

1 SENATE BILL NO. 135

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

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

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13
14 **Section 1.** Section 87-3-124, MCA, is amended to read:

15 **"87-3-124. Dogs -- restrictions on hunting -- penalty for chasing hooved game animals --**
16 **authorization for tracking wounded game animals.** (1) (a) Except as provided in 87-3-127 and subsections
17 (2) ~~and (3)~~ through (4) of this section, a person may not chase with a dog any of the game or fur-bearing animals
18 as defined by the fish and game laws of this state.

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

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

26 (d) Except as provided in ~~subsection~~ subsections (2) and (4), a person who purposely, knowingly, or
27 negligently permits a dog to chase, stalk, pursue, attack, or kill hooved game animals is guilty of a misdemeanor
28 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
29 violation, the owner of the dog is personally responsible. A defense that the dog was allowed to run at large by
30 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:~~

19 ~~(i) shall maintain physical control of the dog at all times by means of a maximum 50-foot lead attached~~
20 ~~to the dog's collar or harness.;~~

21 ~~(c)(ii) During DURING the general season, any person WHETHER handling or accompanying a tracking THE~~
22 ~~dog, shall wear hunter orange material pursuant to 87-3-302.;~~

23 ~~(iii) MAY CARRY ANY WEAPON ALLOWED BY LAW;~~

24 ~~(iv) MAY DISPOSE OF THE WOUNDED GAME ANIMAL USING ANY WEAPON ALLOWED BY THE VALID HUNTING LICENSE;~~

25 ~~AND~~

26 ~~(v) SHALL IMMEDIATELY TAG AN ANIMAL THAT HAS BEEN REDUCED TO POSSESSION IN ACCORDANCE WITH~~
27 ~~87-2-509.~~

28 ~~(b)(B) Dog handlers tracking a wounded game animal with a dog are exempt from licensing requirements~~
29 ~~under Title 87, chapter 2, as long as they are accompanied by the licensed hunter who wounded the game~~
30 ~~animal."~~

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

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