

YMCA YOUTH LEGISLATURE OF THE STATE OF MONTANA

_____ Bill Number _____

Legislative Action:

Introduced by: Jacy Suenram
Authored by: Jacy Suenram

House Committee: _____
House: _____
Senate Committee: _____
Senate: _____
Governor: _____

Delegation: Southwestern Montana Family YMCA

Referred to Committee:

1 A BILL FOR AN ACT ENTITLED: "AN ACT MAKING IT A CRIMINAL ACT TO ABANDON
2 HORSES ON PUBLIC OR PRIVATE LAND; AMENDING SECTION 45-8-211, MCA AND
3 SECTION 81-4-502 MCA; REPEALING SECTIONS 81-4-501 MCA, 81-4-503 MCA, 81-4-504 MCA,
4 81-4-505 MCA, 81-4-506 MCA, 81-4-507 MCA, 81-4-508 MCA, 81-4-509 MCA, 81-4-510, 81-4-511
5 MCA, 81-4-512 MCA, 81-4-513 MCA, 81-4-514 MCA, 81-4-515 MCA, AND 81-4-516 MCA.
6 BE IT ENACTED BY THE MONTANA YMCA YOUTH LEGISLATURE:

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

8 **45-8-211 Cruelty to animals -- exceptions.** (1) A person commits the offense of cruelty to animals if,
9 without justification, the person knowingly or negligently subjects an animal to mistreatment or neglect
10 by:

- 11 (a) overworking, beating, tormenting, torturing, injuring, or killing the animal;
- 12 (b) carrying or confining the animal in a cruel manner;
- 13 (c) failing to provide an animal in the person's custody with:
 - 14 (i) food and water of sufficient quantity and quality to sustain the animal's normal health;
 - 15 (ii) minimum protection for the animal from adverse weather conditions, with consideration given
16 to the species;
 - 17 (iii) in cases of immediate, obvious, serious illness or injury, licensed veterinary or other appropriate
18 medical care;
- 19 (d) abandoning any helpless animal or abandoning any animal on any highway, railroad, or in any
20 other place where it may suffer injury, hunger, or exposure or become a public charge; or
- 21 (e) abandoning any horse, mule, mare, gelding, colt, filly, jack or other animal of the genus equus
22 on public or private land, regardless of whether they have food or water.
- 23 (f) promoting, sponsoring, conducting, or participating in an animal race of more than 2 miles,
24 except a sanctioned endurance race.

25 (2) (a) A person convicted of the offense of cruelty to animals shall be fined an amount not to
26 exceed \$ 1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both. A person
27 convicted of a second or subsequent offense of cruelty to animals or of a first or subsequent offense of

28 aggravated animal cruelty shall be fined an amount not to exceed \$ 2,500 or be sentenced to the
29 department of corrections for a term not to exceed 2 years, or both.

30 (b) If the convicted person is the owner, the person may be required to forfeit any animal affected to
31 the county in which the person is convicted. This provision does not affect the interest of any secured
32 party or other person who has not participated in the offense.

33 (c) For the purposes of this subsection (2), when more than one animal is subject to cruelty to
34 animals, each act may comprise a separate offense.

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

36 (a) shall require the defendant to pay all reasonable costs incurred in providing necessary veterinary
37 attention and treatment for any animal affected, including reasonable costs of care incurred by a public
38 or private animal control agency or humane animal treatment shelter;

39 (b) may require the defendant to pay all reasonable costs of necessary care of the affected animal
40 that are incurred by a public or private animal control agency or humane animal treatment shelter; and

41 (c) shall prohibit or limit the defendant's ownership, possession, or custody of animals, as the court
42 believes appropriate during the term of the sentence.

43 (4) This section does not prohibit:

44 (a) a person humanely destroying an animal for just cause;

45 (b) the use of commonly accepted agricultural and livestock practices on livestock;

46 (c) rodeo activities that meet humane standards of the professional rodeo cowboys association;

47 (d) lawful fishing, hunting, and trapping activities;

48 (e) lawful wildlife management practices;

49 (f) lawful scientific or agricultural research or teaching that involves the use of animals;

50 (g) services performed by a licensed veterinarian;

51 (h) lawful control of rodents and predators and other lawful animal damage control activities; or

52 (i) accepted training and discipline methods.

53 Section 2: Section 81-4-502 is amended to read:

54 **81-4-502 Abandoned horses on public range declared public nuisance subject to condemnation --**
55 **right of owner.**

56 It is unlawful for any person owning or having control of any horse to abandon the horse upon the open
57 range in the state of Montana, and such horses so running at large upon the open range in the state are a
58 public nuisance and a public menace and are condemned, subject to the right of the owner of any such
59 abandoned horse to reclaim the same under the conditions hereinafter provided.

60 Section 3: Sections 81-4-501 MCA, 81-4-503 MCA, 81-4-504 MCA, 81-4-505 MCA, 81-4-506 MCA,

61 81-4-507 MCA, 81-4-508 MCA, 81-4-509 MCA, 81-4-510, 81-4-511 MCA, 81-4-512 MCA, 81-4-513

62 MCA, 81-4-514 MCA, 81-4-515 MCA, 81-4-516 MCA are repealed.

63 Section 4: This bill shall go into effect immediately upon passage.

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