SENATE AGRICULTURE
EXHIBIT NO. 13
DATE 2-10-09
BILL NO. SB 167

Amendments to Senate Bill No. 167
1st Reading Copy

Requested by Senator Ryan Zinke

For the Senate Agriculture, Livestock and Irrigation Committee

Prepared by Rachel Weiss
February 2, 2009 (4:12pm)

1. Title, page 1, lines 4 and 5.
Strike: "CREATING" through "STARVATION;" on line 5

2. Title, page 1, line 5.
Following: the first "PROVIDING"
Insert: "INCREASED"
Following: "PENALTIES FOR"
Strike: "A CONVICTION" through "OF"

3. Title, page 1, line 6.
Following: "ABANDONMENT"
Strike: "OR" through "OFFENSE"
Strike: "81-4-502,"
Insert: "45-8-211,"

4. Page 1, line 9.
Strike: everything after the enacting clause
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) ~~A~~ <u>Except as provided in subsection (2)(d), a</u> 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 offense of aggravated animal cruelty shall be fined an amount not to exceed $2,500 or be sentenced to the department of corrections 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 any animal affected to the county in which the person is convicted. This provision does not affect the interest of any secured party or other person who has not participated in the offense.

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

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

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

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

(b) may 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~~

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

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

(4) This section does not prohibit:

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

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

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

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

(e) lawful wildlife management practices;

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

(g) services performed by a licensed veterinarian;

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

(i) accepted training and discipline methods."

{*Internal References to 45-8-211:*

27-1-434 27-1-434 81-30-103 all ok rw}"