

SENATE BILL NO. 106

INTRODUCED BY D. LOGE, W. MCKAMEY, J. HINKLE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE USE OF AIRCRAFT WHILE HUNTING; AND AMENDING SECTIONS 87-3-126 AND 87-6-208, MCA."

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

Section 1. Section 87-3-126, MCA, is amended to read:

"87-3-126. Use of aircraft or helicopter-- authority to issue permits and adopt rules. (1) An aircraft or helicopter A manned or unmanned aircraft may be used for the purpose of herding, driving, or hazing wild animals damaging private property or crops on the property in question pursuant to a permit issued by the department.

(2) The commission shall adopt rules for the issuance of the permit. The permit may be conditioned to address individual circumstances of each application for a permit.

(3) ~~The~~ Except for elk shoulder seasons, the department may not issue permits during any legal hunting season for the species for which a permit was requested.

(4) The permitting program must comply with requirements of federal law for the activity."

Section 2. 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 any game bird, game animal, or fur-bearing animal from an aircraft;

(b) use an aircraft:

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

(ii) ~~for the purpose of concentrating, pursuing, driving, rallying, or stirring up any to concentrate,~~ pursue, drive, rally, or stir up a game bird, migratory bird, game animal, or fur-bearing animal; or

(iii) to intentionally interfere with the hunting of a game bird, game animal, or fur-bearing animal,

1 including operating an aircraft in a manner that disturbs or otherwise affects the behavior of a game bird, game
 2 animal, or fur-bearing animal;

3 (c) land an aircraft in violation of state or federal land use travel plans while pursuing a game bird,
 4 game animal, or fur-bearing animal;

5 (d) land an aircraft on private property without written permission while pursuing a game bird,
 6 game animal, or fur-bearing animal; or

7 ~~(e)~~(e) if in or using an aircraft, spot ~~spot~~ or locate any a game animal or fur-bearing animal and
 8 communicate the location of the game animal or fur-bearing animal to any person as an aid to hunting:

9 (i) while in, using, or operating an aircraft; or

10 (ii) within the same calendar day after being in, using, or operating an aircraft.:

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

13 ~~(ii) within the same calendar day after using the aircraft.~~

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

15 (a) during emergency situations;

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

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

18 (d) when supporting an agricultural operation.

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

20 (a) Unless otherwise provided in this subsection (3), a person convicted of a violation of this
 21 section shall be fined not less than \$300 or more than \$1,000 or be imprisoned in the county detention center
 22 for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, may
 23 be subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege
 24 to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a
 25 period of time set by the court.

26 (b) If a person is convicted or forfeits bond or bail after being charged with unlawful use of an
 27 aircraft to kill or take a deer, elk, antelope, mountain lion, mountain sheep, moose, wild buffalo, caribou,
 28 mountain goat, black bear, or grizzly bear, the person shall be fined not less than \$500 or more than \$2,000 or

1 be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person shall
2 forfeit any current hunting, fishing, recreational use, or trapping license issued by this state and the privilege to
3 hunt, fish, or trap in this state for 30 months from the date of conviction or forfeiture unless the court imposes a
4 longer period.

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

11 (4) As used in this section, "aircraft" has the meaning provided in 87-6-101."

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