

1 HOUSE BILL NO. 468

2 INTRODUCED BY P. FIELDER, B. BROWN, B. PHALEN, T. RUNNING WOLF

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4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE USE OF DOGS WHILE HUNTING BLACK
5 BEARS; ESTABLISHING A TRAINING SEASON; PROVIDING RULEMAKING AUTHORITY; AND AMENDING
6 SECTIONS 87-2-521 AND 87-6-404, MCA."

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

9

10 **Section 1.** Section 87-2-521, MCA, is amended to read:

11 **"87-2-521. Class D-3--resident hound training license.** A person who is a resident, as defined in
12 87-2-102, and who is 12 years of age or older or who will turn 12 years old before or during the season for
13 which the license is issued, upon payment of a fee of \$5, may receive a Class D-3 hound training license that
14 entitles the holder to use a dog or dogs to aid in pursuing mountain lions, ~~or bobcats,~~ or black bears during ~~the~~
15 a training season established in 87-6-404(4)."

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17 **Section 2.** Section 87-6-404, MCA, is amended to read:

18 **"87-6-404. Unlawful use of dog while hunting.** (1) Except as provided in subsections (3) through
19 (6), a person may not:

20 (a) chase any game animal or fur-bearing animal with a dog; or

21 (b) purposely, knowingly, or negligently permit a dog to chase, stalk, pursue, attack, or kill a hooved
22 game animal. If the dog is not under the control of an adult at the time of the violation, the owner of the dog is
23 personally responsible. A defense that the dog was allowed to run at large by another person is not allowable
24 unless it is shown that at the time of the violation, the dog was running at large without the consent of the owner
25 and that the owner took reasonable precautions to prevent the dog from running at large.

26 (2) Except as provided in subsection (3)(f), a peace officer, game warden, or other person authorized
27 to enforce the Montana fish and game laws who witnesses a dog chasing, stalking, pursuing, attacking, or
28 killing a hooved game animal may destroy that dog on public land or on private land at the request of the

1 landowner without criminal or civil liability.

2 (3) A person may:

3 (a) take game birds during the appropriate open season with the aid of a dog;

4 (b) hunt mountain lions during the winter open season, as established by the commission, with the aid
5 of a dog or dogs;

6 (c) hunt bobcats during the trapping season, as established by the commission, with the aid of a dog
7 or dogs;

8 ~~(d) hunt black bears during the spring open season, as established by the commission, with the aid of~~
9 ~~a dog or dogs~~ AS AUTHORIZED BY THE COMMISSION;

10 ~~(d)(e)~~ train bird hunting dogs pursuant to the requirements of 87-3-602;

11 ~~(e)(f)~~ conduct field trials for bird hunting dogs pursuant to the requirements of 87-3-603 or on private
12 land; and

13 ~~(f)(g)~~ use trained or controlled dogs to chase or herd away game animals or fur-bearing animals to
14 protect humans, lawns, gardens, livestock, or agricultural products, including growing crops and stored hay and
15 grain. The dog may not be destroyed pursuant to subsection (2).

16 (4) A resident who possesses a Class D-3 resident hound training license may:

17 (a) pursue mountain lions and bobcats with a dog or dogs during a training season from December 2
18 of each year to April 14 of the following year; and

19 (b) pursue black bears with a dog or dogs during a training season from the end of the spring ~~open~~
20 ~~season for black bear through July 31~~ JUNE 15 of that year AS AUTHORIZED BY THE COMMISSION.

21 (5) A nonresident who possesses a Class D-4 hound handler license may pursue mountain lions with
22 a dog or dogs pursuant to 87-2-519.

23 (6) (a) A person with a valid hunting license issued pursuant to Title 87, chapter 2, may use a dog to
24 track a wounded game animal during an appropriate open season. Any person using a dog in this manner:

25 (i) shall maintain physical control of the dog at all times by means of a maximum 50-foot lead
26 attached to the dog's collar or harness;

27 (ii) during the general season, whether handling or accompanying the dog, shall wear hunter orange
28 material pursuant to 87-6-414;

- 1 (iii) may carry any weapon allowed by law;
- 2 (iv) may dispose of the wounded game animal using any weapon allowed by the valid hunting license;
- 3 and
- 4 (v) shall tag an animal that has been reduced to possession in accordance with 87-6-411.
- 5 (b) Dog handlers tracking a wounded game animal with a dog are exempt from licensing
- 6 requirements under Title 87, chapter 2, as long as they are accompanied by the licensed hunter who wounded
- 7 the game animal.
- 8 (7) A person who is convicted of or who forfeits bond or bail after being charged with a violation of this
- 9 section shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for
- 10 not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, may be
- 11 subject to forfeiture of any current hunting, fishing, or trapping license issued by this state and the privilege to
- 12 hunt, fish, and trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a
- 13 period of time set by the court.
- 14 (8) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905
- 15 through 87-6-907."

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