

1 while the gray wolf is possessed by the person unless the license or tag was electronically validated.

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

8
9 **NEW SECTION. Section 2. Class E-1--resident wolf license.** (1) Except as otherwise provided in
10 this chapter and in subsection (2) of this section, a person who is a resident, as defined in 87-2-102, and who is
11 12 years of age or older or who will turn 12 years old before or during the season for which the license is
12 issued, upon payment of a fee of \$12, may receive a Class E-1 license that entitles a holder who is 12 years of
13 age or older to hunt a wolf and possess the carcass of the wolf as authorized by commission regulations.

14 (2) A resident holder of a Class AAA combination sports license, regardless of whether it includes
15 a Class A-6 bear tag, may purchase the first Class E-1 license the person obtains in that license year for \$10.

16 (3) Fees collected pursuant to this section must be deposited and used in accordance with 87-1-
17 623.

18
19 **NEW SECTION. Section 3. Class E-2--nonresident wolf license.** (1) Except as otherwise provided
20 in this chapter and in subsection (2) of this section, a person who is not a resident, as defined in 87-2-102, but
21 who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is
22 issued, upon payment of a fee of \$50, may receive a Class E-2 license that entitles a holder who is 12 years of
23 age or older to hunt a wolf and possess the carcass of the wolf as authorized by commission regulations.

24 (2) A nonresident holder of a valid Class B-10 nonresident big game combination license or Class
25 B-11 deer combination license may purchase the first Class E-2 license the person obtains in that license year
26 for one-half the cost.

27 (3) Fees collected pursuant to this section must be deposited and used in accordance with 87-1-
28 623.

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Section 4. Section 87-1-901, MCA, is amended to read:

"87-1-901. Gray wolf management -- rulemaking -- reporting. (1) Except as provided in subsection (3), the commission shall establish by rule hunting and trapping seasons for wolves with the intent to reduce the wolf population in this state to a sustainable level, but not less than the number of wolves necessary to support at least 15 breeding pairs. Trapping seasons must allow for the use of snares by the holder of a trapping license.

(2) For game management purposes, the commission may apply different management techniques depending on the conditions in each administrative region with the most liberal harvest regulations applied in regions with the greatest number of wolves. In doing so, the commission may authorize:

- (a) the issuance of more than one Class E-1 or Class E-2 wolf hunting license to an applicant;
- (b) the trapping or snaring of more than one wolf by the holder of a trapping license;
- (c) the harvest of an unlimited number of wolves by the holder of a single wolf hunting or wolf trapping license;
- (d) during the wolf trapping season, the use of bait while hunting or trapping wolves as long as no trap or snare trap is set within 30 feet of exposed bait visible from above; and
- (e) the hunting of wolves on private lands outside of daylight hours with the use of artificial light or night vision scopes.

(3) The commission shall adopt rules to allow a landowner or the landowner's agent to take a wolf on the landowner's property at any time without the purchase of a Class E-1 or Class E-2 wolf license when the wolf is a potential threat to human safety, livestock, or dogs. The rules must:

- (a) be consistent with the Montana gray wolf conservation and management plan and the adaptive management principles of the commission and the department for the Montana gray wolf population;
- (b) require a landowner or the landowner's agent who takes a wolf pursuant to this subsection (3) to promptly report the taking to the department and to preserve the carcass of the wolf;
- (c) establish a quota each year for the total number of wolves that may be taken pursuant to this subsection (3); and
- (d) allow the commission to issue a moratorium on the taking of wolves pursuant to this subsection

1 (3) before a quota is reached if the commission determines that circumstances require a limitation of the total
2 number of wolves taken.

3 (4) Public land permittees who have experienced livestock depredation must obtain a special kill
4 permit authorized in 87-5-131~~(3)(b)~~ (2)(b) to take a wolf on public land without the purchase of a Class E-1 or
5 Class E-2 license.

6 (5) The department shall report annually to the environmental quality council in accordance with 5-
7 11-210 regarding the implementation of 87-5-131, 87-5-132, and this section."

8

9 **Section 5.** Section 87-2-101, MCA, is amended to read:

10 **"87-2-101. Definitions.** As used in Title 87, chapter 3, and this chapter, unless the context clearly
11 indicates otherwise, the following definitions apply:

12 (1) "Angling" or "fishing" means to take or harvest fish or the act of a person possessing any
13 instrument, article, or substance for the purpose of taking or harvesting fish in any location that a fish might
14 inhabit.

15 (2) (a) "Bait" means any animal matter, vegetable matter, or natural or artificial scent placed in an
16 area inhabited by wildlife for the purpose of attracting game animals or game birds.

17 (b) The term does not include:

18 (i) decoys, silhouettes, or other replicas of wildlife body forms;

19 (ii) scents used only to mask human odor; or

20 (iii) types of scents that are approved by the commission for attracting game animals or game
21 birds.

22 (3) "Fur-bearing animals" means marten or sable, otter, muskrat, fisher, mink, bobcat, lynx,
23 wolverine, gray wolf, northern swift fox, and beaver.

24 (4) "Game animals" means deer, elk, moose, antelope, caribou, mountain sheep, mountain goat,
25 mountain lion, bear, and wild buffalo.

26 (5) "Game fish" means all species of the family Salmonidae (chars, trout, salmon, grayling, and
27 whitefish); all species of the genus Sander (sandpike or sauger and walleyed pike or yellowpike perch); all
28 species of the genus Esox (northern pike, pickerel, and muskellunge); all species of the genus Micropterus

1 (bass); all species of the genus *Polyodon* (paddlefish); all species of the family *Acipenseridae* (sturgeon); all
2 species of the genus *Lota* (burbot or ling); the species *Perca flavescens* (yellow perch); all species of the genus
3 *Pomoxis* (crappie); and the species *Ictalurus punctatus* (channel catfish).

4 (6) "Hunt" means to pursue, shoot, wound, take, harvest, kill, chase, lure, possess, or capture or
5 the act of a person possessing a weapon, as defined in 45-2-101, or using a dog or a bird of prey for the
6 purpose of shooting, wounding, taking, harvesting, killing, possessing, or capturing wildlife protected by the
7 laws of this state in any location that wildlife may inhabit, whether or not the wildlife is then or subsequently
8 taken. The term includes an attempt to take or harvest by any means, including but not limited to pursuing,
9 shooting, wounding, killing, chasing, luring, possessing, or capturing.

10 (7) "Migratory game birds" means waterfowl, including wild ducks, wild geese, brant, and swans;
11 cranes, including little brown and sandhill; rails, including coots; Wilson's snipes or jacksnipes; and mourning
12 doves.

13 (8) "Nongame wildlife" means any wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean,
14 or other animal not otherwise legally classified by statute or regulation of this state.

15 (9) "Open season" means the time during which game birds, game fish, game animals, and fur-
16 bearing animals may be lawfully taken.

17 (10) "Person" means an individual, association, partnership, or corporation.

18 (11) "Predatory animals" means coyote, weasel, skunk, and civet cat.

19 (12) "Trap" means to take or harvest or participate in the taking or harvesting of any wildlife
20 protected by the laws of the state by setting or placing any mechanical device, snare, deadfall, pit, or device
21 intended to take wildlife or to remove wildlife from any of these devices.

22 (13) "Upland game birds" means sharp-tailed grouse, blue grouse, spruce (Franklin) grouse, prairie
23 chicken, sage hen or sage grouse, ruffed grouse, ring-necked pheasant, Hungarian partridge, ptarmigan, wild
24 turkey, and chukar partridge.

25 (14) "Wild buffalo or bison" or "wild buffalo" means a bison that:

26 (a) has not been reduced to captivity;

27 (b) has never been subject to the per capita fee under 15-24-921;

28 (c) has never been owned by a person; and

1 (d) is not the offspring of a bison that has been subject to the per capita fee under 15-24-921."

2

3 **Section 6.** Section 87-2-127, MCA, is amended to read:

4 **"87-2-127. Trapper education required.** (1) (a) Except as provided in subsection (2), a Class C
5 ~~trapper's~~ resident trapping license may not be issued to a resident unless the license agent processing the
6 application determines proof of:

7 (i) the applicant's purchase of a ~~trapper's~~trapping license in three prior trapping seasons; or

8 (ii) completion of a trapper education course established pursuant to this section or otherwise
9 approved by the trapper education committee.

10 (b) Neither the department nor a license agent is required to provide records of past Montana
11 ~~trapper's~~trapping license purchases prior to 1990 or for trapping licenses purchased in another state.

12 (2) A resident is not required to complete a trapper education course if the resident:

13 (a) is trapping for the purposes of livestock or property protection; or

14 (b) completes the advanced level of the youth trapper camp offered by the Montana trappers
15 association.

16 (3) The department shall provide a trapper education course that includes field instruction and
17 classroom or online instruction and incorporates the trapper education manual from the Montana trappers
18 association in the course resources. The course must:

19 (a) include but is not limited to instruction in trapping ethics, best practices, equipment, regulations,
20 and avoidance of nontarget species;

21 (b) meet the requirements of rule or law for certification to trap wolves; and

22 (c) be reviewed and, as needed, revised by the trapper education committee established in
23 subsection (6).

24 (4) To successfully complete a trapper education course, a person must pass a final exam. Upon
25 successful completion, the department shall issue that person a certificate of completion.

26 (5) To be certified to teach a trapper education course established pursuant to this section, an
27 instructor shall:

28 (a) pass a background check conducted by the department; and

1 (b) be deemed competent by the trapper education committee established in subsection (6) to give
2 instruction in ethical and humane trapping methods.

3 (6) The department shall establish a trapper education committee consisting of three active,
4 certified trapper instructors, two of whom are members of the Montana trappers association, and three
5 department staff knowledgeable in trapping. The committee shall review and revise trapper education course
6 content and certify new trapper education instructors.

7 (7) As part of the department's trapper licensing procedures, the department shall notify the public
8 of the requirements of this section."

9

10 **Section 7.** Section 87-2-601, MCA, is amended to read:

11 **"87-2-601. Class C--trapper's resident trapping license.** Except as otherwise provided in this
12 chapter, a resident, as defined in 87-2-102, who is 12 years of age or older, upon making application and
13 payment of a fee of \$20 to the department, may receive a Class C license that authorizes the holder to trap fur-
14 bearing animals within the state at the times and in the manner provided by law and the regulations of the
15 commission and at the places that may be designated in the license. This license includes the Class C-4
16 license to hunt bobcat, wolverine, and Canada lynx established in 87-2-606 and the Class E-1 license to hunt
17 wolves as established in [section 2]."

18

19 **Section 8.** Section 87-2-602, MCA, is amended to read:

20 **"87-2-602. Class C-1--~~landowner's~~ landowner trapping license.** Except as otherwise provided in
21 this chapter, any individual who owns land in this state or any tenant or member of the immediate family of the
22 owner or tenant, upon making application to the department ~~and payment of the fee of \$1,~~ may receive a Class
23 C-1 license that entitles the holder to trap any fur-bearing animal and to hunt bobcat, wolverine, and lynx on
24 land owned or leased by the individual or the individual's immediate family at times and in a manner that is
25 lawful under the laws of the state and the regulations of the department and at places that may be designated
26 in the license. This license includes the Class E-1 license to hunt wolves as established in [section 2]."

27

28 **Section 9.** Section 87-2-603, MCA, is amended to read:

1 **"87-2-603. Class C-2--nonresident trapper's trapping license -- reciprocity.** (1) A person not a
2 resident, as defined in 87-2-102, who is 12 years of age or older, on making application and payment of a fee of
3 \$250 to the department, is entitled to a nonresident ~~trapper's~~ trapping license that authorizes the holder to trap
4 and snare predatory animals, nongame wildlife, and, subject to the provisions of subsection (2), certain fur-
5 bearing species within the state. The trapping or snaring is permitted only after October 15 of each license year
6 and in the manner provided by law and the rules of the commission and at the places that may be designated in
7 the license.

8 (2) A person seeking a license to trap fur-bearing species, except the gray wolf, under this
9 subsection (2) shall:

10 (a) provide a notarized affidavit on a form approved by the department listing the person's legal
11 residence, including the state;

12 (b) (i) provide documentation that the person's resident state issues nonresident trapping licenses
13 that allow Montana residents to trap the same species for which the person seeks to trap in Montana; or

14 (ii) attest on the affidavit that the person's resident state does not offer reciprocity for trapping the
15 fur-bearing species the person seeks to trap in Montana because the species does not exist in the resident
16 state; and

17 (c) provide evidence that the person completed a trapping education course that is equivalent to
18 the trapping education requirements for residents."

19

20 **Section 10.** Section 87-4-1001, MCA, is amended to read:

21 **"87-4-1001. Definitions.** For purposes of this part, the following definitions apply:

22 (1) "Fur farm" means the enclosed land area upon which furbearers may be kept for purposes of
23 obtaining, rearing in captivity, keeping, and selling furbearers or parts of furbearers as authorized under this
24 part.

25 (2) "Furbearer" means a marten or sable, otter, muskrat, fisher, bobcat, lynx, wolverine, or beaver.
26 The term does not include fox, gray wolf, or mink."

27

28 **Section 11.** Section 87-5-131, MCA, is amended to read:

1 **"87-5-131. Process for delisting of gray wolf -- management following delisting.** (1) If the United
2 States fish and wildlife service removes the Northern Rocky Mountain or gray wolf from the United States' list of
3 endangered or threatened wildlife, the department is authorized to remove the wolf from the state list of
4 endangered species upon a determination by the department pursuant to this part that the wolf is no longer
5 endangered.

6 ~~(2) Following state delisting of the wolf, the department shall manage the wolf as a species in need~~
7 ~~of management until the department and the commission determine that the wolf no longer needs protection as~~
8 ~~a species in need of management and can be managed and protected as a game animal or furbearer. Upon~~
9 ~~making that determination, the commission may declare the wolf a game animal or a furbearer and may~~
10 ~~regulate the taking of a wolf as a game animal or furbearer.~~

11 (2) (a) Following state delisting of the wolf, the department, or the department of livestock,
12 pursuant to 81-7-102 and 81-7-103, may control wolves for the protection and safeguarding of livestock if the
13 control action is consistent with a wolf management plan approved by both the department and the department
14 of livestock.

15 (b) Any wolf management plan approved by the department and the department of livestock must
16 allow the issuance of special kill permits, also known as shoot-on-sight written take authorizations, by the
17 department to landowners or public land permittees who have experienced livestock depredation."
18

19 **Section 12.** Section 87-6-101, MCA, is amended to read:

20 **"87-6-101. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions
21 apply:

22 (1) "Alternative livestock" means a privately owned caribou, white-tailed deer, mule deer, elk,
23 moose, antelope, mountain sheep, or mountain goat indigenous to the state of Montana, a privately owned
24 reindeer, or any other cloven-hoofed ungulate as classified by the department. Black bear and mountain lion
25 must be regulated pursuant to Title 87, chapter 4, part 8.

26 (2) "Alternative livestock ranch" means the enclosed land area upon which alternative livestock
27 may be kept for purposes of obtaining, rearing in captivity, keeping, or selling alternative livestock or parts of
28 alternative livestock, as authorized under Title 87, chapter 4, part 4.

1 (3) "Aircraft" means any manned or unmanned aerial vehicle or device that is used or intended to
2 be used for flight in the air.

3 (4) (a) "Bait" means any animal matter, vegetable matter, or natural or artificial scent placed in an
4 area inhabited by wildlife for the purpose of attracting game animals or game birds.

5 (b) The term does not include:

6 (i) decoys, silhouettes, or other replicas of wildlife body forms;

7 (ii) scents used only to mask human odor; or

8 (iii) types of scents that are approved by the commission for attracting game animals or game
9 birds.

10 (5) "Closed season" means the time during which game birds, fish, game animals, and fur-bearing
11 animals may not be lawfully taken.

12 (6) "Cloven-hoofed ungulate" means an animal of the order Artiodactyla, except a member of the
13 families Suidae, Camelidae, or Hippopotamidae. The term does not include domestic pigs, domestic cows,
14 domestic yaks, domestic sheep, domestic goats that are not naturally occurring in the wild in their country of
15 origin, or bison.

16 (7) "Conviction" means a judgment or sentence entered following a guilty plea, a nolo contendere
17 plea, a verdict or finding of guilty rendered by a legally constituted jury or by a court of competent jurisdiction
18 authorized to try the case without a jury, or a forfeiture of bail or collateral deposited to secure the person's
19 appearance in court that has not been vacated.

20 (8) "Field trial" has the meaning provided in 87-3-601.

21 (9) "Fishing" means to take or harvest fish or the act of a person possessing any instrument,
22 article, or substance for the purpose of taking or harvesting fish in any location that a fish might inhabit.

23 (10) (a) "Fur dealer" means a person engaging in, carrying on, or conducting wholly or in part the
24 business of buying or selling, trading, or dealing within the state of Montana in the skins or pelts of fur-bearing
25 animals or predatory animals.

26 (b) If a fur dealer resides in Montana or if the fur dealer's principal place of business is within the
27 state of Montana, the fur dealer is considered a resident fur dealer. All other fur dealers are considered
28 nonresident fur dealers.

1 (11) "Fur farm" means enclosed land on which furbearers are kept for purposes of obtaining, rearing
2 in captivity, keeping, and selling furbearers or parts of furbearers.

3 (12) (a) "Fur-bearing animal" or "furbearer" means marten or sable, otter, muskrat, fisher, mink,
4 bobcat, lynx, wolverine, gray wolf, northern swift fox, and beaver.

5 (b) As used in Title 87, chapter 4, part 10, "furbearer" does not include fox, gray wolf, or mink.

6 (13) "Game animal" means deer, elk, moose, antelope, caribou, mountain sheep, mountain goat,
7 mountain lion, bear, and wild buffalo.

8 (14) "Game fish" means all species of the family Salmonidae (chars, trout, salmon, grayling, and
9 whitefish); all species of the genus Stizostedion (sandpike or sauger and walleyed pike or yellowpike perch); all
10 species of the genus Esox (northern pike, pickerel, and muskellunge); all species of the genus Micropterus
11 (bass); all species of the genus Polyodon (paddlefish); all species of the family Acipenseridae (sturgeon); all
12 species of the genus Lota (burbot or ling); the species *Perca flavescens* (yellow perch); all species of the genus
13 *Pomoxis* (crappie); and the species *Ictalurus punctatus* (channel catfish).

14 (15) "Hunt" means to pursue, shoot, wound, take, harvest, kill, chase, lure, possess, or capture or
15 the act of a person possessing a weapon, as defined in 45-2-101, or using a dog or a bird of prey for the
16 purpose of shooting, wounding, taking, harvesting, killing, possessing, or capturing wildlife protected by the
17 laws of this state in any location that wildlife may inhabit, whether or not the wildlife is then or subsequently
18 taken. The term includes an attempt to take or harvest by any means, including but not limited to pursuing,
19 shooting, wounding, killing, chasing, luring, possessing, or capturing.

20 (16) "Knowingly" has the meaning provided in 45-2-101.

21 (17) "Livestock" includes ostriches, rheas, and emus.

22 (18) "Migratory game bird" means waterfowl, including wild ducks, wild geese, brant, and swans;
23 cranes, including little brown and sandhill; rails, including coots; Wilson's snipes or jacksnipes; and mourning
24 doves.

25 (19) "Negligently" has the meaning provided in 45-2-101.

26 (20) "Nongame wildlife" means any wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean,
27 or other animal not otherwise legally classified by statute or regulation of this state.

28 (21) "Open season" means the time during which game birds, fish, and game and fur-bearing

1 animals may be lawfully taken.

2 (22) "Participating state" means any state that enacts legislation to become a member of the
3 Interstate Wildlife Violator Compact.

4 (23) "Person" means an individual, association, partnership, and corporation.

5 (24) "Possession" has the meaning provided in 45-2-101.

6 (25) "Predatory animal" means coyote, weasel, skunk, and civet cat.

7 (26) "Purposely" has the meaning provided in 45-2-101.

8 (27) "Raptor" means all birds of the orders Falconiformes and Strigiformes, commonly called
9 falcons, hawks, eagles, ospreys, and owls.

10 (28) "Resident" has the meaning provided in 87-2-102.

11 (29) "Roadside menagerie" means any place where one or more wild animals are kept in captivity
12 for the evident purpose of exhibition or attracting trade, on or off the facility premises. It does not include the
13 exhibition of any animal by an educational institution or by a traveling theatrical exhibition or circus based
14 outside of Montana.

15 (30) "Sale" means a contract by which a person:

16 (a) transfers an interest in either game or fish for a price; or

17 (b) transfers, barter, or exchanges an interest either in game or fish for an article or thing of value.

18 (31) "Site of the kill" means the location where a game animal or game bird expires and the person
19 responsible for the death takes physical possession of the carcass.

20 (32) "Supplemental feed attractant" means any food, garbage, or other attractant for game animals.

21 The term does not include growing plants or plants harvested for the feeding of livestock.

22 (33) "Taxidermist" means a person who conducts a business for the purpose of mounting,
23 preserving, or preparing all or part of the dead bodies of any wildlife.

24 (34) "Trap" means to take or harvest or participate in the taking or harvesting of any wildlife
25 protected by state law by setting or placing any mechanical device, snare, deadfall, pit, or device intended to
26 take wildlife or to remove wildlife from any of these devices.

27 (35) "Upland game birds" means sharptailed grouse, blue grouse, spruce (Franklin) grouse, prairie
28 chicken, sage hen or sage grouse, ruffed grouse, ring-necked pheasant, Hungarian partridge, ptarmigan, wild

1 turkey, and chukar partridge.

2 (36) "Wild animal" means an animal that is wild by nature as distinguished from common domestic
3 animals, whether the animal was bred or reared in captivity, and includes birds and reptiles.

4 (37) "Wild animal menagerie" means any place where one or more bears or large cats, including
5 cougars, lions, tigers, jaguars, leopards, pumas, cheetahs, ocelots, and hybrids of those large cats, are kept in
6 captivity for use other than public exhibition.

7 (38) "Wild buffalo or bison" or "wild buffalo" means a bison that:

8 (a) has not been reduced to captivity;

9 (b) has never been subject to the per capita fee under 15-24-921;

10 (c) has never been owned by a person; and

11 (d) is not the offspring of a bison that has been subject to the per capita fee under 15-24-921.

12 (39) "Wildlife sanctuary" means a facility organized as a Montana nonprofit corporation pursuant to
13 Title 35, chapter 2, or in good standing with and accredited by the American sanctuary association or the global
14 federation of animal sanctuaries for the purpose of providing homes for nonreleasable wild animals.
15 Accreditation and good standing must be proven with a copy of an accreditation report completed as required
16 by the accrediting organization.

17 (40) "Zoo" means any zoological garden chartered as a nonprofit corporation by the state or in good
18 standing with and accredited by the association of zoos and aquariums or the zoological association of America
19 for the purpose of exhibiting wild animals for public viewing. Accreditation and good standing must be proven
20 with a copy of an accreditation report completed as required by the accrediting organization."

21

22 **Section 13.** Section 87-6-401, MCA, is amended to read:

23 **"87-6-401. Unlawful use of equipment while hunting.** (1) A person may not:

24 (a) hunt or attempt to hunt any game animal or game bird by the aid or with the use of any snare,
25 except as allowed in 87-3-127 and 87-3-128, set gun, projected artificial light, trap, salt lick, or bait;

26 (b) use any recorded or electrically amplified bird or animal calls or sounds or recorded or
27 electrically amplified imitations of bird or animal calls or sounds to hunt wildlife except for predatory animals,
28 wolves, and those birds not protected by state or federal law;

1 (c) while hunting, use any device or mechanism devised to silence, muffle, or minimize the report
2 of any firearm, whether the device or mechanism is operated from or attached to any firearm. This subsection
3 (1)(c) does not prohibit the use of a device or mechanism registered with the bureau of alcohol, tobacco,
4 firearms and explosives to silence, muffle, or minimize the report of a firearm when hunting wildlife.

5 (d) while hunting, use any electronic motion-tracking device or mechanism, as defined by
6 commission rule, that is designed to track the motion of a game animal or furbearer and relay information on
7 the animal's movement to the hunter. A radio-tracking collar attached to a dog that is used by a hunter engaged
8 in lawful hunting activities is not considered a motion-tracking device or mechanism for purposes of this
9 subsection (1)(d).

10 (e) while hunting, use archery equipment that has been prohibited by rule of the commission;

11 (f) use a shotgun to hunt deer or elk except with weapon type and loads as specified by the
12 department;

13 (g) use a rifle to hunt or shoot upland game birds unless the use of rifles is permitted by the
14 department. This does not prohibit the shooting of wild waterfowl from blinds over decoys with a shotgun only,
15 not larger than a number 10 gauge, fired from the shoulder.

16 (h) use a rifle to hunt or shoot wild turkey during the spring wild turkey season; or

17 (i) during the special muzzleloader heritage hunting season established in 87-1-304, use a
18 muzzleloading rifle that requires insertion of a cap or primer into the open breech of the barrel, is capable of
19 being loaded from the breech, or is mounted with an optical magnification device. Use of prepared paper or
20 metallic cartridges, sabots, gas checks, or other similar power and range-enhancing manufactured loads that
21 enclose the projectile from the rifling or bore of the firearm is also prohibited.

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

27 (3) A person convicted of hunting while using projected artificial light as described in subsection
28 (1)(a) may be subject to the additional penalties provided in 87-6-901 through 87-6-903.

1 (4) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905
2 through 87-6-907."

3

4 **Section 14.** Section 87-6-402, MCA, is amended to read:

5 **"87-6-402. Unlawful hunting within city or town.** (1) A person may not hunt or attempt to hunt any
6 game animal or furbearer within the boundaries of any incorporated or unincorporated city or town of this state
7 except as allowed under a plan developed by a city or town and approved by the department pursuant to 7-3-
8 1105, 7-3-1222, or 7-31-4110.

9 (2) A person convicted of a violation of this section shall be fined not less than \$50 or more than
10 \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the
11 person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing,
12 or trapping license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands,
13 as defined in 77-1-101, for recreational purposes for a period of time set by the court.

14 (3) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905
15 through 87-6-907."

16

17 **Section 15.** Section 87-6-403, MCA, is amended to read:

18 **"87-6-403. Unlawful hunting from public highway.** (1) Except as provided in 87-2-803 and 87-6-
19 405, a person may not hunt or attempt to hunt any game animal, furbearer, or game bird on, from, or across
20 any public highway or the shoulder, berm, or barrow pit right-of-way of any public highway, as defined in 61-1-
21 101, in the state.

22 (2) A person convicted of or who forfeits bond or bail after being charged with a violation of this
23 section shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for
24 not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, shall
25 forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, and
26 trap in this state for 24 months from the date of conviction or forfeiture of bond or bail unless the court imposes
27 a longer period.

28 (3) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905

1 through 87-6-907."

2

3 **Section 16.** Section 87-6-405, MCA, is amended to read:

4 **"87-6-405. Unlawful use of vehicle while hunting.** (1) Except as provided in 87-2-803, a person
5 may not hunt or attempt to hunt any game animal, furbearer, or game bird from any self-propelled, motor-
6 driven, or drawn vehicle. For the purposes of this section, the term "hunt" does not include:

7 (a) spotting game from a vehicle; or

8 (b) if hunting on, from, or across a road or trail or the shoulder, berm, or barrow pit right-of-way of a
9 road or trail that is not a public highway, as defined in 61-1-101, a person who has both feet on the ground and
10 whose body is outside of a vehicle.

11 (2) While hunting, a person may not:

12 (a) use a motor-driven vehicle other than on a road or trail designated for travel by a landowner
13 unless permission has been given by that landowner;

14 (b) use a motor-driven vehicle on a road or trail on state land if that road or trail is posted as closed
15 by the land management agency unless permission has been given by that land management agency. The
16 restriction in this subsection (2)(b) applies only to state land and not to federal land.

17 (c) use a motor-driven vehicle off road on state land.

18 (3) The following penalties apply for a violation of this section:

19 (a) A person convicted of or who forfeits bond or bail after being charged with a violation of
20 subsection (1) shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention
21 center for not more than 6 months, or both. In addition, the person shall forfeit any current hunting, fishing, or
22 trapping license issued by this state and the privilege to hunt, fish, and trap in this state for 24 months from the
23 date of conviction or forfeiture of bond or bail unless the court imposes a longer period.

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

1 (4) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905
2 through 87-6-907."

3

4 **Section 17.** Section 87-6-415, MCA, is amended to read:

5 **"87-6-415. Failure to obtain landowner's permission for hunting.** (1) A person may not hunt or
6 attempt to hunt furbearers, game animals, migratory game birds, nongame wildlife, predatory animals, or
7 upland game birds, ~~or~~ wolves on private property without first obtaining permission of the landowner, the
8 lessee, or their agents.

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

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

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

14 (a) shall forfeit any current hunting, fishing, or trapping license issued by this state and the
15 privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes
16 for not less than 12 months or more than 3 years from the date of conviction or forfeiture of bond or bail; and

17 (b) may be ordered to make restitution for property damage resulting from the violation in an
18 amount and manner to be set by the court. The court shall determine the manner and amount of restitution after
19 full consideration of the convicted person's ability to pay the restitution. Upon good cause shown by the
20 convicted person, the court may modify any previous order specifying the amount and manner of restitution.

21 Full payment of the amount of restitution ordered must be made prior to the release of state jurisdiction over the
22 person convicted.

23 (5) For the purposes of this section, the term "hunt" has the same meaning as provided in 87-6-
24 101 and includes entering private land to:

25 (a) retrieve wildlife; or

26 (b) access public land to hunt."

27

28 **Section 18.** Section 87-6-603, MCA, is amended to read:

1 **"87-6-603. Waste of fur-bearing animal.** (1) A person may not waste a fur-bearing animal by
2 purposely or knowingly:

3 (a) failing to pick up traps or snares at the end of the trapping season so that the pelt of a fur-
4 bearing animal is wasted;

5 (b) attending traps or snares so that fur-bearing animals are wasted; or

6 (c) wasting the pelt of any fur-bearing animal- ; or

7 (d) abandoning the head or pelt of a gray wolf in the field, except as provided for in 87-1-901(3)
8 and 87-6-106.

9 (2) The department shall enforce the provisions of this section.

10 (3) The following are exempt from this section:

11 (a) federal, state, and county predator control programs; and

12 (b) pelts of muskrat and beaver killed pursuant to 87-6-602(2).

13 (4) As used in this section, "pelt" means the pelt, skin, or fur of a fur-bearing animal.

14 (5) A person convicted of a violation of this section shall be fined not less than \$50 or more than
15 \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, a
16 person, upon conviction or forfeiture of bond or bail, shall:

17 (a) forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to
18 hunt, fish, or trap in this state for 24 months from the date of conviction or forfeiture unless the court imposes a
19 longer period; and

20 (b) pay restitution pursuant to 87-6-905 and 87-6-906."

21

22 NEW SECTION. Section 19. Repealer. The following sections of the Montana Code Annotated are
23 repealed:

24 87-2-523. Class E-1--resident wolf license.

25 87-2-524. Class E-2--nonresident wolf license.

26

27 NEW SECTION. Section 20. Codification instruction. (1) [Section 1] is intended to be codified as
28 an integral part of Title 87, chapter 6, part 4, and the provisions of Title 87, chapter 6, part 4, apply to [section

1 1].

2 (2) [Sections 2 and 3] are intended to be codified as an integral part of Title 87, chapter 2, part 6,

3 and the provisions of Title 87, chapter 2, part 6, apply to [sections 2 and 3].

4 - END -