

HOUSE BILL NO. 322
INTRODUCED BY D. GALLIK

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE NOTIFICATION OF THE APPROPRIATE LAW ENFORCEMENT AGENCY WHEN A DOG BEARING IDENTIFICATION TAGS IS KILLED BECAUSE OF HARASSING, KILLING, WOUNDING, OR INJURING LIVESTOCK; REQUIRING THE LAW ENFORCEMENT AGENCY TO INFORM THE OWNER OF THE DOG THAT THE ANIMAL WAS KILLED FOR HARASSING, KILLING, WOUNDING, OR INJURING LIVESTOCK; AND AMENDING SECTION 81-7-401, MCA."

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

Section 1. Section 81-7-401, MCA, is amended to read:

"81-7-401. Killing of dogs harassing, destroying, or injuring ~~stock~~ livestock -- notice to owner -- penalty. (1) As used in this section, "harasses" means worries, chases, or runs after livestock, including ostriches, rheas, and emus, in a manner that may lead to subsequent injury to the livestock.

(2) A dog, whether licensed or not, that, while off the premises owned or under control of its owner and on property owned, leased, or controlled by the livestock owner, harasses, kills, wounds, or injures livestock not belonging to the owner of the dog is considered a public nuisance and:

(a) may be killed immediately by the owner of the livestock or an agent or employee of the owner; or
(b) the owner of the dog, when reasonably notified after due process, shall kill the dog within 24 hours of notification. If the owner fails to ~~do so~~ kill the dog, an officer may be notified and shall kill the dog or cause the dog to be killed.

(3) A dog may not be killed in a manner that will endanger a person.

(4) This section does not apply to a dog herding livestock under the direction of its owner or the agents or employees of its owner.

(5) This section does not apply to a dog engaged in legitimate sport hunting or predator control activities under the direction of its owner or the agents or employees of its owner.

(6) The owner of a dog that harasses, kills, wounds, or injures livestock is guilty of a misdemeanor and upon conviction shall be fined an amount not more than to exceed \$500.

(7) When a dog that is bearing identification tags is killed as provided in subsection (2)(a), the person who killed the dog shall notify the appropriate law enforcement agency that the dog was killed for harassing,

killing, wounding, or injuring livestock and the law enforcement agency shall notify the owner of the dog that the dog was killed for harassing, killing, wounding, or injuring livestock."

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