

HOUSE BILL NO. 179

INTRODUCED BY T. MANZELLA, D. MORTENSEN

A BILL FOR AN ACT ENTITLED: "~~AN ACT MAKING IT ILLEGAL FOR A HUMANE ANIMAL TREATMENT SHELTER OR ITS EMPLOYEES TO ENGAGE IN ACTIVITIES AT AN ANIMAL FACILITY WITHOUT THE OWNER'S CONSENT~~ LIMITING EXEMPTIONS PROVIDED FOR IN THE FARM ANIMAL AND RESEARCH FACILITIES PROTECTION ACT TO GOVERNMENT AGENCIES, FINANCIAL INSTITUTIONS, AND SECURED PARTIES; AMENDING SECTION 81-30-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, A COUNTY SHERIFF PERFORMS THE DUTIES OF A HUMANE OFFICER WITHIN A COUNTY RELATED TO THE PROTECTION OF ANIMALS PURSUANT TO SECTION 7-32-2121, MCA; AND

WHEREAS, THE DEPARTMENT OF LIVESTOCK APPOINTS STOCK INSPECTORS AND DETECTIVES NECESSARY FOR THE PROTECTION OF LIVESTOCK PURSUANT TO SECTION 81-1-201, MCA; AND

WHEREAS, THE FARM ANIMAL AND RESEARCH FACILITIES PROTECTION ACT IN TITLE 81, MCA, WAS DESIGNED TO PROTECT ANIMAL FACILITIES; AND

WHEREAS, THE TERM "HUMANE ANIMAL TREATMENT SHELTER" IS NOT DEFINED IN THE FARM ANIMAL AND RESEARCH FACILITIES PROTECTION ACT OR IN OTHER STATE LAW; AND

WHEREAS, HUMANE ANIMAL TREATMENT SHELTERS ARE NOT UNDER STATE OVERSIGHT, PLACING THE STATE AT A LIABILITY RISK FOR INJURIES TO PERSONNEL FROM A HUMANE ANIMAL TREATMENT SHELTER ASSISTING IN THE CONFISCATION OF SEIZED ANIMALS OR INJURIES TO THE ANIMALS BEING CONFISCATED.

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

**Section 1.** Section 81-30-103, MCA, is amended to read:

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

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



- 1 (a) damage or destroy an animal facility or an animal or property in or on the premises of an animal  
2 facility;
- 3 (b) enter an animal facility that is at the time closed to the public with the intent to commit an act  
4 prohibited by this chapter;
- 5 (c) remain concealed in an animal facility with the intent to commit an act prohibited by this chapter;
- 6 (d) enter an animal facility and commit or attempt to commit an act prohibited by this chapter;
- 7 (e) enter an animal facility to take pictures by photograph, video camera, or other means with the intent  
8 to commit criminal defamation; or
- 9 (f) enter or remain on the premises of an animal facility if the person:
- 10 (i) had notice that the entry was forbidden; or
- 11 (ii) received notice to depart but failed to do so.
- 12 (3) The provisions of this chapter do not apply to lawful activities of a:
- 13 ~~——(a) government agency or its employees who are carrying out their duties under law or to lawful activities~~  
14 ~~of a financial institution or other secured party; and~~
- 15 ~~——(b) humane animal treatment shelter or its employees whose primary purpose is the bona fide control~~  
16 ~~or humane care of animals or the enforcement of 45-8-211."~~

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18 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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