

HOUSE BILL NO. 323

INTRODUCED BY MCCARTHY, BECK, MENAHAN, RYAN,
REAM, M. HANSON, SMITH, SPRING, L. NELSON,
ENDY, LYNCH, HARRINGTON, QUILICI, GILBERT,
D. BROWN, DAILY, GRADY, PAVLOVICH, GRINDE

IN THE HOUSE

JANUARY 23, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 5, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 6, 1993	PRINTING REPORT.
FEBRUARY 8, 1993	SECOND READING, DO PASS.
FEBRUARY 9, 1993	ENGROSSING REPORT.
FEBRUARY 10, 1993	THIRD READING, PASSED. AYES, 97; NOES, 0.
FEBRUARY 11, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 12, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
APRIL 13, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
APRIL 14, 1993	SECOND READING, CONCURRED IN.
APRIL 15, 1993	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 15, 1993	ON MOTION, RULES SUSPENDED TO ALLOW LATE CONSIDERATION OF AMENDMENTS FROM SENATE.
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APRIL 16, 1993

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 19, 1993

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

House BILL NO. 323

INTRODUCED BY

Brian McCarthy Bush Menehara

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A COURT, UPON

A SECOND OR SUBSEQUENT CONVICTION OF CRUELTY TO ANIMALS, TO

ENJOIN OR LIMIT THE DEFENDANT'S FURTHER OWNERSHIP,

POSSESSION, OR CUSTODY OF ANIMALS, AS THE COURT BELIEVES

APPROPRIATE; AND AMENDING SECTION 45-8-211, MCA."

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

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

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

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

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

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

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

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

(d) abandoning any helpless animal or abandoning any

animal on any highway, railroad, or in any other place where it may suffer injury, hunger, or exposure or become a public charge; or

(e) promoting, sponsoring, conducting, or participating in an animal race of more than 2 miles, except a sanctioned endurance race.

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

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

(a) require the defendant to pay all reasonable costs incurred in providing necessary veterinary attention and treatment for any animal affected; and

(b) upon a second or subsequent conviction, enjoin or limit the defendant's further ownership, possession, or custody of animals, as the court believes appropriate.

LC 1125/01

- 1 (4) Nothing in this section prohibits:
2 (a) a person from humanely destroying an animal for
3 just cause; or
4 (b) the use of commonly accepted agricultural and
5 livestock practices on livestock."

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

House BILL NO. 323

INTRODUCED BY

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House BILL NO. *323*

INTRODUCED BY

Bea McBeth, Bill Merchant, Ryan
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SENATE STANDING COMMITTEE REPORT

Page 1 of 2
April 13, 1993

Page 2 of 2
April 13, 1993

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 323 (third reading copy -- blue), respectfully report that House Bill No. 323 be amended as follows and as so amended be concurred in.

Signed: William Yellowtail
Senator William "Bill" Yellowtail, Chair

That such amendments read:

1. Title, line 5.

Strike: "SECOND OR SUBSEQUENT"

2. Title, line 6.

Strike: "ENJOIN"

Insert: "PROHIBIT"

Following: "DEFENDANT'S"

Strike: "FURTHER"

3. Title, line 8.

Following: "APPROPRIATE"

Insert: "DURING THE TERM OF THE SENTENCE"

Following: ";

Strike: "AND"

Following: "MCA"

Insert: " ; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

4. Page 2, line 7.

Following: "(2)"

Insert: "(a)"

5. Page 2, line 12.

Following: "the"

Strike: "county jail"

Insert: "state prison"

Following: "exceed"

Strike: "1"

Insert: "2"

6. Page 2, line 13.

Strike: "year"

Insert: "years"

Following: "both."

Insert: "(b)"

Following: first "the"

Insert: "convicted"

7. Page 2, line 23.

Following: "(b)"

Strike: "upon a second or subsequent conviction, enjoin"

Insert: "prohibit"

8. Page 2, line 24.

Following: "defendant's"

Strike: "further"

9. Page 2, line 25.

Following: "appropriate"

Insert: "during the term of the sentence"

10. Page 3.

Following: line 5

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

-END-

AM Amd. Coord.
AM Sec. of Senate

Halligan
Senator/Carrying Bill

811359SC.San

SENATE

HB 323

811359SC.San

HOUSE BILL NO. 323

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APPROPRIATE DURING THE TERM OF THE SENTENCE; AND AMENDING
SECTION 45-8-211, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
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of cruelty to animals shall be fined not to exceed \$1,000 or
be imprisoned in the ~~county-jail~~ STATE PRISON for a term not
to exceed ~~± 2 year~~ YEARS, or both.

(B) If the CONVICTED person is the owner, ~~he~~ the person
may be required to forfeit to the county in which ~~he~~ the
person is convicted any animal affected. This provision does
not affect the interest of any secured party or other person
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11 (b) the use of commonly accepted agricultural and
12 livestock practices on livestock."

13 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS
14 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-