

SENATE BILL NO. 135

INTRODUCED BY J. BALYEAT

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4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE USE OF CONTROLLED DOGS TO TRACK
5 WOUNDED GAME ANIMALS; AMENDING SECTION 87-3-124, MCA; AND PROVIDING AN IMMEDIATE
6 EFFECTIVE DATE."

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

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10 **Section 1.** Section 87-3-124, MCA, is amended to read:
11 **"87-3-124. Dogs -- restrictions on hunting -- penalty for chasing hooved game animals --**
12 **authorization for tracking wounded game animals.** (1) (a) Except as provided in 87-3-127 and subsections
13 (2) ~~and (3)~~ through (4) of this section, a person may not chase with a dog any of the game or fur-bearing animals
14 as defined by the fish and game laws of this state.

15 (b) A person may take game birds during the appropriate open season with the aid of a dog. Any person
16 or association organized for the protection of game may run field trials at any time upon obtaining written
17 permission from the director.

18 (c) Except as provided in ~~subsection~~ subsections (2) and (4), any peace officer, game warden, or other
19 person authorized to enforce the Montana fish and game laws who witnesses a dog chasing, stalking, pursuing,
20 attacking, or killing hooved game animals may destroy that dog, on public land or on private land at the request
21 of the landowner, without criminal or civil liability.

22 (d) Except as provided in ~~subsection~~ subsections (2) and (4), a person who purposely, knowingly, or
23 negligently permits a dog to chase, stalk, pursue, attack, or kill hooved game animals is guilty of a misdemeanor
24 and is subject to the penalty in 87-1-102(1). If the dog is not under the control of an adult at the time of the
25 violation, the owner of the dog is personally responsible. A defense that the dog was allowed to run at large by
26 another person is not allowable, unless it is shown that at the time of the violation, the dog was running at large
27 without the consent of the owner and that the owner took reasonable precautions to prevent the dog from running
28 at large.

29 (2) A person may use trained or controlled dogs to chase or herd away game animals or fur-bearing
30 animals to protect humans, lawns, gardens, livestock, or agricultural products, including growing crops and stored

1 hay and grain. The dog may not be destroyed pursuant to subsection (1)(c).

2 (3) (a) A person may hunt mountain lions during the winter open season, as established by the
3 commission, with the aid of a dog or dogs.

4 (b) A person may hunt bobcats during the trapping season, as established by the commission, with the
5 aid of a dog or dogs.

6 (c) A resident who possesses a Class D-3 resident hound training license may pursue mountain lions
7 and bobcats with a dog or dogs during a training season from December 2 of each year to April 14 of the following
8 year.

9 (4) A person with a valid hunting license issued pursuant to Title 87, chapter 2, may use a dog to track
10 a wounded game animal during an appropriate open season. Any person using a dog in this manner shall
11 maintain physical control of the dog at all times by means of a maximum 50-foot lead attached to the dog's collar
12 or harness. During the general season, any person handling or accompanying a tracking dog shall wear hunter
13 orange material pursuant to 87-3-302. Dog handlers tracking a wounded game animal with a dog are exempt from
14 licensing requirements under Title 87, chapter 2, as long as they are accompanied by the licensed hunter who
15 wounded the game animal."

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

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