

1 HOUSE BILL NO. 108

2 INTRODUCED BY D. LOGE, B. BROWN

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO FAILING TO OBTAIN
 5 LANDOWNER PERMISSION FOR HUNTING; REQUIRING PERMISSION TO HUNT FURBEARERS;
 6 DEFINING HUNT; REVISING PENALTIES; AMENDING SECTION 87-6-415, MCA; AND PROVIDING AN
 7 IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

8

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

10

11 **Section 1.** Section 87-6-415, MCA, is amended to read:

12 **"87-6-415. Failure to obtain landowner's permission for hunting.** (1) ~~A resident or nonresident~~
 13 ~~shall obtain permission of the landowner, the lessee, or their agents before taking or attempting to take~~ A
 14 person may not hunt or attempt to hunt furbearers, game animals, migratory game birds, nongame wildlife,
 15 predatory animals, upland game birds, or wolves while hunting on private property without first obtaining
 16 permission of the landowner, the lessee, or their agents.

17 (2) A person who violates this section shall, upon conviction for a first offense, be fined not less than
 18 \$135 or more than \$500.

19 (3) A person convicted of a second OR SUBSEQUENT offense of hunting on private property without
 20 obtaining permission of the landowner within 5 years shall be fined not less than \$500 or more than \$1,000.

21 (4) In addition, the person, upon conviction under subsection (3) or forfeiture of bond or bail:

22 (a) ~~may be subject to forfeiture of~~ shall forfeit any current hunting, fishing, or trapping license issued
 23 by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for
 24 recreational purposes for ~~a period of time set by the court~~ NOT LESS THAN 12 months OR MORE THAN THREE YEARS
 25 from the date of conviction or forfeiture unless the court imposes a longer period; and

26 (b) may be ordered to make restitution for property damage resulting from the violation in an amount
 27 and manner to be set by the court. The court shall determine the manner and amount of restitution after full
 28 consideration of the convicted person's ability to pay the restitution. Upon good cause shown by the convicted

1 person, the court may modify any previous order specifying the amount and manner of restitution. Full payment
2 of the amount of restitution ordered must be made prior to the release of state jurisdiction over the person
3 convicted.

4 (5) For the purposes of this section, the term "hunt" has the same meaning as provided in 87-6-101
5 and includes entering private land to:

6 (a) retrieve wildlife; or

7 (b) access public land TO HUNT."

8

9 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

10

11 NEW SECTION. Section 3. Applicability. [This act] applies to violations of [section 1] charged on or
12 after [the effective date of this act].

13

- END -