

SENATE BILL NO. 285

INTRODUCED BY F. MOORE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO ANIMAL CRUELTY;
5 PROVIDING THAT A PERSON WHO KNOWINGLY FAILS TO REPORT EVIDENCE OF CRUELTY TO
6 ANIMALS AT AN ANIMAL FACILITY WITHIN 24 HOURS COMMITS THE OFFENSE OF CRUELTY TO
7 ANIMALS; EXEMPTING CERTAIN ACTIVITIES BY A HUMANE ANIMAL TREATMENT SHELTER OR ITS
8 EMPLOYEES FROM THE PROHIBITIONS OF THE FARM ANIMAL AND RESEARCH FACILITY PROTECTION
9 ACT IF THE ACTIVITIES WERE REQUESTED AND ACCOMPANIED BY A LOCAL HUMANE OFFICER; AND
10 AMENDING SECTIONS 45-8-211 AND 81-30-103, MCA."

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

13
14 **Section 1.** Section 45-8-211, MCA, is amended to read:

15 **"45-8-211. Cruelty to animals -- exceptions.** (1) A person commits the offense of cruelty to animals
16 if, without justification,;

17 (a) the person knowingly fails to report evidence of cruelty to animals as defined in subsection (1)(b) at
18 an animal facility as provided in [section 3]; or

19 (b) the person knowingly or negligently subjects an animal to mistreatment or neglect by:

20 ~~(a)~~(i) overworking, beating, tormenting, torturing, injuring, or killing the animal;

21 ~~(b)~~(ii) carrying or confining the animal in a cruel manner;

22 ~~(c)~~(iii) failing to provide an animal in the person's custody with:

23 ~~(i)~~(A) food and water of sufficient quantity and quality to sustain the animal's normal health;

24 ~~(ii)~~(B) minimum protection for the animal from adverse weather conditions, with consideration given to
25 the species;

26 ~~(iii)~~(C) in cases of immediate, obvious, serious illness or injury, licensed veterinary or other appropriate
27 medical care;

28 ~~(d)~~(iv) abandoning any helpless animal or abandoning any animal on any highway, railroad, or in any
29 other place where it may suffer injury, hunger, or exposure or become a public charge; or

30 ~~(e)~~(v) promoting, sponsoring, conducting, or participating in an animal race of more than 2 miles, except

1 a sanctioned endurance race.

2 (2) (a) A person convicted of the offense of cruelty to animals shall be fined an amount not to exceed
3 \$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
4 or subsequent offense of cruelty to animals or of a first or subsequent offense of aggravated animal cruelty shall
5 be fined an amount not to exceed \$2,500 or be sentenced to the department of corrections for a term not to
6 exceed 2 years, or both.

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

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

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

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

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

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

20 (4) This section does not prohibit:

21 (a) a person from 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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1 **Section 2.** Section 81-30-103, MCA, is amended to read:

2 **"81-30-103. Unlawful acts.** (1) A person who does not have the effective consent of the owner may not
3 acquire or otherwise exercise control over an animal facility, an animal from an animal facility, or other property
4 from an animal facility with the intent to deprive the owner of the facility, animal, or property or to damage the
5 enterprise conducted at the animal facility.

6 (2) A person who does not have the effective consent of the owner and who intends to damage the
7 enterprise conducted at an animal facility may not:

8 (a) damage or destroy an animal facility or an animal or property in or on the premises of an animal
9 facility;

10 (b) enter an animal facility that is at the time closed to the public with the intent to commit an act
11 prohibited by this chapter;

12 (c) remain concealed in an animal facility with the intent to commit an act prohibited by this chapter;

13 (d) enter an animal facility and commit or attempt to commit an act prohibited by this chapter;

14 (e) enter an animal facility to take pictures by photograph, video camera, or other means with the intent
15 to commit criminal defamation; or

16 (f) enter or remain on the premises of an animal facility if the person:

17 (i) had notice that the entry was forbidden; or

18 (ii) received notice to depart but failed to do so.

19 (3) The provisions of this chapter do not apply to lawful activities of a:

20 (a) government agency or its employees who are carrying out their duties under law or to lawful activities
21 of a financial institution or other secured party; and

22 (b) humane animal treatment shelter or its employees ~~whose~~ if the activities were requested and
23 accompanied by the sheriff performing the sheriff's duties as a humane officer within the county, as provided by
24 7-32-2121, the sheriff's deputies, or a municipal public animal control officer and if the primary purpose of the
25 activities is the bona fide control or humane care of animals or the enforcement of 45-8-211."

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27 NEW SECTION. **Section 3. Evidence of cruelty to animals at an animal facility.** An individual who
28 witnesses evidence of animal cruelty, as defined in 45-8-211, at an animal facility must report the evidence within
29 24 hours to a local humane officer. Failure to report the evidence within 24 hours constitutes cruelty to animals
30 as provided by 45-8-211.

