

SENATE BILL NO. 167

INTRODUCED BY R. ZINKE

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A BILL FOR AN ACT ENTITLED: "~~AN ACT CREATING AN OFFENSE OF EQUINE ABANDONMENT OR STARVATION; PROVIDING INCREASED PENALTIES FOR A CONVICTION; PROVIDING THAT EACH ACT OF EQUINE ABANDONMENT OR STARVATION IS A SEPARATE OFFENSE; AND AMENDING SECTION 81-4-502, 45-8-211, MCA.~~"

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

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

**"45-8-211. Cruelty to animals -- exceptions.** (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, torturing, injuring, or killing the animal;
- (b) carrying or confining the animal in a cruel manner;
- (c) failing to provide an animal in the person's custody with:
  - (i) food and water of sufficient quantity and quality to sustain the animal's normal health;
  - (ii) minimum protection for the animal from adverse weather conditions, with consideration given to the species;
  - (iii) 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) ~~Except as provided in subsection (2)(d),~~ a person convicted of the offense of cruelty to animals shall be fined an amount not to exceed \$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 or subsequent offense of cruelty to animals or of a first or subsequent

1 offense of aggravated animal cruelty shall be fined an amount not to exceed \$2,500 or be sentenced to the  
2 department of corrections for a term not to exceed 2 years, or both.

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

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

8 (d) If the offense involves the abandonment of a horse on public or private lands, the court may assess  
9 additional fines and penalties of up to \$1,000 and 6 months in jail.

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

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

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

16 (c) shall prohibit or limit the defendant's ownership, possession, or custody of animals, as the court  
17 believes appropriate during the term of the sentence; and

18 (d) for the willful act of equine abandonment, may order full restitution for all public and private costs  
19 incurred.

20 (4) This section does not prohibit:

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

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

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

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

25 (e) lawful wildlife management practices;

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

27 (g) services performed by a licensed veterinarian;

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

29 (i) accepted training and discipline methods."  
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