

HOUSE BILL NO. 95

INTRODUCED BY P. FIELDER

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

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO TRAPPING OR HUNTING BEAVER OR MUSKRAT THAT CAUSE INJURY TO CERTAIN STRUCTURES; ADDING RURAL OR URBAN STRUCTURES TO THE LIST OF INJURED STRUCTURES; AMENDING SECTION 87-6-602, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 87-6-602, MCA, is amended to read:

"87-6-602. Trapping during closed season -- exception. (1) A person may not trap or hunt or attempt to trap or hunt any fur-bearing animal until the commission provides an open season on any fur-bearing animal. The furs and hides of fur-bearing animals legally taken during the open season may be possessed, bought, and sold at any time except as provided by law.

~~(2) When it is shown that muskrats or beaver are causing severe injury to or are a menace to the structures, canal banks, or other works of an irrigation project or district or to a stock water pond, any employee or resident landowner on the project or district may kill or trap or cause to be killed or trapped any muskrat or beaver upon or in menacing proximity to the structures, canal banks, or other works of the project or district or the stock water pond during the closed season on muskrats or beaver after having secured from the director a permit to do so, except that from June 1 to August 31 of each year, a permit is not required.~~

(2) (a) The director or a designee of the director may issue a permit to hunt or trap beaver or muskrat to a resident landowner or employee of an irrigation project or district or to an owner or employee of an entity owning rural or urban developed structures when it is shown that beaver or muskrat are causing severe injury or are a menace to:

(i) the structures, canal banks, or other works of an irrigation project or district;

(ii) a stock water pond; or

1 (iii) other rural or urban developed structures.

2 (b) (i) Except as provided in subsection (2)(b)(ii), a permit to hunt or trap beaver or muskrat is
3 required under this section.

4 (ii) Between June 1 and August 31 of each year, a permit to hunt or trap beaver or muskrat is not
5 required.

6 (3) A person convicted of a violation of this section shall be fined not less than \$100 or more than
7 \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the
8 person, upon conviction or forfeiture of bond or bail, shall forfeit any current hunting, fishing, or trapping license
9 issued by this state and the privilege to hunt, fish, or trap in this state for 24 months from the date of conviction
10 or forfeiture unless the court imposes a longer period, and any pelts possessed unlawfully must be confiscated.

11 (4) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 and
12 87-6-906."

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14 NEW SECTION. Section 2. Effective date. [This act] is effective September 1, 2025.

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