

SENATE BILL NO. 52

INTRODUCED BY W. MCKAMEY

BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE KILLING OF DOGS THAT HARASS OR INJURE LIVESTOCK; ADDING GUARD DOGS TO THE EXEMPTION LIST; AND AMENDING SECTION 81-7-401, MCA."

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

Section 1. Section 81-7-401, MCA, is amended to read:

**"81-7-401. Killing of dogs ~~harassing, destroying, or injuring stock~~ that harass, destroy, or injure livestock -- notice to owner -- penalty.** (1) As used in this section, "harasses" means worries, chases, or runs after livestock, including ostriches, rheas, and emus, in a manner that may lead to subsequent injury to the livestock.

(2) A dog, whether licensed or not, that, while off the premises owned or under control of its owner and on property owned, leased, or controlled by the livestock owner, harasses, kills, wounds, or injures livestock not belonging to the owner of the dog is considered a public nuisance and:

(a) may be killed immediately by the owner of the livestock or an agent or employee of the owner;

or

(b) the owner of the dog, when reasonably notified after due process, shall kill the dog within 24 hours of notification. If the owner fails to do so, an officer may be notified and shall kill the dog or cause the dog to be killed.

(3) A dog may not be killed in a manner that will endanger a person.

(4) This section does not apply to a dog that is:

(a) herding livestock under the direction of its owner or the agents or employees of its owner;

~~(5)(b) This section does not apply to a dog engaged in legitimate sport hunting or predator control activities under the direction of its owner or the agents or employees of its owner;~~ or

