

SENATE BILL NO. 285

INTRODUCED BY S. SALES

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING REQUIREMENTS FOR WEARING HUNTER ORANGE TO APPLY ONLY TO PERSONS UNDER 18 YEARS OF AGE; AND AMENDING SECTIONS 87-6-404 AND 87-6-414, MCA."

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

**Section 1.** Section 87-6-404, MCA, is amended to read:

**"87-6-404. Unlawful use of dog while hunting.** (1) Except as provided in subsections (3) through (6), a person may not:

- (a) chase any game animal or fur-bearing animal with a dog; or
- (b) purposely, knowingly, or negligently permit a dog to chase, stalk, pursue, attack, or kill a hooved game animal. If the dog is not under the control of an adult at the time of the violation, the owner of the dog is personally responsible. A defense that the dog was allowed to run at large by another person is not allowable unless it is shown that at the time of the violation, the dog was running at large without the consent of the owner and that the owner took reasonable precautions to prevent the dog from running at large.

(2) Except as provided in subsection (3)(d), a peace officer, game warden, or other person authorized to enforce the Montana fish and game laws who witnesses a dog chasing, stalking, pursuing, attacking, or killing a hooved game animal may destroy that dog on public land or on private land at the request of the landowner without criminal or civil liability.

(3) A person may:

- (a) take game birds during the appropriate open season with the aid of a dog;
- (b) hunt mountain lions during the winter open season, as established by the commission, with the aid of a dog or dogs;
- (c) hunt bobcats during the trapping season, as established by the commission, with the aid of a dog or dogs; and
- (d) use trained or controlled dogs to chase or herd away game animals or fur-bearing animals to protect humans, lawns, gardens, livestock, or agricultural products, including growing crops and stored hay and grain.

1 The dog may not be destroyed pursuant to subsection (2).

2 (4) A resident who possesses a Class D-3 resident hound training license may pursue mountain lions  
3 and bobcats with a dog or dogs during a training season from December 2 of each year to April 14 of the following  
4 year.

5 (5) (a) A person with a valid hunting license issued pursuant to Title 87, chapter 2, may use a dog to  
6 track a wounded game animal during an appropriate open season. Any person using a dog in this manner:

7 (i) shall maintain physical control of the dog at all times by means of a maximum 50-foot lead attached  
8 to the dog's collar or harness;

9 (ii) during the general season, whether handling or accompanying the dog, shall wear hunter orange  
10 material pursuant to 87-6-414 if the person is under 18 years of age;

11 (iii) may carry any weapon allowed by law;

12 (iv) may dispose of the wounded game animal using any weapon allowed by the valid hunting license;

13 and

14 (v) shall immediately tag an animal that has been reduced to possession in accordance with 87-6-411.

15 (b) Dog handlers tracking a wounded game animal with a dog are exempt from licensing requirements  
16 under Title 87, chapter 2, as long as they are accompanied by the licensed hunter who wounded the game  
17 animal.

18 (6) Any person or association organized for the protection of game may run field trials at any time upon  
19 obtaining written permission from the director.

20 (7) A person convicted of a violation of this section shall be fined not less than \$50 or more than \$1,000  
21 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon  
22 conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping  
23 license issued by this state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in  
24 77-1-101, for recreational purposes for a period of time set by the court.

25 (8) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 through  
26 87-6-907."

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28 **Section 2.** Section 87-6-414, MCA, is amended to read:

29 **"87-6-414. Failure to wear hunter orange while big game hunting.** (1) Except as provided in  
30 subsection (3), a person under 18 years of age may not hunt any big game animals in this state ~~or accompany~~

1 ~~any hunter as an outfitter or guide under any of the provisions of the laws of this state~~ without wearing as exterior  
2 garments above the waist a total of not less than 400 square inches of hunter orange material visible at all times  
3 while hunting.

4 (2) As used in this section, "hunter orange" means a daylight fluorescent orange color.

5 (3) This section does not apply to a person hunting with a bow and arrow during the special archery  
6 season.

7 (4) The department shall make rules to implement this section.

8 (5) A person convicted of a violation of this section shall be punished by a fine of not less than \$10 or  
9 more than \$20."

10 - END -