1   HOUSE BILL NO. 32

2   INTRODUCED BY GOLIE

3

4   A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE HUNTING OF MOUNTAIN LIONS AND BOBCATS

5   DURING WINTER OPEN SEASON WITH THE AID OF A DOG OR DOGS; ALLOWING THE HUNTING OF

6   BOBCATS DURING TRAPPING SEASON WITH THE AID OF A DOG OR DOGS; ESTABLISHING A TRAINING

7   SEASON DURING WHICH MOUNTAIN LIONS AND BOBCATS MAY BE PURSUED WITH A DOG OR DOGS;

8   CREATING A CLASS D-3 RESIDENT HOUND TRAINING LICENSE AND ESTABLISHING THE CONDITIONS

9   AND FEE FOR THE LICENSE; AMENDING SECTION 87-3-124, MCA; AND PROVIDING AN IMMEDIATE

10   EFFECTIVE DATE."

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

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14   **Section 1.** Section 87-3-124, MCA, is amended to read:

15   **"87-3-124. Dogs -- restrictions on hunting -- penalty for chasing hooved game animals.** (1) (a)

16   Except as provided in 87-3-127 and subsections (2) and (3) of this section, a person may not chase with a dog

17   any of the game or fur-bearing animals as defined by the fish and game laws of this state.

18   (b) A person may take game birds during the appropriate open season with the aid of a dog. Any person

19   or association organized for the protection of game may run field trials at any time upon obtaining written

20   permission from the director.

21   (c) Except as provided in subsection (2), any peace officer, game warden, or other person authorized

22   to enforce the Montana fish and game laws who witnesses a dog chasing, stalking, pursuing, attacking, or killing

23   hooved game animals may destroy that dog, on public land or on private land at the request of the landowner,

24   without criminal or civil liability.

25   (d) Except as provided in subsection (2), a person who purposely, knowingly, or negligently permits a

26   dog to chase, stalk, pursue, attack, or kill hooved game animals is guilty of a misdemeanor and is subject to the

27   penalty in 87-1-102(1). If the dog is not under the control of an adult at the time of the violation, the owner of the

28   dog is personally responsible. A defense that the dog was allowed to run at large by another person is not

29   allowable, unless it is shown that at the time of the violation, the dog was running at large without the consent

30   of the owner and that the owner took reasonable precautions to prevent the dog from running at large.

1   (2) A person may use trained or controlled dogs to chase or herd away game animals or fur-bearing

2   animals to protect humans, lawns, gardens, livestock, or agricultural products, including growing crops and

3   stored hay and grain. The dog may not be destroyed pursuant to subsection (1)(c).

4   (3) (a) ~~The commission has authority to allow and regulate the use of dogs for hunting and chasing~~

5   ~~mountain lion and bobcat.~~ A person may hunt mountain lions ~~and bobcats~~ during THE WINTER open season, AS

6   ESTABLISHED BY THE COMMISSION, with the aid of a dog or dogs.

7   (B) A PERSON MAY HUNT BOBCATS DURING THE TRAPPING SEASON, AS ESTABLISHED BY THE COMMISSION, WITH

8   THE AID OF A DOG OR DOGS.

9   ~~(b)~~(C) A ~~person~~ RESIDENT WHO POSSESSES A CLASS D-3 RESIDENT HOUND TRAINING LICENSE may pursue

10   mountain lions and bobcats with a dog or dogs during a training season from December ~~1~~ 2 of each year to April

11   14 of the following year."

12

13   NEW SECTION. **SECTION 2. CLASS D-3--RESIDENT HOUND TRAINING LICENSE.** A PERSON WHO IS A RESIDENT,

14   AS DEFINED IN 87-2-102, AND WHO IS 12 YEARS OF AGE OR OLDER OR WHO WILL TURN 12 YEARS OLD BEFORE OR DURING

15   THE SEASON FOR WHICH THE LICENSE IS ISSUED, UPON PAYMENT OF A FEE OF $5, MAY RECEIVE A CLASS D-3 HOUND

16   TRAINING LICENSE THAT ENTITLES THE HOLDER TO USE A DOG OR DOGS TO AID IN PURSUING MOUNTAIN LIONS OR BOBCATS

17   DURING THE TRAINING SEASON ESTABLISHED IN 87-3-124(3)(C).

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19   NEW SECTION. **SECTION 3. CODIFICATION INSTRUCTION.** [SECTION 2] IS INTENDED TO BE CODIFIED AS AN

20   INTEGRAL PART OF TITLE 87, CHAPTER 2, PART 5, AND THE PROVISIONS OF TITLE 87, CHAPTER 2, PART 5, APPLY TO

21   [SECTION 2].

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23   NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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