

HOUSE BILL NO. 317

INTRODUCED BY SHOCKLEY

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A SENTENCING COURT TO REQUIRE A PERSON CONVICTED OF CRUELTY TO ANIMALS TO PAY THE REASONABLE COSTS INCURRED BY A PUBLIC OR PRIVATE ANIMAL CONTROL AGENCY OR HUMANE ANIMAL TREATMENT SHELTER FOR THE CARE OF THE ANIMAL; AMENDING SECTION 45-8-211, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 45-8-211, MCA, is amended to read:

"45-8-211. Cruelty to animals -- exception. (1) A person commits the offense of cruelty to animals if without justification the person knowingly or negligently subjects an animal to mistreatment or neglect by:

(a) overworking, beating, tormenting, injuring, or killing any animal;

(b) carrying or confining any animal in a cruel manner;

(c) failing to provide an animal in the person's custody with:

(i) proper food, drink, or shelter; or

(ii) in cases of immediate, obvious, serious illness or injury, licensed veterinary or other appropriate medical care;

(d) abandoning any helpless animal or abandoning any animal on any highway, railroad, or in any other place where it may suffer injury, hunger, or exposure or become a public charge; or

(e) promoting, sponsoring, conducting, or participating in an animal race of more than 2 miles, except a sanctioned endurance race.

(2) (a) A person convicted of the offense of cruelty to animals shall be fined not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both. A person convicted of a second or subsequent offense of cruelty to animals shall be fined not to exceed \$1,000 or be imprisoned in the state prison for a term not to exceed 2 years, or both.

(b) If the convicted person is the owner, the person may be required to forfeit to the county in which the person is convicted any animal affected. This provision does not affect the interest of any secured party or other person who has not participated in the offense.

(3) In addition to the sentence provided in subsection (2), the court may:

(a) require the defendant to pay all reasonable costs incurred in providing necessary veterinary attention and treatment for any animal affected; ~~including costs of care incurred by a public or private animal control agency or humane animal treatment shelter; and~~

(B) REQUIRE THE DEFENDANT TO PAY ALL REASONABLE COSTS OF NECESSARY CARE OF THE AFFECTED ANIMAL THAT ARE INCURRED BY A PUBLIC OR PRIVATE ANIMAL CONTROL AGENCY OR HUMANE ANIMAL TREATMENT SHELTER; AND

~~(b)(c)~~ prohibit or limit the defendant's ownership, possession, or custody of animals, as the court believes appropriate during the term of the sentence.

(4) Nothing in this section prohibits:

(a) a person from humanely destroying an animal for just cause; or

(b) the use of commonly accepted agricultural and livestock practices on livestock."

NEW SECTION. Section 2. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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