

HOUSE BILL NO. 202

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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; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE."

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 AN AIRCRAFT TO LOCATE OR SPOT ANY GAME BIRD, GAME ANIMAL, OR FUR-BEARING ANIMAL;

~~(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~~

~~(d)(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; OR

6 (D) WHEN SUPPORTING AN AGRICULTURAL OPERATION.

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

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

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

22 (c) If a person is convicted or forfeits bond or bail after being charged with unlawful use of an
23 aircraft to kill or take a fur-bearing animal, the person shall be fined not less than ~~\$100~~ \$1,000 or more than
24 ~~\$1,000~~ \$10,000 or be imprisoned in the county detention center for not more than 6 months, or both. In
25 addition, the person shall forfeit any current hunting, fishing, recreational use, or trapping license issued by this
26 state and the privilege to hunt, fish, or trap in this state for ~~24~~ 36 months from the date of conviction or forfeiture
27 unless the court imposes a longer period, and any pelts possessed unlawfully must be confiscated.

28 (4) As used in this section, "aircraft" ~~has~~ AND "HUNT" HAVE the ~~meaning~~ SAME MEANINGS AS provided

1 in 87-6-101."

2

3 **SECTION 2.** SECTION 87-6-208, MCA, IS AMENDED TO READ:

4 **"87-6-208. Unlawful use of aircraft.** (1) Except as provided in 87-3-126, a person may not:

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

6 (b) ~~use an aircraft: hunt any game bird, game animal, or fur-bearing animal after utilizing an aircraft~~
7 ~~within the same calendar day to locate or spot any game bird, game animal, or fur-bearing animal;~~

8 (i) ~~to locate any game animal for the purpose of hunting that animal during the same calendar~~
9 ~~day; or~~

10 (ii)(c) ~~utilize an aircraft~~ for the purpose of concentrating, pursuing, driving, rallying, or stirring up any
11 game bird, ~~migratory bird~~, game animal, or fur-bearing animal; or

12 (e)(d) if in or ~~using~~ utilizing an aircraft, spot or locate any game ~~bird, game~~ animal, or fur-bearing
13 animal and communicate the location of the game ~~bird, game~~ animal, or fur-bearing animal to any person:

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

16 (ii) within the same calendar day after ~~using~~ utilizing the aircraft; ~~or~~

17 (e) ~~hunt or attempt to hunt any game bird, game animal, or fur-bearing animal while in possession~~
18 ~~of an unmanned aerial vehicle.~~

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

20 (a) during emergency situations;

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

22 (c) for predator control as permitted by the department of livestock; or

23 (d) when supporting an agricultural operation.

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

25 (a) Unless otherwise provided in this subsection (3), a person convicted of a violation of this
26 section shall be fined not less than ~~\$300~~ \$3,000 or more than ~~\$1,000~~ \$10,000 or be imprisoned in the county
27 detention center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of
28 bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state

1 and the privilege to hunt, fish, or trap in this state ~~or to use state lands, as defined in 77-1-101, for recreational~~
2 ~~purposes for a period of time set by the court~~ for 36 months from the date of conviction or forfeiture unless the
3 court imposes a longer period.

4 (b) If a person is convicted or forfeits bond or bail after being charged with unlawful use of an
5 aircraft to kill or take a deer, elk, antelope, mountain lion, mountain sheep, moose, wild buffalo, caribou,
6 mountain goat, black bear, or grizzly bear, the person shall be fined not less than ~~\$500~~ \$5,000 or more than
7 ~~\$2,000~~ \$20,000 or be imprisoned in the county detention center for not more than 6 months, or both. In
8 addition, the person shall forfeit any current hunting, fishing, recreational use, or trapping license issued by this
9 state and the privilege to hunt, fish, or trap in this state for ~~30~~ 36 months from the date of conviction or forfeiture
10 unless the court imposes a longer period.

11 (c) If a person is convicted or forfeits bond or bail after being charged with unlawful use of an
12 aircraft to kill or take a fur-bearing animal, the person shall be fined not less than ~~\$400~~ \$1,000 or more than
13 ~~\$1,000~~ \$10,000 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 ~~24~~ 36 months from the date of conviction or forfeiture
16 unless the court imposes a longer period, and any pelts possessed unlawfully must be confiscated.

17 (4) As used in this section, "aircraft" ~~has the meaning and~~ "hunt" have the same meanings as
18 provided in 87-6-101.

19
20 COORDINATION SECTION. SECTION 3. COORDINATION INSTRUCTION. IF BOTH SENATE BILL NO. 106
21 AND [THIS ACT] ARE PASSED AND APPROVED AND IF BOTH CONTAIN A SECTION THAT AMENDS 87-6-208, THEN THE
22 SECTION AMENDING 87-6-208 IN SENATE BILL NO. 106 IS VOID.

23
24 NEW SECTION. SECTION 4. EFFECTIVE DATES. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), [THIS ACT] IS
25 EFFECTIVE ON PASSAGE AND APPROVAL.

26 (2) [SECTION 2] IS EFFECTIVE JANUARY 1, 2027.

27
28 NEW SECTION. SECTION 5. TERMINATION. [SECTION 1] TERMINATES DECEMBER 31, 2026.

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- END -