



AN ACT REVISING THE LAWS GOVERNING THE TREATMENT OF ANIMALS; PROVIDING FOR A CIVIL HEARING CONCERNING THE CARE OF ANIMALS SEIZED WHEN THE OWNER IS CHARGED WITH CRUELTY TO ANIMALS; CHANGING THE FINE AND IMPRISONMENT PENALTIES FOR THE CRIME; CREATING THE OFFENSE OF "AGGRAVATED ANIMAL CRUELTY"; EXPANDING THE LIST OF EXEMPT ACTIVITIES AND PRACTICES; AND AMENDING SECTION 45-8-211, MCA.

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

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

"45-8-211. Cruelty to animals -- ~~exception~~ exceptions. (1) A person commits the offense of cruelty to animals if, ~~without justification,~~ the person knowingly or negligently subjects an animal to mistreatment or neglect by:

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

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

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

~~(i) proper food, drink, or shelter; or~~

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

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

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

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

(e) promoting, sponsoring, conducting, or participating in an animal race of more than 2 miles, except a sanctioned endurance race.

(2) (a) A person convicted of the offense of cruelty to animals shall be fined an amount not to exceed ~~\$500~~ \$1,000 or be imprisoned in the county jail for a term not to exceed ~~6 months~~ 1 year, or both. A person convicted of a second or subsequent offense of cruelty to animals or of a first or subsequent offense of

aggravated animal cruelty shall be fined an amount not to exceed \$1,000 \$2,500 or be imprisoned sentenced to the department of corrections ~~in the state prison~~ for a term not to exceed 2 years, or both.

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

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

(3) In addition to the sentence provided in subsection (2), the court ~~may~~ shall:

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

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

(4) ~~Nothing in this section prohibits~~ This section does not prohibit:

(a) a person ~~from~~ humanely destroying an animal for just cause; ~~or~~

(b) the use of commonly accepted agricultural and livestock practices on livestock;

(c) rodeo activities that meet humane standards of the professional rodeo cowboys association;

(d) lawful fishing, hunting, and trapping activities;

(e) lawful wildlife management practices;

(f) lawful scientific or agricultural research or teaching that involves the use of animals;

(g) services performed by a licensed veterinarian;

(h) lawful control of rodents and predators and other lawful animal damage control activities; or

(i) accepted training and discipline methods."

Section 2. Aggravated animal cruelty. A person commits the offense of aggravated animal cruelty if the person purposely or knowingly:

(1) kills or inflicts cruelty to an animal with the purpose of terrifying, torturing, or mutilating the animal;

or

(2) inflicts cruelty to animals on a collection, kennel, or herd of 10 or more animals.

Section 3. Animal welfare hearing. (1) When an animal is seized from a person pursuant to an arrest for an alleged violation of 45-8-211 or [section 2], the prosecutor may file petition for an animal welfare hearing in district court in the county where the arrest was made.

(2) The petition must contain:

- (a) the purported facts regarding animal neglect and the current condition of the animal;
- (b) any facts demonstrating the animal's extreme disease, injury, or suffering, if applicable; and
- (c) the name and address of the respondent.

(3) If the court finds probable cause that the animal exhibits extreme disease, injury, or suffering, the court shall set the matter for hearing not more than 10 days after the petition was filed with the clerk of court. Otherwise, the court shall set the matter for hearing not more than 30 days after the petition was filed.

(4) At the hearing, the court may consider the following factors:

- (a) the propriety of returning the animal to the owner given the alleged facts regarding abuse or neglect;
- (b) the extent of the animal's disease, injury, or suffering, if applicable;
- (c) the likelihood of viable treatment of the animal's condition, if applicable, based upon available veterinary testimony; and
- (d) the availability of funding to provide for the animal's treatment, shelter, and care.

(5) Upon consideration of the factors listed in subsection (4), the court may order any of the following:

- (a) immediate release of the animal to the owner;
- (b) imposition of a bond or security in an amount sufficient to provide for the animal's care for a minimum of 30 days from the date of seizure;
- (c) euthanization of severely diseased, injured, or suffering animals; or
- (d) retention of the animal in a humane animal treatment shelter.

(6) A hearing pursuant to this section does not constitute an adjudication with regard to charges filed under 45-8-211 or [section 2].

Section 4. Codification instruction. (1) [Section 2] is intended to be codified as an integral part of Title 45, chapter 8, part 2, and the provisions of Title 45, chapter 8, part 2, apply to [section 2].

(2) [Section 3] is intended to be codified as an integral part of Title 27, chapter 1, part 4, and the provisions of Title 27, chapter 1, part 4, apply to [section 3].

- END -

I hereby certify that the within bill,
HB 0553, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2019.

President of the Senate

Signed this _____ day
of _____, 2019.

HOUSE BILL NO. 553

INTRODUCED BY GALLIK, BALLANTYNE, BECKER, BRANAE, BUZZAS, CALLAHAN, CARNEY,
COHENOUR, COONEY, CYR, DOWELL, ELLINGSON, ERICKSON, FACEY, FRITZ, GALVIN-HALCRO,
GALLUS, GIBSON, GOLIE, GUTSCHE, HARRINGTON, JACOBSON, JENT, KEANE, LASLOVICH,
LAWSON, MENDENHALL, MUSGROVE, PEASE, RASER, D. RYAN, SCHMIDT, SMALL-EASTMAN,
TESTER, TOOLE, WANZENRIED, WEISS, WILSON, HARRIS, PARKER

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