

HOUSE BILL NO. 292

INTRODUCED BY B. BROWN

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A BILL FOR AN ACT ENTITLED: "AN ACT RESTRICTING THE USE OF SIMULATED WILDLIFE DECOYS FOR ENFORCEMENT PURPOSES; AMENDING SECTIONS 87-1-506 AND 87-6-217, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 87-1-506, MCA, is amended to read:

"87-1-506. Enforcement powers of wardens. (1) A warden may:

- (a) serve a subpoena issued by a court for the trial of a violator of the fish and game laws;
- (b) search, without a warrant, any tent not used as a residence, any boat, vehicle, box, locker, basket, creel, crate, game bag, or package, or their contents upon probable cause to believe that any fish and game law or department rule for the protection, conservation, or propagation of game, fish, birds, or fur-bearing animals has been violated;
- (c) search, with a search warrant, any dwelling house or other building;
- (d) seize game, fish, game birds, and fur-bearing animals and any parts of them taken or possessed in violation of the law or the rules of the department;
- (e) seize and hold, subject to law or the orders of the department, devices that have been used to unlawfully take game, fish, birds, or fur-bearing animals;
- (f) arrest, in accordance with Title 46, chapter 6, a violator of a fish and game law or rule of the department, violation of which is a misdemeanor;
- (g) enforce the disorderly conduct and public nuisance laws, 45-8-101 and 45-8-111, as they apply to the operation of motorboats on all waters of the state;
- (h) as provided for in 37-47-345, investigate and make arrests for violations of the provisions of Title 37, chapter 47, and of any rules adopted pursuant to that chapter relating to the regulation of outfitters and guides in the state;
- (i) enforce the provisions of Title 80, chapter 7, part 10, and rules adopted under Title 80, chapter 7, part 10, for those invasive species that are under the department's jurisdiction; and

1 (j) exercise the other powers of peace officers in the enforcement of the fish and game laws, the rules
2 of the department, and judgments obtained for violation of those laws or rules.

3 (2) A warden may not use a simulated wildlife decoy for enforcement purposes during the authorized
4 hunting hours of any hunting season.

5 ~~(2)~~(3) The meat of game animals that are seized pursuant to subsection (1)(d) must be donated directly
6 to the Montana food bank network or to public or charitable institutions to the extent reasonably feasible. Any
7 meat that the department is unable to donate must be sold pursuant to 87-1-511, with the proceeds to be
8 distributed as provided in 87-1-513(2)."

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10 **Section 2.** Section 87-6-217, MCA, is amended to read:

11 **"87-6-217. Shooting at simulated wildlife.** (1) A person may not discharge a firearm or other hunting
12 implement at a simulated wildlife decoy in violation of any state statute or commission rule regulating the hunting
13 of the wildlife being simulated when the decoy is being used by a certified peace officer in accordance with
14 87-1-506(2).

15 (2) A person convicted of a violation of this section is subject to the same penalty as prescribed for the
16 state statute or commission rule violated during the attempted hunting of the actual wildlife being simulated. In
17 addition, the person shall pay restitution of \$50 to the department for the repair of damages to simulated wildlife
18 decoys."

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20 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2015.

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