

SECOND REGULAR SESSION

# SENATE BILL NO. 850

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PURGASON.

Read 1st time February 28, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5713S.011

## AN ACT

To amend chapter 261, RSMo, by adding thereto one new section relating to confiscated animals, with a penalty provision.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 261, RSMo, is amended by adding thereto one new section, to be known as section 261.175, to read as follows:

**261.175. 1. Notwithstanding any other provision of law to the contrary, no animal seized and removed or otherwise confiscated from its owner shall be sterilized, adopted, euthanized, or otherwise disposed of by any animal pound, shelter, humane organization, animal control agency, or any other entity, whether public or private, which seizes and removes or otherwise confiscates an animal from its owner or accepts an animal seized and removed or otherwise confiscated from its owner, nor shall such entities direct, authorize, or otherwise permit such sterilization, adoption, euthanasia, or disposal of such animal, unless and until there is a final disposition of any charges against the owner of such animal related to such seizure and removal or confiscation.**

**2. As used in this section, "animal" means cattle, swine, sheep, horses, dogs, cats, or other domestic or exotic animals, including birds, fish, and reptiles, and all other animals raised or produced for commercial or personal purposes.**

**3. All animals seized and removed or otherwise confiscated from their owners shall receive proper care as determined by state law and regulations for each specific animal and facility or organization where the animal is placed after seizure and removal or confiscation. Any such facility or organization shall be liable to the owner for damages**

22 for any negligent acts or abuse of such animal which occurs while the  
23 animal is in the care, custody, and control of such facility or  
24 organization.

25 4. In relation to the final disposition of charges under subsection  
26 1 of this section, if the owner is:

27 (1) Found guilty of or pleads guilty to the charges, then any  
28 animal seized and removed or otherwise confiscated shall be adjudged  
29 by the court to be forfeited by the owner and may thereupon be  
30 sterilized, adopted, euthanized, or otherwise disposed of in accordance  
31 with state law and regulations. An owner under this subdivision shall  
32 be liable for all costs actually incurred relating to the placement and  
33 care of any such animal during the pendency of the charges, as well as  
34 the resulting sterilization, adoption, or euthanasia of the animal; or

35 (2) Acquitted or there is a final discharge without a finding or  
36 plea of guilt, the owner may demand the return of any or all of his or  
37 her animals held in custody. Any entity with care, custody, and control  
38 of any such animal shall immediately return the animal to the owner  
39 upon demand and proof of such acquittal or final discharge without a  
40 finding or plea of guilt. No owner under this subdivision shall be liable  
41 for any costs incurred relating to the placement or care of his or her  
42 animals during the pendency of the charges.

43 5. No other state laws or regulations regarding the sterilization,  
44 adoption, euthanasia, or other disposal of animals seized and removed  
45 or otherwise confiscated from the owners shall supersede or be  
46 applicable to the animals so described in this section.

47 6. The department of agriculture may promulgate rules only for  
48 the strict adherence to and implementation of the provisions of this  
49 section. Any rule or portion of a rule, as that term is defined in section  
50 536.010, that is created under the authority delegated in this section  
51 shall become effective only if it complies with and is subject to all of  
52 the provisions of chapter 536 and, if applicable, section 536.028. This  
53 section and chapter 536 are nonseverable and if any of the powers  
54 vested with the general assembly pursuant to chapter 536 to review, to  
55 delay the effective date, or to disapprove and annul a rule are  
56 subsequently held unconstitutional, then the grant of rulemaking  
57 authority and any rule proposed or adopted after August 28, 2012, shall  
58 be invalid and void.

59           7. Any person or entity in violation of this section is guilty of a  
60 class B misdemeanor. Each individual animal for which a violation of  
61 this section occurs is a separate offense. Any second or subsequent  
62 violation of this section is a class A misdemeanor and if the violator is  
63 an entity licensed under state law, such entity shall be subject to  
64 licensure sanction by its governing body.

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