

1 SENATE BILL NO. 47

2 INTRODUCED BY R. LAIBLE

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING PROTECTION FROM PREDATORS TO DOMESTIC
5 PETS; AMENDING SECTION 87-3-130, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

6

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

8

9 **Section 1.** Section 87-3-130, MCA, is amended to read:10 **"87-3-130. Taking of wildlife to protect persons or livestock.** (1) This chapter may not be construed
11 to impose, by implication or otherwise, criminal liability for the taking of wildlife protected by this title if the wildlife
12 is attacking, killing, or threatening to kill a person or livestock, except that, for purposes of protecting livestock,
13 a person may not kill or attempt to kill a grizzly bear unless the grizzly bear is in the act of attacking or killing
14 livestock. In addition, a person may kill or attempt to kill a wolf or mountain lion that is in the act of attacking or
15 killing a domestic ~~dog~~ pet. A person who, under this subsection, takes wildlife protected by this title shall, within
16 72 hours, notify the department and surrender or arrange to surrender the wildlife to the department.

17 (2) A person may not provide supplemental feed attractants to game animals by:

18 (a) purposely or knowingly attracting bears with supplemental feed attractants;

19 (b) after having received a previous warning, negligently failing to properly store supplemental feed
20 attractants and allowing bears access to the supplemental feed attractants; or21 (c) purposely or knowingly providing supplemental feed attractants in a manner that results in an
22 artificial concentration of game animals that may potentially contribute to the transmission of disease or that
23 constitutes a threat to public safety.24 (3) A person who is engaged in the normal feeding of livestock, in a normal agricultural practice, in
25 cultivation of a lawn or garden, or in the commercial processing of garbage is not subject to civil or criminal
26 liability under this section.27 (4) A person who violates subsection (2) is guilty of a misdemeanor and is subject to the penalty
28 provided in 87-1-102(1). This section does not apply to supplemental feeding activities conducted by the
29 department for disease control purposes.

30 (5) As used in this section:

- 1 (a) "livestock" includes ostriches, rheas, and emus; and
- 2 (b) "supplemental feed attractant" means any food, garbage, or other attractant for game animals."

3

4 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

5

- END -