

SENATE BILL NO. 50

INTRODUCED BY J. POMNICHOWSKI

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING ELECTRONIC VALIDATION OF ELECTRONIC HUNTING LICENSES OR TAGS FOR GAME ANIMALS AND WILD TURKEYS; PROVIDING RULEMAKING AUTHORITY; PROVIDING PENALTIES; AMENDING SECTIONS 87-6-411 AND 87-6-412, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Electronic validation of hunting licenses and tags -- rulemaking. (1)

A hunter may electronically validate any hunting license or tag issued electronically pursuant to this chapter for a game animal or wild turkey.

(2) ELECTRONIC VALIDATION OF LICENSES PURSUANT TO THIS SECTION MAY NOT INCLUDE THE COLLECTION OF HUNTER LOCATION DATA THROUGH THE USE OF A GLOBAL POSITIONING SYSTEM.

~~(2)~~**(3)** The department may adopt rules to implement this section. The department may adopt rules regarding the possession of a game animal or wild turkey for which a license or tag was electronically validated.

Section 2. Section 87-6-411, MCA, is amended to read:

"87-6-411. Tagging of game animal offenses. (1) Each license issued by the department authorizing the holder of the license to hunt game animals, whether issued to a resident or a nonresident, must provide any tags the department prescribes.

(2) When a person kills a game animal under the license, the person shall, before the carcass is removed from or the person leaves the site of the kill, take physical possession of the game animal by:

(a) electronically validating the license or tag pursuant to rules adopted in accordance with [section 1];
or

(b) cutting out from the license or tag the date the animal was killed and attaching the license or tag to the animal before the carcass is removed from or the person leaves the site of the kill. The A license or tag that is not electronically validated must be:

1 ~~(a)~~(i) completely filled out with the name of the license holder, the license holder's address, and any other
2 information requested on the license or tag; and

3 ~~(b)~~(ii) kept attached to the carcass as long as any considerable portion of the carcass remains
4 unconsumed.

5 (3) When a game animal has been lawfully killed and the proper license or tag is electronically validated
6 or is attached to the game animal that was killed, the game animal becomes the property of the person who
7 lawfully killed the animal and may be possessed, used, stored, donated to another or to a charity, or transported.

8 (4) A person may not fail to keep the license or tag attached to the game animal or portion of the game
9 animal while the animal is possessed by the person unless the license or tag was electronically validated.

10 (5) A person may not tag a game animal with or electronically validate a license or tag that is restricted
11 to a hunting district other than the hunting district where the game animal was killed.

12 (6) A person who is convicted of or who forfeits bond or bail after being charged with a violation of this
13 section shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for
14 not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, may be
15 subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to
16 hunt, fish, and trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period
17 of time set by the court."

18
19 **Section 3.** Section 87-6-412, MCA, is amended to read:

20 **"87-6-412. Tagging of turkey offenses.** (1) A person who kills, captures, or possesses a wild turkey
21 by authority of any turkey tag or permit may not:

22 (a) fail or neglect to attach the tag to the turkey in compliance with instructions on the tag or electronically
23 validate the tag in accordance with rules adopted pursuant to [section 1] prior to the person leaving or the turkey
24 being removed from the site of the kill;

25 (b) fail to validate the tag either electronically or by not filling out or punch marking the tag as required;
26 or

27 (c) unless the tag was electronically validated, fail to keep the tag attached while the turkey is possessed
28 by the person.

29 (2) A person who is convicted of or who forfeits bond or bail after being charged with a violation of this
30 section shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for

1 not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, may be
2 subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to
3 hunt, fish, and trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period
4 of time set by the court."

5
6 **NEW SECTION.** **Section 4. Codification instruction.** [Section 1] is intended to be codified as an
7 integral part of Title 87, chapter 2, part 1, and the provisions of Title 87, chapter 2, part 1, apply to [section 1].

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9 **NEW SECTION.** **Section 5. Effective date.** [This act] is effective on passage and approval.

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