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House BILL NO. 371

INTRODUCED BY L. Smith

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PENALTY FOR HARMING OR KILLING A POLICE DOG; PROVIDING FOR RESTITUTION BY THE OFFENDER TO THE LAW ENFORCEMENT AGENCY; AND AMENDING SECTION 45-8-209, MCA."

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 -- restitution. (1) A person commits the offense of harming a police dog if the person purposely or knowingly shoots, kills, or otherwise 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~~ \$10,000 or be imprisoned in the state prison for a term not to exceed ~~4-year~~ 5 years, or both.

(3) A person convicted under this section must, to the extent that the person is able to pay, be sentenced to make restitution to the law enforcement agency for veterinary bills and for replacement costs if the dog is disabled or killed.

~~(3)~~(4) As used in this section, the following definitions apply:

(a) "Law enforcement officer" means a person who is a peace officer as defined in 46-1-202.

(b) "Police dog" means a dog that is:

- (i) used by a law enforcement agency, as defined in 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-

HOUSE BILL NO. 371

INTRODUCED BY L. SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PENALTY FOR HARMING OR KILLING A POLICE DOG; CLARIFYING THE DEFINITION OF POLICE DOG; PROVIDING FOR RESTITUTION BY THE OFFENDER TO THE LAW ENFORCEMENT AGENCY; AND AMENDING SECTION 45-8-209, MCA."

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(2) A person convicted of the offense of harming a police dog may be fined an amount not to exceed ~~\$5,000~~ \$10,000 or be ~~imprisoned in~~ INCARCERATED IN THE COUNTY JAIL OR the state prison for a term not to exceed ~~1 year~~ 5 years, or both.

(3) ~~A person convicted under this section must, to the extent that the person is able to pay, be sentenced to make restitution to the law enforcement agency for veterinary bills and for replacement costs if the dog is disabled or killed.~~

~~(3)~~(4) As used in this section, the following definitions apply:

(a) "Law enforcement officer" means a person who is a peace officer as defined in 46-1-202.

(b) "Police dog" means a dog that is:

(i) used by a ~~law enforcement~~ CRIMINAL JUSTICE agency, ~~as defined in 7-32-201,~~ in the exercise of its authority;

(ii) specifically trained for law enforcement work, INCLUDING BUT NOT LIMITED TO DETECTION BY SCENT OF BOMBS, EXPLOSIVES, NARCOTICS, ACCELERANTS, AND A MISSING OR ESCAPED PERSON; and

(iii) OWNED, POSSESSED, OR under the control OR SUPERVISION of a law enforcement officer OR AN AUTHORIZED REPRESENTATIVE OF A CRIMINAL JUSTICE AGENCY."

-END-