

## SENATE BILL NO. 135

INTRODUCED BY J. BALYEAT, J. SHOCKLEY, O'HARA, BROWN, BRENDEN, STEINBEISSER,  
 HENDRICK, MILLER, TAYLOR, KERNS, LEWIS, MEHLHOFF, O'NEIL, WALKER, WITTICH, G. BENNETT,  
 HUTTON, KEANE, RIPLEY, HAMLETT, WASHBURN, KARY, MORE, GALLUS, BUTTREY, EDMUNDS,  
 SKEES, EHLI, ARTHUN, VINCENT, ZINKE, ESSMANN, PRIEST, HINKLE, VUCKOVICH, C. SMITH,  
 SONJU, M. BLASDEL, R. BRODEHL, L. JENT, A. KNUDSEN

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

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

**Section 1.** Section 87-3-124, MCA, is amended to read:

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

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

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

(d) Except as provided in ~~subsection~~ subsections (2) and (4), a person who purposely, knowingly, or  
 negligently permits a dog to chase, stalk, pursue, attack, or kill hooved game animals is guilty of a misdemeanor  
 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  
 violation, the owner of the dog is personally responsible. A defense that the dog was allowed to run at large by  
 another person is not allowable, unless it is shown that at the time of the violation, the dog was running at large

1 without the consent of the owner and that the owner took reasonable precautions to prevent the dog from running  
2 at large.

3 (2) A person may use trained or controlled dogs to chase or herd away game animals or fur-bearing  
4 animals to protect humans, lawns, gardens, livestock, or agricultural products, including growing crops and stored  
5 hay and grain. The dog may not be destroyed pursuant to subsection (1)(c).

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

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

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

13 (4) (A) A person with a valid hunting license issued pursuant to Title 87, chapter 2, may:

14 (i) use a dog to track a wounded game animal during an appropriate open season;

15 (ii) CARRY ANY WEAPON ALLOWED BY LAW; AND

16 (iii) DISPOSE OF THE WOUNDED GAME ANIMAL USING THE WEAPON ALLOWED PURSUANT TO THE VALID HUNTING  
17 LICENSE.

18 (B) Any person using a dog in this manner shall maintain physical control of the dog at all times by means  
19 of a maximum 50-foot lead attached to the dog's collar or harness.

20 (C) During the general season, any person handling or accompanying a tracking dog shall wear hunter  
21 orange material pursuant to 87-3-302.

22 (D) Dog handlers tracking a wounded game animal with a dog are exempt from licensing requirements  
23 under Title 87, chapter 2, as long as they are accompanied by the licensed hunter who wounded the game  
24 animal."

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

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