#### SENATE BILL NO. 417

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MARCH 13, 1989

## INTRODUCED BY GAGE

# IN THE SENATE

FEBRUARY 13, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 17, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 18, 1989	PRINTING REPORT.
FEBRUARY 20, 1989	SECOND READING, DO PASS.
FEBRUARY 21, 1989	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 50; NOES, 0.
	TRANSMITTED TO HOUSE.
IN	THE HOUSE
FEBRUARY 21, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 10, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 11, 1989	SECOND READING, CONCURRED IN.

THIRD READING, CONCURRED IN. AYES, 83; NOES, 14.

RETURNED TO SENATE.

## IN THE SENATE

MARCH 14, 1989

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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2	INTRODUCED	ВХ	Mi
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A BILL FOR AN ACT ENTITLED: "AN ACT MAKING IT AN OFFENSE TO INJURE A POLICE DOG; AND AMENDING SECTION 45-8-209, MCA."

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

Section 1. Section 45-8-209, MCA, is amended to read:

"45-8-209. Harming a police dog -- penalty. (1) A person commits the offense of harming a police dog if he

purposely or knowingly shoots, or kills, or otherwise

12 injures a police dog being used by a law enforcement officer

in discharging or attempting to discharge any legal duty in

a reasonable and proper manner.

- (2) A person convicted of the offense of harming a police dog may be fined an amount not to exceed \$5,000 or be imprisoned in the state prison for a term not to exceed 1 year, or both.
- 19 (3) As used in this section, the following definitions 20 apply:
- 21 (a) "Law enforcement officer" means a person who is a 22 peace officer as defined in 46-1-201.
  - (b) "Police dog" means a dog that is:
- 24 (i) used by a law enforcement agency, as defined in 7-32-201, in the exercise of its authority;

Montana Legislative Council

- (ii) specifically trained for law enforcement work; and
- 2 (iii) under the control of a law enforcement officer."
  -End--End-

-2- INTRODUCED BILL SB417

# APPROVED BY COMMITTEE ON JUDICIARY

3 A BILL FOR AN ACT ENTITLED: "AN ACT MAKING IT AN OFFENSE TO INJURE A POLICE DOG; AND AMENDING SECTION 45-8-209, MCA." 6 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 8 Section 1. Section 45-8-209, MCA, is amended to read: 9 "45-8-209. Harming a police dog -- penalty. (1) A 10 person commits the offense of harming a police dog if he purposely or knowingly shoots, or kills, or otherwise 11 12 injures a police dog being used by a law enforcement officer 13 in discharging or attempting to discharge any legal duty in 14 a reasonable and proper manner. 15 (2) A person convicted of the offense of harming a 16 police dog may be fined an amount not to exceed \$5,000 or be imprisoned in the state prison for a term not to exceed 1 17 18 year, or both. (3) As used in this section, the following definitions 19 20 apply: 21 (a) "Law enforcement officer" means a person who is a peace officer as defined in 46-1-201. 22 (b) "Police dog" means a dog that is: 23 (i) used by a law enforcement agency, as defined in 24 7-32-201, in the exercise of its authority; 25

Montana Legislative Council

(ii) specifically trained for law enforcement work; and (iii) under the control of a law enforcement officer."

-End-

SB 417

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2	INTRODUCED BY	14)-
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4 A BILL FOR AN ACT ENTITLED: "AN ACT MAKING IT AN OFFENSE TO

5 INJURE A POLICE DOG; AND AMENDING SECTION 45-8-209, MCA."

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person commits the offense of harming a police dog if he

11 purposely or knowingly shoots, or kills, or otherwise

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- 18 year, or both.
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- 20 apply:
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- 25 7-32-201, in the exercise of its authority;



1 (iii) specifically trained for law enforcement work; and
2 (iii) under the control of a law enforcement officer."
-End-

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2	INTRODUCED BY GAGE
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5	INJURE A POLICE DOG; AND AMENDING SECTION 45-8-209, MCA."
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7	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
8	Section 1. Section 45-8-209, MCA, is amended to read:
9	*45-8-209. Harming a police dog penalty. (1) A
LO	person commits the offense of harming a police dog if he
11	purposely or knowingly shoots, or kills, or otherwise
12	$\underline{\text{injures}}$ a police dog being used by a law enforcement officer
13	in discharging or attempting to discharge any legal duty in
14	a reasonable and proper manner.
15	(2) A person convicted of the offense of harming a
16	police dog may be fined an amount not to exceed \$5,000 or be
17	imprisoned in the state prison for a term not to exceed ${f 1}$
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20	apply:
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22	peace officer as defined in 46-1-201.
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24	(i) used by a law enforcement agency, as defined in
25	7-32-201, in the exercise of its authority;

(ii) specifically trained for law enforcement work; and (iii) under the control of a law enforcement officer." -End-