

HOUSE BILL NO. 349

INTRODUCED BY D. VILLA

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ANIMAL CRUELTY LAWS; ADDING KNOWING  
5 SPECTATORS TO THE LIST OF PERSONS WHO COMMIT THE OFFENSE OF CAUSING ANIMALS TO  
6 FIGHT; INCREASING THE FINE AND PENALTY FOR AN OFFENDER CONVICTED OF A SECOND OR  
7 SUBSEQUENT OFFENSE OF CRUELTY TO ANIMALS OR A FIRST OR SUBSEQUENT OFFENSE OF  
8 AGGRAVATED ANIMAL CRUELTY; BANNING OWNERSHIP OF ANIMALS AND ORDERING COUNSELING  
9 FOR AN OFFENDER FOR A SECOND OR SUBSEQUENT OFFENSE OF CRUELTY TO ANIMALS OR A FIRST  
10 OR SUBSEQUENT OFFENSE OF AGGRAVATED ANIMAL CRUELTY; AND AMENDING SECTIONS 45-8-210,  
11 45-8-211, AND 45-8-217, MCA."

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

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15 **Section 1.** Section 45-8-210, MCA, is amended to read:  
16 **"45-8-210. Causing animals to fight -- owners, trainers, and spectators -- penalties -- exception**  
17 **-- definition.** (1) A person commits the offense of causing animals to fight if ~~he~~ the person:  
18 (a) owns, possesses, keeps, or trains any animal with the intent that ~~such~~ the animal fight or be engaged  
19 in an exhibition of fighting with another animal;  
20 (b) allows or causes any animal to fight with another animal or causes any animal to menace or injure  
21 another animal for the purpose of sport, amusement, or gain;  
22 (c) knowingly permits any act in violation of subsection (1)(a) or (1)(b) to take place on any premises  
23 under ~~his~~ the person's charge or control; or aids or abets any ~~such~~ described act;  
24 (d) participates in or is a knowing spectator at any exhibition in which animals are fighting for the purpose  
25 of sport, amusement, or gain.  
26 (2) A person convicted of violating this section is guilty of a felony and shall be fined an amount not to  
27 exceed \$5,000 or imprisoned in the state prison for a term of not less than 1 year or more than 5 years, or both  
28 ~~such fine and imprisonment.~~  
29 (3) Nothing in this section prohibits the following:  
30 (a) accepted husbandry practices used in the raising of livestock or poultry;

- 1 (b) the use of animals in the normal and usual course of rodeo events; or  
2 (c) the use of animals in hunting and training as permitted by law.  
3 (4) For purposes of this section, "animal" means any cock, bird, dog, or mammal except man."  
4

5 **Section 2.** Section 45-8-211, MCA, is amended to read:

6 **"45-8-211. Cruelty to animals -- exceptions.** (1) A person commits the offense of cruelty to animals  
7 if, without justification, the person knowingly or negligently subjects an animal to mistreatment or neglect by:

- 8 (a) overworking, beating, tormenting, torturing, injuring, or killing the animal;  
9 (b) carrying or confining the animal in a cruel manner;  
10 (c) failing to provide an animal in the person's custody with:  
11 (i) food and water of sufficient quantity and quality to sustain the animal's normal health;  
12 (ii) minimum protection for the animal from adverse weather conditions, with consideration given to the  
13 species;  
14 (iii) in cases of immediate, obvious, serious illness or injury, licensed veterinary or other appropriate  
15 medical care;  
16 (d) abandoning any helpless animal or abandoning any animal on any highway, railroad, or in any other  
17 place where it may suffer injury, hunger, or exposure or become a public charge; or  
18 (e) promoting, sponsoring, conducting, or participating in an animal race of more than 2 miles, except  
19 a sanctioned endurance race.

20 (2) (a) A person convicted of the offense of cruelty to animals shall be fined an amount not to exceed  
21 \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both. A person convicted of a second  
22 or subsequent offense of cruelty to animals ~~or of a first or subsequent offense of aggravated animal cruelty~~ shall  
23 be fined an amount not to exceed ~~\$2,500~~ \$25,000 or be sentenced to the department of corrections for a term  
24 not to exceed ~~2~~ 5 years, or both.

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

28 (c) For the purposes of this subsection (2), when more than one animal is subject to cruelty to animals,  
29 each act may comprise a separate offense.

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

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

4 (b) may require the ~~defendant~~ offender to pay all reasonable costs of necessary care of the affected  
 5 animal that are incurred by a public or private animal control agency or humane animal treatment shelter; ~~and~~

6 (c) (i) shall prohibit or limit the defendant's ownership, possession, or custody of animals, as the court  
 7 believes appropriate during the term of the sentence, for a first offense of cruelty to animals; and

8 (ii) shall prohibit the offender's ownership, possession, or custody of animals for a second or subsequent  
 9 offense of cruelty to animals; and

10 (d) shall order counseling for an offender convicted of a second or subsequent offense of cruelty to  
 11 animals.

12 (4) This section does not prohibit:

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

14 (b) the use of commonly accepted agricultural and livestock practices on livestock;

15 (c) rodeo activities that meet humane standards of the professional rodeo cowboys association;

16 (d) lawful fishing, hunting, and trapping activities;

17 (e) lawful wildlife management practices;

18 (f) lawful scientific or agricultural research or teaching that involves the use of animals;

19 (g) services performed by a licensed veterinarian;

20 (h) lawful control of rodents and predators and other lawful animal damage control activities; or

21 (i) accepted training and discipline methods."

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23 **Section 3.** Section 45-8-217, MCA, is amended to read:

24 **"45-8-217. Aggravated animal cruelty.** (1) A person commits the offense of aggravated animal cruelty  
 25 if the person purposely or knowingly:

26 ~~(1)~~(a) kills or inflicts cruelty to an animal with the purpose of terrifying, torturing, or mutilating the animal;

27 or

28 ~~(2)~~(b) inflicts cruelty to animals on a collection, kennel, or herd of 10 or more animals.

29 (2) (a) A person convicted of a first or subsequent offense of aggravated animal cruelty shall be fined

30 an amount not to exceed \$25,000 or be sentenced to the department of corrections for a term not to exceed 5

1 years, or both.

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

5 (c) For the purposes of this subsection (2), when more than one animal is subject to aggravated cruelty  
6 to animals, each act may comprise a separate offense.

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

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

11 (b) may require the offender to pay all reasonable costs of necessary care of the affected animal that  
12 are incurred by a public or private animal control agency or humane animal treatment shelter;

13 (c) shall prohibit the offender's ownership, possession, or custody of animals for a first or subsequent  
14 offense of aggravated animal cruelty; and

15 (d) shall order counseling for an offender convicted of a first or subsequent offense of aggravated animal  
16 cruelty."

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