

Unofficial Draft Copy

As of: August 23, 2010 (12:17pm)

LC1j02

1 **** Bill No. ****

2 Introduced By *****

3 By Request of the Law and Justice Interim Committee

4

5 A Bill for an Act entitled: "An Act revising fish, wildlife, and
6 parks laws regarding the illegal use of alcohol and dangerous
7 drugs, disorderly conduct, and public nuisance to authorize fish,
8 wildlife, and parks wardens and park rangers to enforce laws
9 related to minors in possession of intoxicating substances,
10 misdemeanor possession of dangerous drugs, criminal possession of
11 drug paraphernalia, disorderly conduct, and public nuisance on
12 lands owned or operated by the department of fish, wildlife, and
13 parks, on other public lands pursuant to an agreement with the
14 land management agency, and on public waters; requiring officers
15 who issue citations to investigate and assist in prosecutions
16 that arise from the citations; amending sections 23-1-122 and 87-
17 1-506, MCA; and providing an immediate effective date."

18

19 Be it enacted by the Legislature of the State of Montana:

20

21 **Section 1.** Section 23-1-122, MCA, is amended to read:

22 **"23-1-122. Enforcement powers of park rangers and game**
23 **wardens.** (1) Park rangers appointed pursuant to 23-1-121 and fish
24 and game wardens appointed pursuant to 87-1-501 are authorized
25 officers with the authority to enforce the laws and adopted rules
26 relating to parks and outdoor recreation contained in chapters 1
27 and 2 of this title, except chapter 2, part 7.

Unofficial Draft Copy

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LC1j02

1 (2) An authorized officer may:

2 (a) arrest, in accordance with Title 46, chapter 6, any
3 person within an area managed by the department upon probable
4 cause to believe that the person has committed an offense against
5 chapters 1 and 2 of this title, except chapter 2, part 7, or
6 rules of the department or the fish, wildlife, and parks
7 commission;

8 (b) enforce the disorderly conduct and public nuisance laws
9 under 45-8-101 and 45-8-111 as they apply ~~to the operation of~~
10 ~~motorboats on waters within areas managed by the department under~~
11 this part on lands owned or operated by the department, on other
12 public lands pursuant to an agreement with the land management
13 agency, and on public waters; and

14 (c) enforce 45-5-624 as it pertains to possession of
15 intoxicating substances by minors on lands owned or operated by
16 the department, on other public lands pursuant to an agreement
17 with the land management agency, and on public waters;

18 (d) enforce 45-9-102 and 45-10-103 pertaining to misdemeanor
19 possession of dangerous drugs and criminal possession of drug
20 paraphernalia on lands owned or operated by the department, on
21 other public lands pursuant to an agreement with the land
22 management agency, and on public waters; and

23 ~~(c)~~(e) exercise other powers of peace officers in the
24 enforcement of:

25 (i) laws relating to parks and outdoor recreation contained
26 in chapters 1 and 2 of this title, except chapter 2, part 7;

27 (ii) rules of the department and the fish, wildlife, and

1 parks commission; and

2 (iii) judgments obtained for violations of the laws and
3 rules specified in this subsection (2)(c).

4 (3) An authorized officer who issues a citation under
5 subsection (2)(b), (2)(c), or (2)(d) shall complete the
6 investigation and assist the prosecution that arises from the
7 citation."

8 {Internal References to 23-1-122: None.}

9

10 **Section 2.** Section 87-1-506, MCA, is amended to read:

11 **"87-1-506. Enforcement powers of wardens.** (1) A warden may:

12 (a) serve a subpoena issued by a court for the trial of a
13 violator of the fish and game laws;

14 (b) search, without a warrant, any tent not used as a
15 residence, any boat, vehicle, box, locker, basket, creel, crate,
16 game bag, or package, or their contents upon probable cause to
17 believe that any fish and game law or department rule for the
18 protection, conservation, or propagation of game, fish, birds, or
19 fur-bearing animals has been violated;

20 (c) search, with a search warrant, any dwelling house or
21 other building;

22 (d) seize game, fish, game birds, and fur-bearing animals
23 and any parts of them taken or possessed in violation of the law
24 or the rules of the department;

25 (e) seize and hold, subject to law or the orders of the
26 department, devices that have been used to unlawfully take game,
27 fish, birds, or fur-bearing animals;

Unofficial Draft Copy

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LC1j02

1 (f) arrest, in accordance with Title 46, chapter 6, a
2 violator of a fish and game law or rule of the department,
3 violation of which is a misdemeanor;

4 (g) enforce the disorderly conduct and public nuisance
5 laws, 45-8-101 and 45-8-111, as they apply ~~to the operation of~~
6 ~~motorboats on all waters of the state~~ on lands owned or operated
7 by the department, on other public lands pursuant to an agreement
8 with the land management agency, and on public waters;

9 (h) as provided for in 37-47-345, investigate and make
10 arrests for violations of the provisions of Title 37, chapter 47,
11 and of any rules adopted pursuant to that chapter relating to the
12 regulation of outfitters and guides in the state;

13 (i) enforce the provisions of Title 80, chapter 7, part 10,
14 and rules adopted under Title 80, chapter 7, part 10, for those
15 invasive species that are under the department's jurisdiction;
16 and

17 (j) exercise the other powers of peace officers in the
18 enforcement of the fish and game laws, the rules of the
19 department, and judgments obtained for violation of those laws or
20 rules; ;

21 (k) enforce 45-5-624 as it pertains to possession of
22 intoxicating substances by minors on lands owned or operated by
23 the department, on other public lands pursuant to an agreement
24 with the land management agency, and on public waters; and

25 (l) enforce 45-9-102 and 45-10-103 pertaining to misdemeanor
26 possession of dangerous drugs and criminal possession of drug
27 paraphernalia on lands owned or operated by the department, on

Unofficial Draft Copy

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1 other public lands pursuant to an agreement with the land
2 management agency, and on public waters.

3 (2) The meat of game animals that are seized pursuant to
4 subsection (1)(d) must be donated directly to the Montana food
5 bank network or to public or charitable institutions to the
6 extent reasonably feasible. Any meat that the department is
7 unable to donate must be sold pursuant to 87-1-511, with the
8 proceeds to be distributed as provided in 87-1-513(2).

9 (3) An authorized officer who issues a citation under
10 subsection (1)(g), (1)(k), or (1)(l) shall complete the
11 investigation and assist prosecution that arises from the
12 citation."

13 {Internal References to 87-1-506: None.}

14

15 NEW SECTION. Section 3. {standard} Effective date. [This
16 act] is effective on passage and approval.

17

- END -

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