

Enforce Stricter Penalties for Trespassing & Other Bad Behaviors by Hunters and Landowners

Intent: The intent of tougher laws is to discourage trespassing and other unethical behavior that occurs including landowners illegally blocking or detouring access to public lands. The intent is to improve stakeholder relationships and address quality access to harvest.

Justification: Most current trespassing penalties are viewed as a “slap on the wrist” for 1st and 2nd time offenses that offer limited deterrent for repeat violations. Trespassing creates a bad name for hunters in the eyes of the landowner and cause the landowner to disengage from the hunting community. It further locks down access for elk and other game animals to be harvested as well as accessing landlocked public ground.

Stiffer penalties for trespassing and property damage would make hunters think twice about engaging in these behaviors.

Some landowners have been found to illegally block access by gating or other deterrent methods or intentionally mark public lands as private.

The fines are often a slap on the wrist or so low that it doesn't deter them for doing it again.

Description:

FWP supports increasing penalties for hunters who engage in trespassing/unethical behavior (i.e. property damage) and landowners that that purposely and knowingly illegally blocking a recorded public access or posting public lands with the intention to prevent legal access to remove the encroachment/signage promptly are held accountable upon court conviction. Examples include: 1st offense 2 year suspension of hunting and fishing privileges, 2nd offense 5 year suspension of hunting and fishing privileges, and 3rd offense lifetime suspension and/or if a landowner illegally post federal land and chases a hunter off public land they are further subject to criminal charges (Hunter Harassment).

FWP should consider using the legislative sportsman caucus advisory council to carry this legislation.

People/Organizations:

- Montana Fish, Wildlife, and Parks (FWP)
- Montana Fish, Wildlife, and Parks Commission
- Private Landowners
- Montana State Legislature

Timeline:

This recommendation would have to wait for a legislative session for any increased monetary penalties; however, MT FWP could administer tag/permit penalties with commission approval.

FWP Authority to Take Action:

FWP has the authority to pursue this course of action on license/permit penalties with commission approval.

Limitations/Unintended Consequences:

This recommendation may require extra warden time at a cost to the department. Policing such a large state can be very challenging and would require the help from the public through such channels as 800-TIP-MONT. The legislature would have to change the law (e.g., sponsor the bill).

Feasibility of Implementation:

This will take collaboration between the FWP, FWP Commission and the Legislature. This endeavor will take time but a more consistent approach across the board should act as a good deterrent to this problem.