

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE UNLAWFUL USE OF  
5 AIRCRAFT FOR HUNTING; EXTENDING THE WAITING PERIOD AFTER USE OF AN AIRCRAFT; BANNING  
6 THE POSSESSION OF UNMANNED AERIAL VEHICLES WHILE HUNTING; INCREASING FINES AND  
7 PENALTIES; AND AMENDING SECTION 87-6-208, MCA."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10  
11 **Section 1.** Section 87-6-208, MCA, is amended to read:

12 **"87-6-208. Unlawful use of aircraft.** (1) Except as provided in 87-3-126, a person may not:

13 (a) kill, take, or shoot at any game bird, game animal, or fur-bearing animal from an aircraft;

14 (b) use an aircraft:

15 (i) to locate any game animal for the purpose of hunting that animal ~~during the same calendar day~~  
16 within 48 hours after using the aircraft; or

17 (ii) for the purpose of concentrating, pursuing, driving, rallying, or stirring up any game bird,  
18 migratory bird, game animal, or fur-bearing animal; or

19 (c) if in or using an aircraft, spot or locate any game animal or fur-bearing animal and  
20 communicate the location of the game animal or fur-bearing animal to any person:

21 (i) on the ground by means of any air-to-ground communication signal or other device as an aid to  
22 hunting or pursuing wildlife; or

23 (ii) ~~within the same calendar day~~ within 48 hours after using the aircraft; or

24 (d) hunt or attempt to hunt any game bird, game animal, or fur-bearing animal while in possession  
25 of an unmanned aerial vehicle.

26 (2) The provisions of this section do not apply:

27 (a) during emergency situations;

28 (b) when search and rescue operations are being conducted; or

1 (c) for predator control as permitted by the department of livestock.

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

3 (a) Unless otherwise provided in this subsection (3), a person convicted of a violation of this  
4 section shall be fined not less than ~~\$300~~ \$3,000 or more than ~~\$1,000~~ \$10,000 or be imprisoned in the county  
5 detention center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of  
6 bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state  
7 and the privilege to hunt, fish, or trap in this state ~~or to use state lands, as defined in 77-1-101, for recreational~~  
8 ~~purposes for a period of time set by the court~~ for 36 months from the date of conviction or forfeiture unless the  
9 court imposes a longer period.

10 (b) If a person is convicted or forfeits bond or bail after being charged with unlawful use of an  
11 aircraft to kill or take a deer, elk, antelope, mountain lion, mountain sheep, moose, wild buffalo, caribou,  
12 mountain goat, black bear, or grizzly bear, the person shall be fined not less than ~~\$500~~ \$5,000 or more than  
13 ~~\$2,000~~ \$20,000 or be imprisoned in the county detention center for not more than 6 months, or both. In  
14 addition, the person shall forfeit any current hunting, fishing, recreational use, or trapping license issued by this  
15 state and the privilege to hunt, fish, or trap in this state for ~~30~~ 36 months from the date of conviction or forfeiture  
16 unless the court imposes a longer period.

17 (c) If a person is convicted or forfeits bond or bail after being charged with unlawful use of an  
18 aircraft to kill or take a fur-bearing animal, the person shall be fined not less than ~~\$400~~ \$1,000 or more than  
19 ~~\$1,000~~ \$10,000 or be imprisoned in the county detention center for not more than 6 months, or both. In  
20 addition, the person shall forfeit any current hunting, fishing, recreational use, or trapping license issued by this  
21 state and the privilege to hunt, fish, or trap in this state for ~~24~~ 36 months from the date of conviction or forfeiture  
22 unless the court imposes a longer period, and any pelts possessed unlawfully must be confiscated.

23 (4) As used in this section, "aircraft" has the meaning provided in 87-6-101."

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