

HOUSE BILL NO. 242

INTRODUCED BY T. MILLETT, B. MITCHELL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING FINES FOR ILLEGALLY TRANSPORTING AQUATIC INVASIVE SPECIES; REMOVING THE OPTION TO ISSUE A WARNING WITHOUT PENALTY; AND AMENDING SECTION 80-7-1014, MCA."

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

Section 1. Section 80-7-1014, MCA, is amended to read:

"80-7-1014. Penalty. (1) ~~Except as provided in subsection (2), the~~ The following penalties apply:

(a) The offense of negligently violating the provisions of 80-7-1010 through 80-7-1012 and 80-7-1015 or rules adopted under 80-7-1010 through 80-7-1012 and 80-7-1015 pertaining to an invasive species management area or the statewide invasive species management area is a misdemeanor punishable by a fine not to exceed ~~\$500-\$1,000~~ for the first offense and ~~\$750-\$1,500~~ for subsequent offenses.

(b) The offense of purposely or knowingly violating the provisions of 80-7-1010 through 80-7-1012 and 80-7-1015 or rules adopted under 80-7-1010 through 80-7-1012 and 80-7-1015 pertaining to an invasive species management area or the statewide invasive species management area is a misdemeanor punishable by a fine not to exceed ~~\$975~~ \$1,950. In addition, the person shall forfeit the following as issued by this state:

(i) any current fishing license and the privilege to fish in this state for a period of time set by the court; and

(ii) any current sticker or decal required under this part to operate a vessel on the waters of this state.

(c) Purposely or knowingly attempting to introduce an invasive species in Montana is a felony. Any person found guilty under this subsection (1)(c) is subject to a criminal penalty of up to 2 years in prison, a fine not to exceed \$10,000, or both. A person convicted of violating this subsection (1)(c) may also be required to surrender an involved vessel and pay restitution for any cost incurred to mitigate the effect of the violation.

(d) A civil penalty not to exceed \$2,500 may be imposed on any person who violates any other

1 provision of 80-7-1010 through 80-7-1012 and 80-7-1015 or rules adopted under 80-7-1010 through 80-7-1012
 2 and 80-7-1015 not enumerated in subsections (1)(a) through (1)(c).

3 ~~(2) A warning without penalty may be issued to any person violating the provisions of 80-7-1010~~
 4 ~~through 80-7-1012 and 80-7-1015 or rules adopted under 80-7-1010 through 80-7-1012 and 80-7-1015 if it is~~
 5 ~~determined that a warning best serves the public interest.~~

6 ~~(3)~~(2) Civil penalties collected under this section must be deposited in the general fund."

7 - END -