



Dear Citizen's Elk Committee Members,

Please find the following comments relative to the recommendation to increase fines for deliberate trespass.

While we are supportive of the concept to ensure that recreationalists do not trespass, we are concerned about government overreach in this regard. In the past, when these bills have come forward they had been used as a cudgel against hunters, rather than as a way to simply punish bad actors. Similarly, what we have seen in regards to sentencing on trespass and other game violations is that justices routinely go for the "slap on the wrist" rather than a harsher sentence. Jail time and fines may or may not be deterrents, but after talking with a few justices who have worked in this realm, what we have discovered is that ensuring that the ability to hunt and fish are removed or restricted seem to serve as a much higher deterrent on repeat offenders.

Our recommendation to work with both the courts and the wardens to ensure that penalties that currently exist are used more aggressively than seeking out new fines or punishments for trespass. 2021 saw the increase in fines for illegal trespass to between \$500 & \$1000 per infraction, plus the possibility of losing hunting & fishing privileges for up to 3 years.

Meanwhile, we suggest that the illegal closure of county roads should be looked at in terms of fines. The current fine is \$10 a day, with little recourse from the county that makes the effort worthwhile to tear down illegally gated county roads. If there is to be an increase in fines, then we suggest parity with illegal closures so that one sector of the citizenry isn't held to a far higher standard than another.

[MCA 87-6-415](#) already says that an offender can receive not only a \$1000 fine and up to three years of licensing suspension, but offenders could be liable for any damages on private property as well. Enforcing existing laws first would do more to offset illegal trespass than more laws that we believe would come across as punitive and retaliatory.

Please consider using existing means of ensuring proper sentencing, rather than simply upping the fines or jail time relative to hunting trespass, and put a higher focus on loss of hunting and angling privileges, rather than jail or fines.

Sincerely,  
Marcus Strange  
On Behalf of the Montana Citizen's Elk Management Coalition