEREAS, 48 states allow crossbow use during archery seasons; and
WHEREAS, no states have reported problems with the use of crossbows; and
WHEREAS, no cases of fraud related to the use of a crossbow have been reported in intermountain states; and
WHEREAS, the compound technology used in vertical bows is the same used in crossbows; and
WHEREAS, the rights of Montana's disabled population are protected by the Americans With Disabilities Act and the Rehabilitation Act; and
WHEREAS, an accommodation for a disability that cannot be used is not an accommodation; and
WHEREAS, Article IX, section 7, of the Montana Constitution preserves for the individual the right to harvest wild game animals.

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

NEW SECTION. Section 1. Permit to hunt with crossbow -- reporting. (1) Except as provided in [section 2], the department shall issue a permit to hunt with a crossbow during an archery-only season if the person applying for the permit meets the requirements of subsection (2), complies with the provisions of subsection (3), and purchases the necessary licenses and permits.

(2) (a) A person qualifies for a permit to hunt with a crossbow, on payment of a fee of \$10, if the

1 person is certified by a physician, as defined in 87-2-803, to have a permanent condition that severely limits the
2 person's ability to draw and hold a long bow, a recurve bow, or a compound bow of sufficient draw weight to
3 hunt a game animal, and the person:

4 (i) purchased a Class A-2 special bow and arrow license in the past 3 years; or

5 (ii) completed a crossbow education course pursuant to 87-2-105 prior to applying for a permit to
6 hunt with a crossbow.

7 (b) Certification under this subsection (2) must be on a form prescribed by the department and
8 signed by the physician.

9 (c) The department or a person who disagrees with a certification of eligibility for a permit to hunt
10 with a crossbow submitted pursuant to this subsection (2) may request a review by the board of medical
11 examiners pursuant to 37-3-203.

12 (3) A person issued a permit to hunt with a crossbow may use a scope only if the scope is not
13 battery-assisted and has a magnification of no more than four times. While hunting, a crossbow may not be
14 equipped with a mechanical arrow or bolt drop compensation device, including but not limited to jack plates.

15 (4) A person issued a permit to hunt with a crossbow is automatically entitled to a permit to hunt
16 with a crossbow for subsequent license years if the criteria for obtaining a permit do not change.

17 (5) A person issued a permit to hunt with a crossbow shall complete hunter surveys issued by the
18 department. At a minimum, the department shall survey each person regarding the season or seasons in which
19 the person used the permit and the person's success rate, including the number of shots the person attempted,
20 the estimated range of the shots, and whether the person harvested, wounded, or lost an animal.

21 (6) The department shall report, in accordance with 5-11-210, to the environmental quality council
22 established in 5-16-101, on the number of persons issued a permit to hunt with a crossbow in the previous
23 license year, the certified conditions that qualified the persons to obtain a permit, and the results of the hunter
24 surveys received pursuant to subsection (5).

25 (7) During archery-only seasons, a crossbow is considered nontraditional archery equipment for
26 use only by persons with disabilities who have been issued a permit by the department to modify archery
27 equipment.