

Amendment - 1st Reading/2nd House-blue - Requested by: Jill Cohenour - (S) Fish and Game

- 2023

68th Legislature 2023

Drafter: Casey Pallister, (406) 444-3067

HB0548.002.001

1 HOUSE BILL NO. 548
2 INTRODUCED BY J. COHENOUR, E. MCCLAFFERTY, J. WELBORN, B. MOLNAR, G. HERTZ, J. ELLIS, S.
3 MORIGEAU, J. SMALL, T. VERMEIRE, D. BAUM, T. FRANCE, P. GREEN, D. HARVEY, D. HAWK, M.
4 HOPKINS, J. KARLEN, J. KASSMIER, C. KEOGH, R. MINER, T. RUNNING WOLF, L. SMITH, M. THANE, J.
5 WINDY BOY

6
7 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE REVOCATION OF HUNTING, FISHING, AND
8 TRAPPING PRIVILEGES FOR ACTS OF CRIMINAL TRESPASS COMMITTED WHILE COLLECTING OR
9 ATTEMPTING TO COLLECT ANTLERS, ANTLER SHEDS, OR ANIMAL HORNS; AMENDING SECTION 45-6-
10 203, MCA; AND PROVIDING AN APPLICABILITY DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13
14 **Section 1.** Section 45-6-203, MCA, is amended to read:

15 **"45-6-203. Criminal trespass to property.** (1) Except as provided in 15-7-139, 70-16-111, 76-13-
16 116, and subsection (4) of this section, a person commits the offense of criminal trespass to property if the
17 person knowingly:

- 18 (a) enters or remains unlawfully in an occupied structure; or
19 (b) enters or remains unlawfully in or upon the premises of another.

20 (2) ~~A EXCEPT AS PROVIDED IN SUBSECTION (3)(B), A~~ A person convicted of the offense of criminal
21 trespass to property shall be fined not to exceed \$500 or be imprisoned in the county jail for any term not to
22 exceed 6 months, or both.

23 (3) ~~(A) A EXCEPT AS PROVIDED IN SUBSECTION (3)(B), A~~ A person convicted of or who forfeits bond or
24 bail for committing an act of criminal trespass involving property owned or administered by the department of
25 fish, wildlife, and parks or while hunting, fishing, or trapping may be subject to revocation of the person's
26 privilege to hunt, fish, or trap in this state for up to 24 months from the date of conviction or forfeiture if the
27 trespass occurs on:

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1 ~~(a)(1)(a)~~ property owned or administered by the department of fish, wildlife, and parks; or
2 ~~(b)(1)(b)~~ any property, regardless of ownership, if the person is hunting, fishing, trapping, or collecting or
3 attempting to collect antlers, antler sheds, or animal horns.

4 ~~(B) — A PERSON WHO COMMITS AN ACT OF CRIMINAL TRESPASS PURSUANT TO SUBSECTION (3)(A) SHALL BE~~
5 ~~GIVEN A WARNING FOR A FIRST OFFENSE AND MAY BE SUBJECT TO THE PENALTIES ALLOWED IN THIS SECTION FOR~~
6 ~~SUBSEQUENT VIOLATIONS.~~

7 (4) It does not constitute criminal trespass when a person who lacks proof of vaccination or
8 vaccination status or fails to wear a specific medical device, such as masks or other facial coverings, enters or
9 remains in a public place paid for in whole or in part with taxpayer funds where proof of vaccination or use of
10 medical devices, such as masks or other facial coverings, is required."

11
12 NEW SECTION. Section 2. Applicability. [This act] applies to violations charged on or after [the
13 effective date of this act].

14 - END -