

HOUSE BILL NO. 690

INTRODUCED BY HARPER, RUSSELL

IN THE HOUSE

FEBRUARY 8, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON BUSINESS & ECONOMIC DEVELOPMENT.

FIRST READING.

FEBRUARY 22, 1991                   COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 23, 1991                   PRINTING REPORT.

MARCH 7, 1991                       SECOND READING, DO PASS.

MARCH 8, 1991                       ENGROSSING REPORT.

MARCH 9, 1991                       THIRD READING, PASSED.  
AYES, 88; NOES, 6.

TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 11, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON PUBLIC HEALTH, WELFARE, & SAFETY.

FIRST READING.

APRIL 2, 1991                       COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

APRIL 4, 1991                       SECOND READING, CONCURRED IN.

APRIL 5, 1991                       THIRD READING, CONCURRED IN.  
AYES, 40; NOES, 10.

RETURNED TO HOUSE.

IN THE HOUSE

APRIL 5, 1991                       RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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2 INTRODUCED BY Misselt

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW  
5 REGARDING CRUELTY TO ANIMALS BY ADDING CRUEL CONFINEMENT AND  
6 FAILURE TO PROVIDE LICENSED VETERINARY OR MEDICAL CARE AS  
7 PUNISHABLE OFFENSES; ADDING AN EXCEPTION FOR SANCTIONED  
8 ENDURANCE RACES, COMMONLY ACCEPTED LIVESTOCK PRACTICES, AND  
9 FOR HUMANE DESTRUCTION OF AN ANIMAL FOR JUST CAUSE;  
10 ESTABLISHING A PENALTY FOR REPEAT OFFENSES; AND AMENDING  
11 SECTION 45-8-211, MCA."

12  
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 **Section 1.** Section 45-8-211, MCA, is amended to read:

15 "45-8-211. Cruelty to animals -- exception. (1) A  
16 person commits the offense of cruelty to animals if without  
17 justification he knowingly or negligently subjects an animal  
18 to mistreatment or neglect by:

19 (a) overworking, beating, tormenting, injuring, or  
20 killing any animal;

21 (b) carrying or confining any animal in a cruel manner;

22 (c) failing to provide an animal in his custody with:

23 (i) proper food, drink, or shelter; or

24 (ii) in cases of immediate, obvious, serious injury,  
25 licensed veterinary or other appropriate medical care;

1 (d) abandoning any helpless animal or abandoning any  
2 animal on any highway, railroad, or in any other place where  
3 it may suffer injury, hunger, or exposure or become a public  
4 charge; or

5 (e) promoting, sponsoring, conducting, or participating  
6 in ~~a-horse~~ an animal race of more than 2 miles, except a  
7 sanctioned endurance race.

8 (2) A person convicted of the offense of cruelty to  
9 animals shall be fined not to exceed \$500 or be imprisoned  
10 in the county jail for a term not to exceed 6 months, or  
11 both. A person convicted of a second or subsequent offense  
12 of cruelty to animals shall be fined not to exceed \$1,000 or  
13 be imprisoned in the county jail for a term not to exceed 1  
14 year, or both. If such the person is the owner, he may be  
15 required to forfeit to the county in which he is convicted  
16 any animal affected. This provision does not affect the  
17 interest of any secured party or other person who has not  
18 participated in the offense.

19 (3) In addition to the sentence provided in subsection  
20 (2), the court may require the defendant to pay all  
21 reasonable costs incurred in providing necessary veterinary  
22 attention and treatment for any animal affected.

23 (4) Nothing in this section prohibits:

24 (a) a person from humanely destroying an animal for  
25 just cause; or



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HB 690

LC 1313/01

1       (b) the use of commonly accepted livestock practices on  
2       livestock."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0690, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The bill revises the law regarding cruelty to animals by adding cruel confinement and failure to provide licensed veterinary or medical care as punishable offenses; adds an exception for sanctioned endurance races, commonly accepted livestock practices and for humane destruction of an animal; also establishes a penalty for repeat offenses.

ASSUMPTIONS:


1. The bill will provide protection against cruelty to, and neglect of, animals without having a material impact on local government expenditures or revenues.
2. The bill will have no fiscal impact on state agencies.

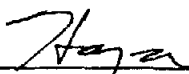
FISCAL IMPACT:

None.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

No material impact on local governments.

  
\_\_\_\_\_  
ROD SUNDSTED, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

  
\_\_\_\_\_  
HAL HARPER, PRIMARY SPONSOR      DATE  
Fiscal Note for HB0690, as introduced

HB 690

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9 LIVESTOCK PRACTICES, AND FOR HUMANE DESTRUCTION OF AN ANIMAL  
10 FOR JUST CAUSE; ESTABLISHING A PENALTY FOR REPEAT OFFENSES;  
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22 (c) failing to provide an animal in his custody with:

23 (i) proper food, drink, or shelter; or

24 (ii) in cases of immediate, obvious, serious ILLNESS OR  
25 injury, licensed veterinary or other appropriate medical

1 care;

2 (d) abandoning any helpless animal or abandoning any  
3 animal on any highway, railroad, or in any other place where  
4 it may suffer injury, hunger, or exposure or become a public  
5 charge; or

6 (e) promoting, sponsoring, conducting, or participating  
7 in a-horse an animal race of more than 2 miles, except a  
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18 interest of any secured party or other person who has not  
19 participated in the offense.

20 (3) In addition to the sentence provided in subsection  
21 (2), the court may require the defendant to pay all  
22 reasonable costs incurred in providing necessary veterinary  
23 attention and treatment for any animal affected.

24 (4) Nothing in this section prohibits:

25 (a) a person from humanely destroying an animal for



HB 0690/02

- 1 just cause; or
- 2 (b) the use of commonly accepted AGRICULTURAL AND
- 3 livestock practices on livestock."

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