

1 SENATE BILL NO. 76

2 INTRODUCED BY E. MCCLAFFERTY

3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE REQUIREMENT THAT A PAPER LICENSE OR
6 TAG BE ATTACHED TO A GAME ANIMAL OR TURKEY; ALLOWING FOR A PAPER LICENSE OR TAG TO
7 ACCOMPANY THE CARCASS OF A GAME ANIMAL OR TURKEY; AMENDING SECTIONS 87-3-310, 87-6-
8 305, 87-6-411, AND 87-6-412, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

11
12 **Section 1.** Section 87-3-310, MCA, is amended to read:

13 **"87-3-310. Transfer of possession of harvested game.** (1) A person licensed to hunt and
14 authorized to possess a carcass of a game animal that requires mandatory department biological inspection or
15 a wolf that requires mandatory department biological inspection may, after validating ~~and attaching~~ the license
16 or tag in accordance with 87-6-411, transfer possession of all or part of that game animal or wolf to any person
17 at any time after leaving the site of the kill, provided a statement of possession has been completed.

18 (2) A statement of possession must be on a form prescribed by the department and signed by the
19 licensed person and the person or persons receiving possession and must accompany the carcass or portion of
20 carcass presented for inspection.

21 (3) Upon receipt of game or a part of game, the recipient is authorized and responsible to present
22 the harvested game to the department as required for biological inspection, if applicable, and salvage the edible
23 meat for human consumption, if required by law.

24 (4) A person may not transfer possession of all or part of a grizzly bear carcass."
25

26 **SECTION 2. SECTION 87-6-305, MCA, IS AMENDED TO READ:**

27 **"87-6-305. Unlawful possession of hunting or fishing license or permit.** (1) Except as provided in
28 subsection (2), a person commits the offense of unlawful possession of a hunting or fishing license or permit if

1 the person knowingly carries or has physical control over a valid and unused:

2 (a) hunting license or permit issued to another person while in any location that the species to be
3 hunted may inhabit;

4 (b) resident hunting license or permit or resident fishing license or permit issued to a nonresident;
5 or

6 (c) hunting license or permit or fishing license or permit that was issued in violation of applicable
7 law or rule.

8 (2) The prohibition in subsection (1) does not apply:

9 ~~(a) to a person who is carrying or has physical control over a license or permit issued to that person's
10 spouse or to any minor when the spouse or minor is hunting with that person; and,~~

11 ~~(b) when a properly obtained and validated license or permit is attached to a lawfully killed game
12 animal.~~

13 (3) Except as provided in subsection (4), a person who violates this section shall be fined not less
14 than \$50 or more than \$1,000 or be imprisoned in the county detention center for not more than 6 months, or
15 both. In addition, the person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any
16 current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or trap in this
17 state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the
18 court.

19 (4) A person who violates this section while engaged in a commercial activity, such as taxidermy,
20 meat processing, outfitting, or guiding by carrying or having physical control over three or more hunting licenses
21 that are issued to another person or persons and that are used or intended to be used on game animals not
22 taken by the person or persons to whom the licenses were issued or by knowingly carrying, having physical
23 control of, or selling two or more licenses or permits that were issued in violation of applicable law or rule is
24 guilty of a felony and upon conviction shall be fined not more than \$50,000 or be imprisoned in the state prison
25 for not more than 5 years, or both. In addition, the person shall forfeit any current hunting, fishing, or trapping
26 license or permit issued by this state and lose the privilege to hunt, fish, or trap in this state for not less than 3
27 years up to a revocation for life from the date of conviction."

28

1 **Section 3.** Section 87-6-411, MCA, is amended to read:

2 **"87-6-411. Tagging of game animal offenses.** (1) Each license issued by the department
3 authorizing the holder of the license to hunt game animals, whether issued to a resident or a nonresident, must
4 provide any tags the department prescribes.

5 (2) When a person kills a game animal under the license, the person shall, before the carcass is
6 removed from or the person leaves the site of the kill, take physical possession of the game animal by:

7 (a) electronically validating the license or tag pursuant to rules adopted in accordance with 87-2-
8 119; or

9 (b) VALIDATING THE LICENSE OR TAG BY cutting out ~~from the license or tag~~ the date the animal was
10 killed ~~and attaching the license or tag to the animal~~. A license or tag that is not electronically validated must be:

11 ~~(i) completely filled out with the name of the license holder, the license holder's address, and any~~
12 ~~other information requested on the license or tag; and~~

13 ~~(ii) kept attached to accompany~~ the carcass as long as any considerable portion of the carcass
14 remains unconsumed.

15 (3) When a game animal has been lawfully killed and the proper license or tag is electronically
16 validated or ~~is attached to~~ accompanies the game animal that was killed, the game animal becomes the
17 property of the person who lawfully killed the animal and may be possessed, used, stored, donated to another
18 or to a charity, transferred to another person pursuant to 87-3-310, or transported.

19 (4) A person ~~may not fail to~~ shall keep the license or tag ~~attached to~~ accompanying the game
20 animal or portion of the game animal while the animal is possessed by the person unless the license or tag was
21 electronically validated.

22 (5) A person may not ~~tag a game animal with or electronically validate a license or tag~~ VALIDATE
23 PURSUANT TO SUBSECTION (2) A LICENSE OR TAG that is restricted to a hunting district other than the hunting
24 district where the game animal was killed.

25 (6) A person who is convicted of or who forfeits bond or bail after being charged with a violation of
26 this section shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention
27 center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail,
28 may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the

1 privilege to hunt, fish, and trap in this state or to use state lands, as defined in 77-1-101, for recreational
2 purposes for a period of time set by the court."
3

4 **Section 4.** Section 87-6-412, MCA, is amended to read:

5 **"87-6-412. ~~Tagging of turkey~~ Turkey tagging offenses.** (1) A person who kills, captures, or
6 possesses a wild turkey by authority of any turkey tag or permit ~~may not~~:

7 (a) ~~fail or neglect to attach the tag to the turkey in compliance with instructions on the tag or to~~
8 shall VALIDATE THE TAG EITHER electronically validate the tag in accordance with rules adopted pursuant to 87-2-
9 119 OR BY CUTTING OUT FROM THE LICENSE OR TAG THE DATE THE TURKEY WAS KILLED prior to the person leaving or
10 the turkey being removed from the site of the kill;

11 ~~(b) fail to shall validate the tag either electronically or by not filling out or punch marking the tag as~~
12 required;

13 ~~(c)(B) unless the tag was electronically validated, fail to keep the tag attached while the turkey is~~
14 possessed by the person shall keep the license or tag accompanying the turkey while the turkey is in the
15 person's possession unless the license or tag was electronically validated; or and

16 ~~(d)(C) may not tag a turkey with or electronically validate~~ PURSUANT TO SUBSECTION (1)(A) a TURKEY
17 license or tag that is restricted to a hunting district other than the hunting district where the turkey was killed.

18 (2) A person who is convicted of or who forfeits bond or bail after being charged with a violation of
19 this section shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention
20 center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail,
21 may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the
22 privilege to hunt, fish, and trap in this state or to use state lands, as defined in 77-1-101, for recreational
23 purposes for a period of time set by the court."
24

25 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

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