

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE UNLAWFUL HARASSMENT
5 OR HARM OF GAME ANIMALS, GAME BIRDS, FUR-BEARING ANIMALS, AND PREDATORY ANIMALS;
6 ADDING NEW OFFENSES AND PENALTIES; AND AMENDING SECTION 87-6-107, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 **Section 1.** Section 87-6-107, MCA, is amended to read:

11 **"87-6-107. Unlawful harassment or harm of game animals, and game birds, fur-bearing**
12 **animals, and predatory animals with vehicle or device.** (1) (a) A person may not concentrate, drive, rally,
13 stir up, run, molest, flush, herd, chase, harass, or impede the movement of or attempt to concentrate, drive,
14 rally, stir up, run, molest, flush, herd, chase, harass, or impede the movement of a game animal, ~~or game bird,~~
15 fur-bearing animal, or predatory animal from or with the use or aid of a self-propelled, motor-driven, or drawn
16 vehicle or device, including aircraft and snow machines. ~~This section~~

17 (b) Subsection (1)(a) does not apply to landowners and their authorized agents engaged in the
18 immediate protection of that landowner's property.

19 (2) The following penalties apply for a violation of ~~this section~~ subsection (1):

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

26 (b) A person convicted of or who forfeits bond or bail after being charged with a second or
27 subsequent violation of ~~this section-subsection (1)~~ within 5 years shall be fined not less than \$500 or more than
28 \$1,000 or be imprisoned for not more than 6 months, or both. In addition, the person shall forfeit any current

1 hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, and trap in this state for
2 24 months from the date of conviction or forfeiture of bond or bail unless the court imposes a longer period."

3 (3) (a) A person may not harm, torment, torture, or kill or attempt to harm, torment, torture, or kill a
4 game animal, game bird, fur-bearing animal, or predatory animal from or with the use or aid of a self-propelled,
5 motor-driven, or drawn vehicle or device, including aircraft and snow machines, without legal justification.

6 (b) Subsection (3)(a) does not apply to:

7 (i) individuals hunting from a vehicle in the manner described in 87-2-803;

8 (ii) landowners and their authorized agents engaged in the immediate protection of that
9 landowner's property; or

10 (iii) individuals carrying out lawful wildlife management practices.

11 (4) The following penalties apply for a violation of subsection (3):

12 (a) A person who violates subsection (3) is guilty of a felony and upon conviction shall be fined not
13 less than \$500 dollars or more than \$1,000 or be imprisoned in the state prison for no more than 1 year, or
14 both. In addition, the person shall forfeit any current hunting, fishing, or trapping license issued by this state and
15 the privilege to hunt, fish, and trap in this state or to use state lands, as defined in 77-1-101, for recreational
16 purposes for 2 years from the date of conviction or forfeiture of bond or bail.

17 (b) A person convicted of subsequent violations of subsection (3) shall be fined not less than
18 \$1,000 or more than \$2,500 or be imprisoned in the state prison for no more than 2 years, or both. In addition,
19 the person shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to
20 hunt, fish, and trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for 4
21 years from the date of conviction or forfeiture of bond or bail."

22 - END -