

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; INCLUDING GAME BIRDS IN THE PROTECTED SPECIES; 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~~ HUNT any game bird, game animal, or fur-bearing animal from an aircraft;

(b) ~~use an aircraft:~~ HUNT ANY GAME BIRD, GAME ANIMAL, OR FUR-BEARING ANIMAL WITHIN 24 HOURS

AFTER UTILIZING A PRIVATE 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)(C) UTILIZE AN AIRCRAFT~~ for the purpose of concentrating, pursuing, driving, rallying, or stirring up any game bird, ~~migratory bird,~~ game animal, or fur-bearing animal; or

~~(e)(D)~~ if in or ~~using~~ UTILIZING an aircraft, spot or locate any GAME BIRD, game animal, or fur-bearing animal and communicate the location of the GAME BIRD, 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~~ 24 HOURS after ~~using~~ UTILIZING the aircraft; or

~~(e)(E)~~ hunt or attempt to hunt any game bird, game animal, or fur-bearing animal while in possession

1 of an unmanned aerial vehicle.

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

3 (a) during emergency situations;

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

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

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

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

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

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

27 (4) As used in this section, "aircraft" ~~has~~ AND "HUNT" HAVE the ~~meaning~~ SAME MEANINGS AS provided
28 in 87-6-101."

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