

SENATE BILL NO. 98

INTRODUCED BY B. GILLESPIE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CIRCUMSTANCES UNDER WHICH GRIZZLY BEARS MAY BE TAKEN BY LANDOWNERS TO PROTECT PERSONS OR LIVESTOCK; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR AN ABSOLUTE DEFENSE; AMENDING SECTION 87-6-106, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 87-6-106, MCA, is amended to read:

"87-6-106. Lawful taking to protect livestock or person -- findings. (1) ~~This~~ The legislature finds that the grizzly bear population in the state is recovered and should be removed from the federal endangered species list. The legislature also finds that the expanded grizzly bear population is moving into private property and residential areas causing increased conflict with livestock owners and presenting a human safety concern. The legislature further finds that Montana citizens have a right to protect themselves and their property and livestock from wild animals. Therefore, this chapter may not be construed to impose, by implication or otherwise, criminal liability for the taking of wildlife protected by this title if the wildlife is attacking, killing, or threatening to kill a person or livestock. ~~However, for purposes of protecting livestock, a person may not kill or attempt to kill a grizzly bear unless the grizzly bear is in the act of attacking or killing livestock.~~

(2) A person may kill or attempt to kill a wolf or mountain lion that is in the act of attacking or killing a domestic dog.

(3) A person who, under this section, takes wildlife protected by this title shall notify the department within 72 hours and shall surrender or arrange to surrender the wildlife to the department.

(4) In accordance with the rights conferred on Montana citizens pursuant to Article II, sections 3 and 12, of the Montana constitution, the legislature finds the act of a grizzly bear attacking, killing, or threatening to kill a person or livestock is an absolute defense against a person who takes a grizzly bear in accordance with this section being charged with a crime."

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

NEW SECTION. **Section 3. Applicability.** [This act] applies to actions occurring on or after [the effective date of this act].

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