

HOUSE BILL NO. 202

INTRODUCED BY C. SPRUNGER, E. ALBUS, J. SECKINGER, B. CLOSE, T. SHARP, L. BENNETT, C. COCHRAN, S. GIST, C. HINKLE, J. SCHILLINGER, J. KARLEN, B. MITCHELL, G. NIKOLAKAKOS, G. PARRY, L. REKSTEN, S. ESSMANN, J. HINKLE

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

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

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

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

- (a) kill, take, or shoot at any game bird, game animal, or fur-bearing animal from an aircraft;
(b) use an aircraft:
(i) to locate any game animal for the purpose of hunting that animal during the same calendar day within 48 hours after using the aircraft; or
(ii) for the purpose of concentrating, pursuing, driving, rallying, or stirring up any game bird, migratory bird, game animal, or fur-bearing animal; or
(c) if in or using an aircraft, spot or locate any game animal or fur-bearing animal and communicate the location of the game animal or fur-bearing animal to any person:
(i) on the ground by means of any air-to-ground communication signal or other device as an aid to hunting or pursuing wildlife; or
(ii) within the same calendar day 48 hours after using the aircraft; or
(d) hunt or attempt to hunt any game bird, game animal, or fur-bearing animal while in possession of an unmanned aerial vehicle.

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

- 1 (a) during emergency situations;
- 2 (b) when search and rescue operations are being conducted; or
- 3 (c) for predator control as permitted by the department of livestock.

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

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

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

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

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

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