

# HUNTING, FISHING, AND TRAPPING OFFENSES

## LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting (5-4-105, MCA; [Chapter 309, Laws of 2017](#)). The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

**Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.**

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## Background Materials and Research

**Topic Summary:** Title 87, chapter 6 of the Montana Code Annotated contain laws related to fish and wildlife criminal offenses. This primer will focus on those offenses related to hunting, fishing, and trapping.

The Department of Fish, Wildlife, and Parks is charged with enforcing “all the laws of the state regarding the protection, preservation, management, and propagation of fish, game, fur-bearing animals, and game and nongame birds within the state.”<sup>1</sup> The department does so through the work of game wardens, check stations, licensing systems, and other activities. The Fish and Game Commission has broad powers to set rules for the department. For example, the commission may set hunting and fishing seasons, permitting and licensing requirements, population targets, and other measures. Violation of department or commission rules or game warden’s authority may result in a criminal violation.

Hunting, fishing, and trapping laws run the gamut from offenses like hunting out of season to possessing the wrong species. In state law, hunting, fishing, and trapping offenses can be broken down into four main areas: general offenses; licensing, tags, and permits; hunting offenses, fishing offenses, trapping offenses, commercial offenses. Additional laws cover wild birds, raptors, and falcons.

Though not an exhaustive list, the following table shows many offenses covered by state hunting, fishing, and trapping laws.

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<sup>1</sup> Section 87-1-201, MCA.

Unlawful possession of an animal	Unlawful shipping of an animal	Unlawful take of an animal
Hunting or fishing during a closed season	Waste of game animal, game bird, or game fish	Unlawful sale of a game animal, game bird, or game fish.
Unlawful supplemental feeding, or “baiting”	Harassment of a hunter or angler, or of a wild animal	Avoiding a game check station
Unlawful relocation of fish	Unlawful use of equipment while hunting	Unlawful hunting within a city or town
Unlawful hunting from a public highway	Unlawful use of a dog while hunting	Unlawful destruction of evidence of an animal’s sex
Hunting or killing over the limit	Not tagging an animal	Failure to wear hunter orange while big game hunting
Failure to obtain landowner’s permission to hunt	Traps or snares without identification information	Destroying, disturbing, or removing a snare or trap
Waste of a fur-bearing animal	Outfitting without a license	Violation of a commission or department rule or order
Various rules for taxidermists, fur dealers, alternative livestock ranchers, shooting preserves, wild animal zoos, game bird farms, fur farms		

**Legislative Services Division Materials:** None.

**Other Materials:**

Montana hunting and trapping regulations: [fwp.mt.gov/hunting/regulations](http://fwp.mt.gov/hunting/regulations)

Montana fishing regulations: [fwp.mt.gov/fish/regulations](http://fwp.mt.gov/fish/regulations)

**Introduced Legislation**

**2017:**

Senate Bill 50—Chapter number assigned. AN ACT ALLOWING ELECTRONIC VALIDATION OF ELECTRONIC HUNTING LICENSES OR TAGS FOR GAME ANIMALS AND WILD TURKEYS; PROVIDING RULEMAKING AUTHORITY; PROVIDING PENALTIES; AMENDING SECTIONS 87-6-411 AND 87-6-412, MCA.

SB52—Chapter number assigned. AN ACT CLARIFYING ADDITIONAL PENALTIES FOR HUNTING WHILE USING PROJECTED ARTIFICIAL LIGHT; AMENDING SECTION 87-6-401, MCA.

SB91—Chapter number assigned. AN ACT CLARIFYING WHAT CONSTITUTES UNLAWFUL USE OF A VEHICLE WHILE HUNTING; AND AMENDING SECTIONS 87-6-403 AND 87-6-405, MCA.

SB173—Chapter number assigned. AN ACT PROHIBITING THE USE OR SALE OF DEER OR ELK URINE ORIGINATING IN A PLACE WITH DOCUMENTED OCCURRENCES OF CHRONIC WASTING DISEASE.

SB185—(H) Died in standing committee. AN ACT AUTHORIZING THE TRANSFER OF POSSESSION OF HARVESTED GAME BY HUNTERS FOR INSPECTION PURPOSES; PROVIDING PENALTIES; ~~AMENDING SECTIONS 87-3-131 AND 87-6-218, MCA.~~

SB187—Chapter number assigned. AN ACT PROHIBITING IMPORTATION OF ANIMAL CARCASSES FROM PLACES WITH DOCUMENTED OCCURRENCES OF CHRONIC WASTING DISEASES; ALLOWING EXCEPTIONS; PROVIDING A PENALTY; AND PROVIDING A DELAYED EFFECTIVE DATE.

SB237—(S) Died in standing committee. AN ACT ALLOWING BIG GAME HUNTERS TO CHOOSE BETWEEN WEARING HUNTER ORANGE OR HUNTER PINK; DEFINING HUNTER PINK; AMENDING SECTIONS 87-6-404 AND 87-6-414, MCA.

**2015:**

House Bill 144—Chapter number assigned. AN ACT REQUIRING THAT GAME BIRD HUNTERS OBTAIN LANDOWNER PERMISSION TO HUNT ON PRIVATE PROPERTY; AND AMENDING SECTION 87-6-415, MCA.

HB150—Chapter number assigned. AN ACT REVISING PENALTIES FOR VIOLATION OF FISH AND WILDLIFE LAWS; REVISING PENALTIES FOR HARASSMENT OF HUNTERS AND WILDLIFE, HUNTING FROM A HIGHWAY, HUNTING FROM A VEHICLE, AND USE OF A VEHICLE WHILE HUNTING; AND AMENDING SECTIONS 87-6-215, 87-6-403, AND 87-6-405, MCA.

HB160—(H) Missed deadline for revenue bill transmittal. AN ACT PROHIBITING THE POSSESSION OF EXPLODING TARGETS ON STATE LANDS AND WATERS; DEFINING "EXPLODING TARGETS"; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 23-1-111, 77-1-804, 87-1-301, AND 87-1-303, MCA.

HB250—Chapter number assigned. AN ACT CLARIFYING THAT SOUND REDUCTION DEVICES MAY BE USED ON FIREARMS WHILE HUNTING WILDLIFE; AMENDING SECTION 87-6-401, MCA.

HB279—Chapter number assigned. AN ACT REVISING THE REQUIREMENTS FOR TAGGING GAME ANIMALS AND GAME BIRDS; DEFINING "SITE OF THE KILL"; AMENDING SECTIONS 87-6-101, 87-6-404, 87-6-411, AND 87-6-412, MCA.

HB281—(H) Missed deadline for general bill transmittal. AN ACT GENERALLY REVISING LAWS RELATED TO GAME WARDENS; REVISING LAW ENFORCEMENT PRACTICES USED BY WARDENS; REQUIRING CONSISTENCY WITH SIMILAR PRACTICES USED BY OTHER LAW ENFORCEMENT ENTITIES; REVISING PROVISIONS FOR SEARCH AND SEIZURE; REVISING MENTAL STATES; PROVIDING AN AFFIRMATIVE DEFENSE; PROVIDING FOR GAME ANIMAL IDENTIFICATION; REVISING DEFINITIONS; AND AMENDING SECTIONS.

HB450—(H) Vetoed by the governor. AN ACT ALLOWING THE USE OF SOUND REDUCTION DEVICES WHILE HUNTING MOUNTAIN LIONS AND WOLVES; AMENDING SECTION 87-6-401, MCA.

SB21—Chapter number assigned. AN ACT PROVIDING FOR AUTOMATIC FORFEITURE OF HUNTING, FISHING, AND TRAPPING LICENSES AND PRIVILEGES FOR UNLAWFUL PROCUREMENT, POSSESSION, USE,

OR TRANSFER OF REPLACEMENT LICENSES, PERMITS, OR TAGS; AND AMENDING SECTIONS 87-6-302 AND 87-6-304, MCA.

SB153—(S) Missed deadline for revenue bill transmittal. AN ACT REQUIRING A PERSON ENTERING A HUNTING DISTRICT TO WEAR HUNTER ORANGE; PROVIDING EXEMPTIONS FOR PRIVATE PROPERTY, CITIES AND TOWNS, PUBLIC HIGHWAYS, AND AREAS CLOSED BY THE DEPARTMENT; PROVIDING A PENALTY; PROVIDING RULEMAKING AUTHORITY.

SB154—(H) Died in standing committee. AN ACT REVISING REQUIREMENTS FOR WEARING HUNTER ORANGE TO APPLY ONLY TO PERSONS UNDER 18 YEARS OF AGE; AND AMENDING SECTIONS 87-6-404 AND 87-6-414, MCA.

SB247—(H) Died in standing committee. AN ACT PROHIBITING SAGE GROUSE HUNTING; AMENDING SECTIONS 87-1-301 AND 87-1-304, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

**2013:**

HB27—(H) Vetoed by governor. AN ACT AUTHORIZING THE USE OF A SUPPRESSOR WHILE HUNTING CERTAIN LARGE PREDATORS; AMENDING SECTION 87-6-401, MCA.

HB147—Chapter number assigned. AN ACT REVISING PENALTIES FOR FAILURE TO OBTAIN A LANDOWNER'S PERMISSION FOR HUNTING; AND AMENDING SECTION 87-6-415, MCA.

HB205—(H) Vetoed by the governor. AN ACT ELIMINATING A STATE LIMITATION ON THE USE OF SOUND REDUCTION DEVICES ON FIREARMS; AMENDING SECTIONS 87-1-201, 87-1-301, AND 87-6-401, MCA.

SB285—(S) Died in standing committee. AN ACT REVISING REQUIREMENTS FOR WEARING HUNTER ORANGE TO APPLY ONLY TO PERSONS UNDER 18 YEARS OF AGE; AND AMENDING SECTIONS 87-6-404 AND 87-6-414, MCA.

**2011:**

HB159—Chapter number assigned. AN ACT RESTRICTING THE AUTHORITY OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS AND THE FISH, WILDLIFE, AND PARKS COMMISSION TO REGULATE FIREARMS, FIREARM ACCESSORIES, AND AMMUNITION; AND AMENDING SECTIONS.

HB173—(H) Died in standing committee. AN ACT AUTHORIZING THE USE OF LIGHTED NOCKS ON ARROWS WHILE BIG GAME HUNTING; AMENDING SECTIONS 87-1-301 AND 87-3-135, MCA.

HB174—(H) Died in process. AN ACT REPEALING A STATE LIMITATION ON THE USE OF SOUND REDUCTION DEVICES ON FIREARMS; REPEALING SECTION 87-3-123, MCA.

HB241—(H) Died in standing committee. AN ACT PROVIDING FOR THE ENFORCEMENT OF OFF-HIGHWAY MOTORCYCLE AND QUADRICYCLE NOISE EMISSION STANDARDS BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; AND AMENDING SECTIONS 61-9-418, 61-9-435, AND 61-9-518, MCA.

HB335—(S) Died in standing committee. AN ACT AUTHORIZING COURT-ORDERED RESTRICTION OF A PERSON'S PARTICIPATION IN ANY HUNTING, FISHING, OR TRAPPING ENDEAVOR IF LOSS OF HUNTING, FISHING, OR TRAPPING PRIVILEGES IS IMPOSED FOR A VIOLATION OF FISH AND GAME LAWS; PROVIDING PENALTIES FOR A VIOLATION OF A COURT-ORDERED RESTRICTION; AND AMENDING SECTIONS 87-1-102, 87-1-803, AND 87-1-804, MCA.

HB336—Chapter number assigned. AN ACT REVISING PENALTIES FOR THE WASTE OF GAME ANIMALS, GAME FISH, GAME BIRDS, AND FUR-BEARING ANIMALS; REQUIRING FORFEITURE OF PRIVILEGES AND PAYMENT OF RESTITUTION; AND AMENDING SECTIONS 87-1-111, 87-1-115, 87-3-102, AND 87-3-506, MCA.

HB337—Chapter number assigned. AN ACT REVISING DEFINITIONS RELATED TO FISH AND GAME VIOLATIONS; AND AMENDING SECTIONS 87-1-513, 87-2-101, 87-2-114, AND 87-2-807, MCA.

HB369—(H) Died in standing committee. AN ACT GENERALLY REVISING ENFORCEMENT OF FISH AND GAME LAWS; LIMITING RULEMAKING AUTHORITY RELATED TO GAME ANIMAL IDENTIFICATION; AWARDED ATTORNEY FEES AND COURT COSTS TO PERSONS CHARGED BUT NOT CONVICTED OF FISH AND GAME CRIMES; LIMITING SEARCH AND SEIZURE POWERS OF GAME WARDENS; PROHIBITING GAME WARDENS FROM VIOLATING FISH AND GAME LAWS AND RULES; PROHIBITING THE USE OF MISREPRESENTATION IN EVIDENCE GATHERING; CLARIFYING CONDUCT PERMITTED AT GAME CHECKING STATIONS; REMOVING NEGLIGENCE AS A BASIS FOR VIOLATING A FISH AND GAME LAW.

HB449—Chapter number assigned. AN ACT REVISING PENALTIES FOR THE INTENTIONAL, UNLAWFUL IMPORTATION, INTRODUCTION, AND TRANSPLANTATION OF FISH; AND AMENDING SECTION 87-5-721, MCA.

HB474—(H) Died in standing committee. AN ACT REQUIRING ALL MEAT FROM A HARVESTED GAME ANIMAL THAT IS SUITABLE FOR FOOD TO BE TRANSPORTED FROM A KILL SITE IN THE FIELD BEFORE ANTLERS OR HORNS ARE TRANSPORTED; PROVIDING PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

SB112—(H) Died in standing committee. AN ACT PROVIDING THAT A HAND-THROWN SPEAR MUST BE CONSIDERED A LAWFUL MEANS OF HUNTING; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

SB124—Chapter number assigned. AN ACT REORGANIZING AND RECODIFYING FISH AND GAME CODE CRIMINAL STATUTES AND DEFINITIONS; CLARIFYING PENALTIES; AMENDING SECTIONS.

SB133—(H) Died in standing committee. AN ACT REVISING LAWS RELATED TO THE RIGHTS OF HUNTERS; PROTECTING HUNTERS' RIGHT TO PRIVACY; PROHIBITING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FROM RELEASING HUNTERS' PERSONAL INFORMATION WITHOUT PERMISSION OR A COURT ORDER; MAKING IT UNLAWFUL TO HARASS, THREATEN, OR INTIMIDATE BY ANY MEANS AN INDIVIDUAL BECAUSE THE INDIVIDUAL PURCHASES A HUNTING LICENSE OR ENGAGES IN THE LAWFUL TAKING OF A WILD ANIMAL; AMENDING SECTIONS 87-2-106, 87-3-142, AND 87-3-144, MCA.

SB144—(H) Died in standing committee. AN ACT GENERALLY PROHIBITING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FROM RELOCATING WILD BUFFALO OR BISON OR ALLOWING FREE-ROAMING BISON IN THE STATE; PROVIDING AN EXCEPTION TO THE PROHIBITION FROM RELOCATION; REQUIRING REPORTS; AMENDING SECTION 87-1-216, MCA.

SB230—(S)Died in standing committee. AN ACT PROHIBITING THE USE OF EXTERNAL FELT-SOLED BOOTS OR WADERS IN THE WATERS OF THIS STATE; PROVIDING EXCEPTIONS; AMENDING SECTION 87-3-204, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

**2009:**

HB63—(H) Died in standing committee. AN ACT AUTHORIZING THE REVOCATION OF A COMMERCIAL FUR DEALER'S LICENSE AND A FUR DEALER'S AGENT'S LICENSE FOR VIOLATION OF STATE LAW OR DEPARTMENTAL RULES AND REGULATIONS; DEFINING "PELT"; CLARIFYING THE RECORDS REQUIRED TO BE KEPT BY FUR DEALERS; ~~GRANTING DEPARTMENTAL RULEMAKING AUTHORITY RELATED TO COMMERCIAL FUR DEALER'S LICENSES AND FUR DEALER'S AGENT'S LICENSES~~; AMENDING SECTIONS 87-4-301, 87-4-302, 87-4-303, AND 87-4-306, MCA; AND PROVIDING AN ~~IMMEDIATE~~ EFFECTIVE DATE.

HB222—Chapter number assigned. AN ACT REQUIRING THAT A PERSON WHO IS CONVICTED OF A HUNTING, FISHING, OR TRAPPING CRIMINAL VIOLATION AND WHOSE PRIVILEGES TO HUNT, FISH, OR TRAP HAVE BEEN REVOKED IS NOT ELIGIBLE TO PURCHASE A LICENSE TO HUNT, FISH, OR TRAP UNTIL ALL SENTENCING TERMS ARE MET; AMENDING SECTIONS 87-1-102 AND 87-2-106, MCA.

HB427—(H) Died in process. AN ACT REPEALING THE PROHIBITION ON THE POSSESSION OF SOUND REDUCTION DEVICES ON FIREARMS IN THE FIELD AND FOREST; REPEALING SECTION 87-3-123, MCA.

SB202—Chapter number assigned. AN ACT PROHIBITING THE FEEDING OF CERTAIN WILDLIFE; AMENDING SECTION 87-3-130, MCA.

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