

1 SENATE BILL NO. 339

2 INTRODUCED BY D. HOWARD

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING FISH AND GAME LAWS; DIRECTING A
5 GAME WARDEN TO HAVE A REASONABLE BELIEF THAT SOMEONE IS FISHING, HUNTING, OR TRAPPING
6 IN ORDER TO INSPECT A LICENSE AND IDENTIFICATION; PROVIDING A PENALTY; AND AMENDING
7 SECTIONS 87-1-502 AND 87-6-304, MCA."

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

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11 **Section 1.** Section 87-1-502, MCA, is amended to read:

12 **"87-1-502. Qualifications, powers, and duties.** (1) Wardens must be qualified by their experience,
13 training, and skill in protection, conservation, and propagation of wildlife, game, fur-bearing animals, fish, and
14 game birds and interested in this work. They shall devote all of their time for which they are appointed to their
15 official duties.

16 (2) They shall enforce the laws of this state and the rules of the department with reference to the
17 protection, preservation, and propagation of game and fur-bearing animals, fish, and game birds.

18 (3) They shall see that persons who hunt, fish, or take game or fur-bearing animals, game birds, or fish
19 and that those persons who make recreational use of state lands, as defined in 77-1-101, for hunting and fishing,
20 have the necessary licenses, subject to 87-6-304.

21 (4) They shall assist in the protection, conservation, and propagation of fish, game, fur-bearing animals,
22 and game and nongame birds and assist in the planting, distributing, feeding, and care of fish, game, fur-bearing
23 animals, and game and nongame birds. They shall, when ordered by the department, assist in the destruction
24 of predatory animals, birds, and rodents. They shall perform all other duties prescribed by the department and
25 make a monthly report to the department correctly informing the department of their activities on each day of the
26 preceding month with regard to the enforcement of the fish and game laws, showing where their duties called
27 them and what they did. The reports must contain any pertinent recommendations the wardens may see fit to
28 make.

29 (5) A warden may not compromise or settle violations of fish and game laws out of court.

30 (6) A warden has the authority to inspect any and all fish, game and nongame birds, waterfowl, game

1 animals, and fur-bearing animals at reasonable times and at any location other than a residence or dwelling.
 2 ~~Upon request therefor, all persons~~ Persons having in their possession any fish, game and nongame birds,
 3 waterfowl, game animals, ~~and or~~ fur-bearing animals shall, on request, exhibit ~~the same and all thereof~~ these to
 4 the warden for ~~such~~ inspection.

5 (7) The department is a criminal justice agency for the purpose of obtaining the technical assistance and
 6 support services provided by the board of crime control under the provisions of 44-4-301. Authorized officers of
 7 the department are granted peace officer status with the power:

8 (a) of search, seizure, and arrest;

9 (b) to investigate activities in this state regulated by this title and rules of the department and the
 10 commission; and

11 (c) to report violations to the county attorney of the county in which they occur."
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13 **Section 2.** Section 87-6-304, MCA, is amended to read:

14 **"87-6-304. License, permit, or tag offenses.** (1) A person may not apply for, purchase, or possess
 15 more than one license, permit, or tag of any one class or more than one special license for any one species listed
 16 in 87-2-701. This provision does not apply to Class B-4 or Class B-5 licenses or to licenses issued under
 17 87-2-104(2) for game management purposes. However, when more than one license, permit, or tag is authorized
 18 by the commission, a person may not apply for, purchase, or possess more licenses, permits, or tags than are
 19 authorized.

20 (2) The holder of a replacement license, permit, or tag may not make the replacement license, permit,
 21 or tag available for use by another person.

22 (3) Except as provided in 87-6-305(2), a person to whom a license or permit has been issued may not
 23 fish, hunt for any game bird or game animal, or attempt to hunt for any fur-bearing animal in this state unless the
 24 person is carrying the required license or permit at the time.

25 (4) ~~A person may not refuse to exhibit a license or permit and the identification used in purchasing a~~
 26 ~~license or permit for inspection to a~~ A warden or other officer who has a reasonable belief that a person is
 27 engaged in fishing, hunting, or trapping may request and inspect the person's license or permit and the
 28 identification used in purchasing that license or permit requesting to see it. In response to this type of request,
 29 the person may not refuse to exhibit a license or permit and related identification to the warden or other officer.
 30 A person convicted of a violation of this subsection shall be fined not more than \$50.

1 (5) A person may not at any time alter or change a license in any material manner or loan or transfer any
2 license to another person. A person other than the person to whom a license is issued may not use the license.
3 A person may not attach the person's license to a game animal killed by another person.

4 (6) ~~A~~ Except as provided in subsection (4), a person convicted of a violation of this section shall be fined
5 not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for not more than 6
6 months, or both. In addition, the person, ~~upon~~ on conviction or forfeiture of bond or bail, may be subject to
7 forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or
8 trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set
9 by the court."

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