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House BILL NO. *215*

INTRODUCED BY *ORR Clark Smith* *Crismore*

A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING THE DEFINITION OF POLICE DOG TO INCLUDE DOGS TRAINED FOR SEARCH AND RESCUE AND TRACKING THAT ARE USED IN CONJUNCTION WITH OFFICIAL LAW ENFORCEMENT EFFORTS; IMPOSING A PENALTY FOR INTENTIONALLY HARMING A SEARCH AND RESCUE OR TRACKING DOG THAT IS USED IN CONJUNCTION WITH OFFICIAL LAW ENFORCEMENT EFFORTS; 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 -- definition. (1) A person commits the offense of harming a police dog if ~~he~~ the person purposely or knowingly shoots, kills, or otherwise injures or mistreats a police dog being used by a:

(a) law enforcement officer in discharging or attempting to discharge ~~any~~ a legal duty in a reasonable and proper manner; or

(b) private citizen in a reasonable and proper manner in conjunction with official law enforcement efforts, such as search and rescue, or criminal investigations.

(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.

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

~~##(B)~~ (B) specifically trained for law enforcement work; and

~~###(C)~~ (C) under the control of a law enforcement officer;

(ii) specifically trained to locate lost or missing persons, victims of natural or human-caused disasters, and human bodies and that is used in conjunction with official law enforcement efforts, such as search and rescue, or criminal investigations; or

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1 ENFORCEMENT OR SEARCH AND RESCUE work; and

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6 ~~(iii) specifically trained to track or pursue missing persons, escaped inmates, or fleeing felons and~~
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