

HOUSE BILL NO. 359

INTRODUCED BY S. VINTON

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO ANIMAL CONFINEMENT IN A VEHICLE; PROVIDING PROCEDURES FOR A RESPONDING OFFICER TO ENTER A VEHICLE IF AN ANIMAL IS LEFT UNATTENDED; AND PROVIDING CRIMINAL AND CIVIL IMMUNITY FOR A RESPONDING OFFICER."

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

NEW SECTION. **Section 1. Forcible entry of motor vehicle to remove unattended animal -- immunity.** (1) A responding officer may, in good faith, forcibly enter a vehicle in order to remove an unattended animal that is at risk of serious bodily injury or death.

(2) A responding officer who removes an unattended animal as provided for in subsection (1) shall place a written note on or in the vehicle that includes:

- (a) the name of the officer and the officer's agency;
- (b) the date and time the animal was removed; and
- (c) the address of the appropriate agency where the animal will be taken.

(3) An animal removed from a vehicle as provided for in subsection (1) must be delivered to a humane society, publicly operated animal shelter, pound, or other appropriate department or agency in the jurisdiction where the animal was seized.

(4) A responding officer may not be held criminally or civilly liable for actions taken reasonably and in good faith in carrying out the provisions of subsection (1) unless the forcible entry caused property damage or injury from gross negligence or willful or wanton misconduct.

(5) As used in this section, "responding officer" includes a law enforcement officer as defined in 7-32-201, a firefighter meeting the qualifications provided in 7-33-4107, an emergency medical technician as defined in 50-6-202, and a county or municipal animal control officer.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 61, chapter 12, and the provisions of Title 61, chapter 12, apply to [section 1].



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2 **NEW SECTION. Section 3. Two-thirds vote required.** Because [section 1] limits governmental liability,  
3 Article II, section 18, of the Montana constitution requires a vote of two-thirds of the members of each house of  
4 the legislature for passage.

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