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## HOUSE BILL NO. 242

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INTRODUCED BY T. MILLETT, B. MITCHELL

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

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

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

11 **"80-7-1014. Penalty.** (1) ~~Except as provided in subsection (2), the~~ The following penalties apply:

12 (a) The offense of negligently violating the provisions of 80-7-1010 through 80-7-1012 and 80-7-  
13 1015 or rules adopted under 80-7-1010 through 80-7-1012 and 80-7-1015 pertaining to an invasive species  
14 management area or the statewide invasive species management area is a misdemeanor punishable by a fine  
15 not to exceed ~~\$500-\$1,000~~ \$1,000 for the first offense and ~~\$750-\$1,500~~ \$1,500 for subsequent offenses.

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

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

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

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

28 (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 -