

## 1 HOUSE BILL NO. 338

2 INTRODUCED BY J. KARJALA

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4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING CRUELTY TO ANIMAL STATUTES; EXEMPTING THE  
5 PRACTICE OF CATCHING, NEUTERING OR SPAYING, AND RETURNING FREE-ROAMING FERAL CATS  
6 FOR HUMANE PURPOSES FROM THE OFFENSE OF CRUELTY TO ANIMALS; CLARIFYING THE OFFENSE  
7 OF AGGRAVATED CRUELTY TO ANIMALS; AND AMENDING SECTIONS 45-8-211 AND 45-8-217, MCA."

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

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11 **Section 1.** Section 45-8-211, MCA, is amended to read:12 **"45-8-211. Cruelty to animals -- exceptions.** (1) A person commits the offense of cruelty to animals  
13 if, without justification, the person knowingly or negligently subjects an animal to mistreatment or neglect by:

14 (a) overworking, beating, tormenting, torturing, injuring, or killing the animal;

15 (b) carrying or confining the animal in a cruel manner;

16 (c) failing to provide an animal in the person's custody with:

17 (i) food and water of sufficient quantity and quality to sustain the animal's normal health;

18 (ii) minimum protection for the animal from adverse weather conditions, with consideration given to the  
19 species;20 (iii) in cases of immediate, obvious, serious illness or injury, licensed veterinary or other appropriate  
21 medical care;22 (d) abandoning any helpless animal or abandoning any animal on any highway, railroad, or in any other  
23 place where it may suffer injury, hunger, or exposure or become a public charge; or24 (e) promoting, sponsoring, conducting, or participating in an animal race of more than 2 miles, except  
25 a sanctioned endurance race.26 (2) (a) A person convicted of the offense of cruelty to animals shall be fined an amount not to exceed  
27 \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both. A person convicted of a second  
28 or subsequent offense of cruelty to animals or of a first or subsequent offense of aggravated animal cruelty shall  
29 be fined an amount not to exceed \$2,500 or be sentenced to the department of corrections for a term not to  
30 exceed 2 years, or both.

1 (b) If the convicted person is the owner, the person may be required to forfeit any animal affected to the  
 2 county in which the person is convicted. This provision does not affect the interest of any secured party or other  
 3 person who has not participated in the offense.

4 (c) For the purposes of this subsection (2), when more than one animal is subject to cruelty to animals,  
 5 each act may comprise a separate offense.

6 (3) In addition to the sentence provided in subsection (2), the court:

7 (a) shall require the defendant to pay all reasonable costs incurred in providing necessary veterinary  
 8 attention and treatment for any animal affected, including reasonable costs of care incurred by a public or private  
 9 animal control agency or humane animal treatment shelter;

10 (b) may require the defendant to pay all reasonable costs of necessary care of the affected animal that  
 11 are incurred by a public or private animal control agency or humane animal treatment shelter; and

12 (c) shall prohibit or limit the defendant's ownership, possession, or custody of animals, as the court  
 13 believes appropriate during the term of the sentence.

14 (4) This section does not prohibit:

15 (a) a person humanely destroying an animal for just cause;

16 (b) the use of commonly accepted agricultural and livestock practices on livestock;

17 (c) rodeo activities that meet humane standards of the professional rodeo cowboys association;

18 (d) lawful fishing, hunting, and trapping activities;

19 (e) lawful wildlife management practices;

20 (f) lawful scientific or agricultural research or teaching that involves the use of animals;

21 (g) services performed by a licensed veterinarian;

22 (h) lawful control of rodents and predators and other lawful animal damage control activities; ~~or~~

23 (i) accepted training and discipline methods; or

24 (j) the practice of catching, neutering or spaying, and returning feral cats to the area in which they were  
 25 caught for humane purposes by an organization dedicated to the well-being of animals or by a licensed  
 26 veterinarian."

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28 **Section 2.** Section 45-8-217, MCA, is amended to read:

29 **"45-8-217. Aggravated animal cruelty.** A person commits the offense of aggravated animal cruelty if  
 30 the person purposely or knowingly:

