

HOUSE BILL NO. 106

INTRODUCED BY M. MACDONALD

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING PROTECTIONS FOR POLICE HORSES; PROVIDING CRIMINAL PENALTIES FOR HARMING POLICE HORSES; AMENDING SECTION 45-8-209, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

Section 1. Section 45-8-209, MCA, is amended to read:

"45-8-209. Harming a police dog or police horse -- penalty -- definition. (1) A person commits the offense of harming a police dog or police horse if the person purposely or knowingly shoots, kills, or otherwise injures a police dog or police horse being used by a:

- (a) law enforcement officer in discharging or attempting to discharge a legal duty in a reasonable and proper manner; or
- (b) person while the person is under the control of and acting under the direction of an officer of an official law enforcement agency during the performance of the agency's law enforcement or search and rescue duties.

(2) A person convicted of the offense of harming a police dog or police horse may be fined an amount not to exceed \$5,000 or be imprisoned in the state prison for a term not to exceed 1 year, or both.

(3) As used in this section, the following definitions apply:

- (a) "Law enforcement officer" means a person who is a peace officer, as defined in 46-1-202, or any other agent of a criminal justice agency.
- (b) "Police dog" or "police horse" means a dog or horse that is:
 - (i) used by a law enforcement agency, as defined in 44-11-303, in the exercise of its authority;
 - (ii) specifically trained for law enforcement or search and rescue work; and
 - (iii) under the control of a law enforcement officer."

NEW SECTION. Section 2. Applicability. [This act] applies to offenses committed on or after [the effective date of this act].

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