

HOUSE BILL NO. 98

INTRODUCED BY G. PARRY

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

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE POSSESSION AND VALIDATION OF LICENSES, PERMITS, OR TAGS; ALLOWING A PERSON TO HAVE PHYSICAL CONTROL OVER VALID AND UNUSED ELECTRONICALLY ISSUED LICENSES, PERMITS, OR TAGS OF THE PERSON'S SPOUSE AND ANY MINOR; REQUIRING LICENSE VALIDATION BY THE LICENSE HOLDER; AMENDING SECTIONS 87-6-304 AND 87-6-305, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 87-6-304, MCA, is amended to read:

**"87-6-304. License, permit, or tag offenses.** (1) A-Except as provided in 87-6-305(2), a person may not apply for, purchase, or possess more than one license, permit, or tag of any one class or more than one special license for any one species listed in 87-2-701. This provision does not apply to Class B-4, Class B-5, or Class E-2 licenses or to licenses issued under 87-2-104(3) for game management purposes. However, when more than one license, permit, or tag is authorized by the commission, a person may not apply for, purchase, or possess more licenses, permits, or tags than are authorized.

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

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

(4) A person may not refuse to exhibit a license or permit and the identification used in purchasing a license or permit for inspection to a warden or other officer requesting to see it.

(5) A person may not at any time alter or change a license in any material manner or loan or

1 transfer any license to another person. ~~A person other than the~~ The person, including a minor child, to whom a  
 2 license is issued ~~may not use the license~~ shall validate the license. A person may not ~~attach the person's~~  
 3 validate a license to ~~for~~ a game animal killed by another person.

4 (6) A person convicted of a violation of this section shall be fined not less than \$50 or more than  
 5 \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, except  
 6 as provided in subsection (7), the person, upon 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.

10 (7) A person convicted under subsection (1), (2), or (5) of unlawfully procuring, possessing, using,  
 11 or transferring a replacement license, permit, or tag shall forfeit any current hunting, fishing, or trapping license  
 12 issued by this state and the privilege to hunt, fish, or trap in this state for 24 months from the date of conviction  
 13 or forfeiture of bond or bail unless a court imposes a longer period. For each subsequent violation, the person  
 14 shall forfeit any current hunting, fishing, or trapping license issued by this state and the privilege to hunt, fish, or  
 15 trap in this state for the same period of time imposed by the court for the person's previous violation plus an  
 16 additional 24 months."

17  
 18 **Section 2.** Section 87-6-305, MCA, is amended to read:

19 **"87-6-305. Unlawful possession of hunting or fishing license or permit.** (1) Except as provided in  
 20 subsection (2), a person commits the offense of unlawful possession of a hunting or fishing license or permit if  
 21 the person knowingly carries or has physical control over a valid and unused:

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

24 (b) resident hunting license or permit or resident fishing license or permit issued to a nonresident;  
 25 or

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

28 (2) The prohibition in subsection (1) does not apply to a person who is carrying or has physical

1 control over a valid and unused license or permit issued to that person's spouse or to any minor when the  
 2 spouse or minor is hunting with that person. This exception also applies to a license or permit issued  
 3 electronically.

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

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

19

20 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

21

- END -