

HOUSE BILL NO. 717
INTRODUCED BY J. JAYNE

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PENALTIES FOR THE OFFENSE OF CRUELTY TO ANIMALS; 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. (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, injuring, or killing any animal;

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

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

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

(ii) 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 of not less than \$200 and not to exceed more than \$500 or and shall be imprisoned in the county jail detention center for a term not to exceed 6 months, or both of not less than 24 consecutive hours and not more than 6 months. The first 24 hours of imprisonment may not be deferred or suspended or served under home arrest unless the judge finds that service of that time in the county detention center would pose a risk to the person's physical or mental health.

A person convicted of a second or subsequent offense of cruelty to animals shall be fined an amount of not less than \$300 and not to exceed more than \$1,000 or and shall be imprisoned in the ~~state prison~~ county detention center for a term of not less than 7 days and not to exceed 2 years, or both more than 6 months. The first 48 hours of imprisonment must be served consecutively and may not be deferred or suspended or served under

home arrest unless the judge finds that service of that time in the county detention center would pose a risk to the person's physical or mental health.

(b) If the convicted person is the owner, the person may be required to forfeit 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.

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

(a) require the ~~defendant~~ convicted person to pay all reasonable costs incurred in providing necessary veterinary attention and treatment for any animal affected; and

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

(4) Nothing in this section prohibits:

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

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

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