

HOUSE BILL NO. 202

INTRODUCED BY C. SPRUNGER, E. ALBUS, J. SECKINGER, B. CLOSE, T. SHARP, L. BENNETT, C.  
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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 ~~\$4,000~~ \$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 ~~\$400~~ \$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.

