# 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.

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- 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. APRIL 16, 1993

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SECOND READING, AMENDMENTS CONCURRED IN.

APRIL 19, 1993 THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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LC 1125/01

Menchand "Ky" 2 INTRODUCED BY UPON SECOND OR SUBSEQUENT CONVICTION OF CRUELTY TO ANIMALS, TO 6 ENJOIN OR LIMIT THE DEFENDANT'S FURTHER OWNERSHIP. 7 POSSESSION, OR CUSTODY OF ANIMALS, AS THE COURT BELIEVES 8 APPROPRIATE; AND AMENDING SECTION 45-8-211. MCA." 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA; 11 Section 1. Section 45-8-211, MCA, is amended to read: 12 "45-8-211. Cruelty to animals -- exception. (1) A

OUSE BILL NO. 323

person commits the offense of cruelty to animals if without justification he <u>the person</u> knowingly or negligently subjects an animal to mistreatment or neglect by:

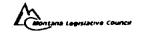
16 (a) overworking, beating, tormenting, injuring, or17 killing any animal;

(b) carrying or confining any animal in a cruel manner;
(c) failing to provide an animal in his the person's custody with:

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

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

25 (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

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

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

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

20 (a) require the defendant to pay all reasonable costs
 21 incurred in providing necessary veterinary attention and

22 treatment for any animal affected; and

23 (b) upon a second or subsequent conviction, enjoin or

- 24 limit the defendant's further ownership, possession, or
- 25 custody of animals, as the court believes appropriate.



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				
1	HOUSE BILL NO. 323	1			
2	INTRODUCED BY Rea. Mc Bathy R. & Menghan M. Mar				
3	Geom 71 danse britt John & Nelson Ent 2 10	2			
4	A BILL/BOR AN ACT ENTITLED: "AN ACT ABLOWING A COURT. UPON 4	3			
- ( 5	A SECOND OR SUBSEQUENT CONVICTION OF CRUELTY TO ANIMALS, TO	4			
6	ENJOIN OR LIMIT THE DEPENDANT'S FURTHER OWNERSHIP,	5			
7	POSSESSION, OR CUSTODY OF ANIMALS, AS THE COURT BELIEVES	6			
8	APPROPRIATE; AND AMENDING SECTION 45-8-211, MCA."	7			
9		8			
_		9			
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	10			
11	Section 1. Section 45-8-211, MCA, is amended to read:	11			
12	"45-8-211. Cruelty to animals exception. (1) A	12			
13	person commits the offense of cruelty to animals if without	13			
14	justification he the person knowingly or negligently	14			
15	subjects an animal to mistreatment or neglect by:	15			
16	(a) overworking, beating, tormenting, injuring, or	16			
17	killing any animal;	17			
18	<ul><li>(b) carrying or confining any animal in a cruel manner;</li></ul>	18			
19	(c) failing to provide an animal in his the person's	19			
20	custody with:	20			
21	(i) proper food, drink, or shelter; or	21			
22	(ii) in cases of immediate, obvious, serious illness or	22			
23	injury, licensed veterinary or other appropriate medical	23			
24	care;	24			
25	(d) abandoning any helpless animal or abandoning any	25			

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

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

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   treatment for any animal affected; and
   (b) upon a second or subsequent conviction, enjoin or
- 24 limit the defendant's further ownership, possession, or
- 25 custody of animals, as the court believes appropriate.

-2- HB 323 SECOND READING

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."

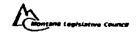
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21 (i) proper food, drink, or shelter; or

(ii) in cases of immediate, obvious, serious illness or
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22 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.

-2- HB 323 THIRD READING

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-

#### SENATE STANDING COMMITTEE REPORT

Page 1 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.

Senator William

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.
Pollowing: "(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"

And. Coord. Sec. of Senate

Senator/Carrying Bill

Page 2 of 2 April 13, 1993

7. Page 2, line 23. Following: "(b)" Strike: "upon a second or subsequent conviction, enjoin" Insert: "prohibit"

8. Page 2, line 24. Following: "<u>defendant's</u>" Strike: "<u>further</u>"

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-

1	HOUSE BILL NO. 323	1	(i) proper food, drink, or shelter; or
2	INTRODUCED BY MCCARTHY, BECK, MENAHAN, RYAN,	2	(ii) in cases of immediate, obvious, serious illness or
3	REAM, M. HANSON, SMITH, SPRING, L. NELSON,	3	injury, licensed veterinary or other appropriate medical
4	ENDY, LYNCE, HARRINGTON, QUILICI, GILBERT,	4	care;
5	D. BROWN, DAILY, GRADY, PAVLOVICH, GRINDE	5	(d) abandoning any helpless animal or abandoning any
6		6	animal on any highway, railroad, or in any other place where
7	A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A COURT, UPON	7	it may suffer injury, hunger, or exposure or become a public
8	A SECOND-OR-SUBSEQUENT CONVICTION OF CRUELTY TO ANIMALS, TO	8	charge; or
9	BNJOIN PROHIBIT OR LIMIT THE DEFENDANT'S FURTHER OWNERSHIP,	9	(e) promoting, sponsoring, conducting, or participating
10	POSSESSION, OR CUSTODY OF ANIMALS, AS THE COURT BELIEVES	10	in an animal race of more than 2 miles, except a sanctioned
11	APPROPRIATE DURING THE TERM OF THE SENTENCE; AND AMENDING	11	endurance race.
12	SECTION 45-8-211, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE	12	(2) (A) A person convicted of the offense of cruelty to
13	DATE."	13	animals shall be fined not to exceed \$500 or be imprisoned
14		14	in the county jail for a term not to exceed 6 months, or
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	15	both. A person convicted of a second or subsequent offense
16	Section 1. Section 45-8-211, MCA, is amended to read:	16	of cruelty to animals shall be fined not to exceed \$1,000 or
17	<b>*45-8-211. Cruelty to animals exception.</b> (1) A	17	be imprisoned in the county-jail STATE PRISON for a term not
18	person commits the offense of cruelty to animals if without	18	to exceed ± 2 year YEARS, or both.
19	justification he the person knowingly or negligently	19	(B) If the CONVICTED person is the owner, he the person
20	subjects an animal to mistreatment or neglect by:	20	may be required to forfeit to the county in which he the
21	(a) overworking, beating, tormenting, injuring, or	21	person is convicted any animal affected. This provision does
22	killing any animal;	22	not affect the interest of any secured party or other person
23	(b) carrying or confining any animal in a cruel manner;	23	who has not participated in the offense.
24	(c) failing to provide an animal in his the person's	24	(3) In addition to the sentence provided in subsection
25	custody with:	25	(2), the court may:



HB 0323/02

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HB 323 REFERENCE BILL AS AMENDED

### HB 0323/02

(a) require the defendant to pay all reasonable costs 1 incurred in providing necessary veterinary attention and 2 treatment for any animal affected; and 3 (b) upon--a--second--or--subsequent--conviction,-enjoin 4 PROHIBIT or limit the defendant's further ownership, 5 possession, or custody of animals, as the court believes 6 appropriate DURING THE TERM OF THE SENTENCE. 7 (4) Nothing in this section prohibits: 8 (a) a person from humanely destroying an animal for 9 just cause; or 10 (b) the use of commonly accepted agricultural and 11 livestock practices on livestock." 12 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS 13 EFFECTIVE ON PASSAGE AND APPROVAL. 14

-End-

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