

CONFERENCE COMMITTEE SUBSTITUTE NO. 2

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 9

AN ACT

To repeal sections 178.550, 267.655, 442.571, 442.576, 570.030, 578.009, and 578.012, RSMo, and to enact in lieu thereof nine new sections relating to agriculture, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 178.550, 267.655, 442.571, 442.576,
2 570.030, 578.009, and 578.012, RSMo, are repealed and nine new
3 sections enacted in lieu thereof, to be known as sections
4 178.550, 262.598, 267.655, 442.571, 442.576, 570.030, 578.009,
5 578.011, and 578.012, RSMo, to read as follows:

6 178.550. [The president of the state board of education
7 shall annually appoint a committee of five members to be known as
8 the "State Advisory Committee for Vocational Education". The
9 state advisory committee shall consist of one person of
10 experience in agriculture; one employer; one representative of
11 labor; one person of experience in home economics; one person of
12 experience in commerce. The state commissioner of education is
13 ex officio a member and the chairman of the advisory committee.

1 The state board of education shall formulate general principles
2 and policies for the administration of sections 178.420 to
3 178.580, which, when they have been approved by the state
4 advisory committee, shall be put into effect. Joint conferences
5 between the state board of education and advisory committee shall
6 be held at least four times each year. All members of the state
7 advisory committee shall be reimbursed for their actual expenses
8 in attending the conferences.] 1. This section shall be known
9 and may be cited as the "Career and Technical Education Student
10 Protection Act". There is hereby established the "Career and
11 Technical Education Advisory Council" within the department of
12 elementary and secondary education.

13 2. The advisory council shall be composed of eleven members
14 who shall be Missouri residents, appointed by the governor with
15 the advice and consent of the senate:

16 (1) A director or administrator of a career and technical
17 education center;

18 (2) An individual from the business community with a
19 background in commerce;

20 (3) A representative from Linn State Technical College;

21 (4) Three current or retired career and technical education
22 teachers who also serve or served as an advisor to any of the
23 nationally recognized career and technical education student
24 organizations of:

25 (a) DECA;

26 (b) Future Business Leaders of America (FBLA);

27 (c) FFA;

28 (d) Family, Career and Community Leaders of America

1 (FCCLA);

2 (e) Health Occupations Students of America (HOSA);

3 (f) SkillsUSA; or

4 (g) Technology Student Association (TSA);

5 (5) A representative from a business organization,
6 association of businesses, or a business coalition;

7 (6) A representative from a Missouri community college;

8 (7) A representative from Southeast Missouri State
9 University or the University of Central Missouri;

10 (8) An individual participating in an apprenticeship
11 recognized by the department of labor and industrial relations or
12 approved by the United States Department of Labor's Office of
13 Apprenticeship;

14 (9) A school administrator or school superintendent of a
15 school that offers career and technical education.

16 3. Members shall serve a term of five years except for the
17 initial appointments, which shall be for the following lengths:

18 (1) One member shall be appointed for a term of one year;

19 (2) Two members shall be appointed for a term of two years;

20 (3) Two members shall be appointed for a term of three
21 years;

22 (4) Three members shall be appointed for a term of four
23 years;

24 (5) Three members shall be appointed for a term of five
25 years.

26 4. The advisory council shall have three non-voting ex-
27 officio members:

28 (1) A director of guidance and counseling services at the

1 department of elementary and secondary education, or a similar
2 position if such position ceases to exist;

3 (2) The director of the division of workforce development;
4 and

5 (3) A member of the coordinating board for higher
6 education, as selected by the coordinating board.

7 5. The assistant commissioner for the office of college and
8 career readiness of the department of elementary and secondary
9 education shall provide staff assistance to the advisory council.

10 6. The advisory council shall meet at least four times
11 annually. The advisory council may make all rules it deems
12 necessary to enable it to conduct its meetings, elect its
13 officers, and set the terms and duties of its officers. The
14 advisory council shall elect from among its members a
15 chairperson, vice chairperson, a secretary-reporter, and such
16 other officers as it deems necessary. Members of the advisory
17 council shall serve without compensation but may be reimbursed
18 for actual expenses necessary to the performance of their
19 official duties for the advisory council.

20 7. Any business to come before the advisory council shall
21 be available on the advisory council's internet website at least
22 seven business days prior to the start of each meeting. All
23 records of any decisions, votes, exhibits, or outcomes shall be
24 available on the advisory council's internet website within
25 forty-eight hours following the conclusion of every meeting. Any
26 materials prepared for the members shall be delivered to the
27 members at least five days before the meeting, and to the extent
28 such materials are public records as defined in section 610.010

1 and are not permitted to be closed under section 610.021, shall
2 be made available on the advisory council's internet website at
3 least five business days in advance of the meeting.

4 8. The advisory council shall make an annual written report
5 to the state board of education and the commissioner of education
6 regarding the development, implementation, and administration of
7 the state budget for career and technical education.

8 9. The advisory council shall annually submit written
9 recommendations to the state board of education and the
10 commissioner of education regarding the oversight and procedures
11 for the handling of funds for student career and technical
12 education organizations.

13 10. The advisory council shall:

14 (1) Develop a comprehensive statewide short- and long-range
15 strategic plan for career and technical education;

16 (2) Identify service gaps and provide advice on methods to
17 close such gaps as they relate to youth and adult employees,
18 workforce development, and employers on training needs;

19 (3) Confer with public and private entities for the purpose
20 of promoting and improving career and technical education;

21 (4) Identify legislative recommendations to improve career
22 and technical education;

23 (5) Promote coordination of existing career and technical
24 education programs;

25 (6) Adopt, alter, or repeal its own bylaws, rules, and
26 regulations governing the manner in which its business may be
27 transacted.

28 11. For purposes of this section, the department of

1 elementary and secondary education shall provide such
2 documentation and information as to allow the advisory council to
3 be effective.

4 12. For purposes of this section, "advisory council" shall
5 mean the career and technical education advisory council.

6 262.598. 1. As used in this section, the following terms
7 shall mean:

8 (1) "Consolidated district", a district formed jointly by
9 two or more councils;

10 (2) "Council", a University of Missouri extension council
11 authorized under section 262.563;

12 (3) "District" or "extension district", a political
13 subdivision formed by one or more councils;

14 (4) "Single-council district", a district formed by one
15 council;

16 (5) "Governing body", the group of individuals who govern a
17 district.

18 2. University of Missouri extension councils, except for
19 any council located in a county with a charter form of government
20 and with more than nine hundred fifty thousand inhabitants, are
21 hereby authorized to form extension districts made up of
22 cooperating counties for the purpose of funding extension
23 programming. An extension district may be a single-council
24 district or a consolidated district. A single-council district
25 shall be formed upon a majority vote of the full council. A
26 consolidated district shall be formed upon a majority vote of
27 each participating council.

28 3. In a single-council district, the council shall serve as

1 the district's governing body. In addition to any other powers
2 and duties granted to the council under sections 262.550 to
3 262.620, the council shall also have the powers and duties
4 provided under subsection 5 of this section.

5 4. In a consolidated district, the governing body of the
6 district shall consist of at least three, but no more than five,
7 representatives appointed by each participating council. The
8 term of office shall be two years. Representatives may be
9 reappointed. The governing body shall elect officers, who shall
10 serve as officers for two years, and establish a regular meeting
11 schedule which shall not be less than once every three months.

12 5. The governing body of a district shall have the
13 following powers and duties:

14 (1) Review the activities and annual budgets of each
15 participating council;

16 (2) Determine, by September first of each year, the tax
17 rate necessary to generate sufficient revenue to fund the
18 extension programming in the district, which includes annual
19 funding for each participating council for the costs of personnel
20 and the acquisition, supply, and maintenance of each council's
21 property, work, and equipment;

22 (3) Oversee the collection of any tax authorized under this
23 section by ensuring the revenue is deposited into a special fund
24 and monitoring the use of the funds to ensure they are used
25 solely for extension programming in the district;

26 (4) Approve payments from the special fund in which the tax
27 revenue is deposited; and

28 (5) Work cooperatively with each participating council to

1 plan and facilitate the programs, equipment, and activities in
2 the district.

3 6. The governing body of a district may submit a question
4 to the voters of the district to institute a property tax levy in
5 the county or counties that compose the district. Questions may
6 be submitted to the voters of the district at any general
7 municipal election. Any such proposed tax shall not exceed
8 thirty cents per one hundred dollars of assessed valuation. The
9 costs of submitting the question to the voters at the general
10 municipal election shall be paid as provided in section 115.063.
11 Such question shall be submitted in substantially the following
12 form:

13 "Shall the Extension District in County (insert
14 name of county) be authorized to levy an annual tax of
15 (insert amount not to exceed thirty) cents per one hundred
16 dollars of assessed valuation for the purpose of funding the
17 University of Missouri Extension District programs, equipment,
18 and services in the district?"

19
20 In a single-council district, if a majority of the voters in the
21 county approve the question, then the district shall impose the
22 tax. If a majority of the voters in a single-council district do
23 not approve the question, then no tax shall be imposed. In a
24 consolidated district, if a majority of voters in each county in
25 the district approve the question, then the district shall impose
26 the tax. If a majority of the voters in a consolidated district
27 do not approve the question, then no tax shall be imposed in any
28 county of the district. In a consolidated district, if a

1 majority of voters in a county do not approve the question, the
2 council in the county that did not approve the question may
3 withdraw from the district. Upon such withdrawal, the district
4 shall be made up of the remaining counties and the tax shall be
5 imposed in those counties. However, if the county that did not
6 approve the question does not withdraw from the district, the tax
7 shall not be imposed. Revenues collected from the imposition of
8 a tax authorized under this section shall be deposited into a
9 special fund dedicated only for use by the local district for
10 programming purposes.

11 7. The county commission of any county in which the tax
12 authorized under this section is levied and collected:

13 (1) Shall be exempt from the funding requirements under
14 section 262.597 if revenue derived from the tax authorized under
15 this section is in excess of an amount equal to two hundred
16 percent of the average funding received under section 262.597 for
17 the immediately preceding three years; or

18 (2) May reduce the current year's funding amount under
19 section 262.597 by thirty-three percent of the amount of tax
20 revenues derived from the tax authorized under this section which
21 exceed the average amount of funding received under section
22 262.597 for the immediately preceding three years.

23 8. Any county that collects tax revenues authorized under
24 this section shall transfer all attributable revenue plus monthly
25 interest for deposit into the district's special fund. The
26 governing body of the district shall comply with the prudent
27 investor standard for investment fiduciaries as provided in
28 section 105.688.

1 9. In any county in which a single-council district is
2 established, and for which a tax has not been levied, the
3 district may be dissolved in the same manner in which it was
4 formed.

5 10. A county may withdraw from a consolidated district at
6 any time by the filing of a petition with the circuit court
7 having jurisdiction over the district. The petition shall be
8 signed by not fewer than ten percent of those who voted in the
9 most recent presidential election in the county seeking to
10 withdraw that is part of a consolidated district stating that
11 further operation of the district is contrary to the best
12 interest of the inhabitants of the county in which the district
13 is located and that the county seeks to withdraw from the
14 district. The circuit court shall hear evidence on the petition.
15 If the court finds that it is in the best interest of the
16 inhabitants of the county in which the district is located for
17 the county to withdraw from the district, the court shall make an
18 order reciting the same and submit the question to the voters.
19 The costs of submitting the question to the voters at the general
20 municipal election shall be paid as provided in section 115.063.
21 The question shall be submitted in substantially the following
22 format:

23 "Shall the County of (insert name of county)
24 being part of (insert name of district) Extension
25 District withdraw from the district?"

26
27 The question shall be submitted at the next general municipal
28 election date. The election returns shall be certified to the

1 court. If the court finds that two-thirds of the voters voting
2 on the question voted in favor of withdrawing from the district,
3 the court shall issue an order withdrawing the county from the
4 district, which shall contain a proviso that the district shall
5 remain intact for the sole purposes of paying all outstanding and
6 lawful obligations and disposing of the district's property. No
7 additional costs or obligations for the withdrawing county shall
8 be created except as necessary. The withdrawal shall occur on
9 the first day of the following January after the vote. If the
10 court finds that two-thirds of the voters voting on the question
11 shall not have voted favorably on the question to withdraw from
12 the district, the court shall issue an order dismissing the
13 petition and the district shall continue to operate.

14 11. The governing body of any district may seek voter
15 approval to increase its current tax rate authorized under this
16 section, provided such increase shall not cause the total tax to
17 exceed thirty cents per one hundred dollars of assessed
18 valuation. To propose such an increase, the governing body shall
19 submit the question to the voters at the general municipal
20 election in the county in which the district is located. The
21 costs of submitting the question to the voters at the general
22 municipal election shall be paid as provided in section 115.063.
23 The question shall be submitted in substantially the following
24 form:

25 "Shall the Extension District in (insert name of
26 county or counties) be authorized to increase the tax rate from
27 (insert current amount of tax) cents to (insert
28 proposed amount of tax not to exceed thirty) cents per one

1 hundred dollars of assessed valuation for the purpose of funding
2 the University of Missouri Extension District programs,
3 equipment, and services in the district?"

4
5 In a single-council district, if a majority of the voters in the
6 county approve the question, then the district shall impose the
7 tax. If a majority of the voters in a single-council district do
8 not approve the question, then the tax shall not be imposed. In
9 a consolidated district, if a majority of voters in the district
10 approve the question, then the district shall impose the new tax
11 rate. If a majority of the voters in a consolidated district do
12 not approve the question, then the tax shall not be imposed in
13 any county of the district. Revenues collected from the
14 imposition of the tax authorized under this section shall be
15 deposited into the special fund dedicated only for use by the
16 district.

17 267.655. In addition to the remedies provided for in
18 sections 267.560 to 267.660 by law, the following civil penalties
19 may be imposed:

20 (1) If the department director determines, after inquiry
21 and opportunity for a hearing, that any individual is in
22 violation of any provision of sections 267.560 to 267.660, or any
23 regulations issued thereunder, the director shall have the
24 authority to assess a civil penalty of not more than one thousand
25 dollars per incident. In the event that a person penalized or
26 ordered to pay restitution under this section fails to pay the
27 penalty or restitution, the director may apply to the circuit
28 court of Cole County for, and the court is authorized to enter,

1 an order enforcing the assessed penalty or restitution;

2 (2) The prosecuting attorney of any county in which a
3 violation of any provisions of sections 267.560 to 267.660 occurs
4 or the attorney general of the state, is hereby authorized to
5 apply to any court of competent jurisdiction for, and such court
6 shall have jurisdiction upon hearing and for cause shown to grant
7 a temporary or permanent injunction to restrain any person from
8 violating any provisions of sections 267.560 to 267.660.

9 442.571. 1. Except as provided in sections 442.586 and
10 442.591, no alien or foreign business shall acquire by grant,
11 purchase, devise, descent or otherwise agricultural land in this
12 state if the total aggregate alien and foreign ownership of
13 agricultural acreage in this state exceeds one percent of the
14 total aggregate agricultural acreage in this state. No such
15 sale, transfer, or acquisition of any agricultural land in this
16 state shall occur unless such sale, transfer, or acquisition is
17 approved by the director of the department of agriculture in
18 accordance with subsection 3 of this section. No person may hold
19 agricultural land as an agent, trustee, or other fiduciary for an
20 alien or foreign business in violation of sections 442.560 to
21 442.592.

22 2. Any alien or foreign business who acquires agricultural
23 land in violation of sections 442.560 to ~~[442.591]~~ 442.592
24 remains in violation of sections 442.560 to ~~[442.591]~~ 442.592 for
25 as long as he or she holds an interest in the land.

26 3. All such proposed acquisitions by grant, purchase,
27 devise, descent, or otherwise of agricultural land in this state
28 shall be submitted to the department of agriculture to determine

1 whether such acquisition of agricultural land is conveyed in
2 accordance with the one percent restriction on the total
3 aggregate alien and foreign ownership of agricultural land in
4 this state. The department shall establish by rule the
5 requirements for submission and approval of requests under this
6 subsection.

7 4. Any rule or portion of a rule, as that term is defined
8 in section 536.010, that is created under the authority delegated
9 in this section shall become effective only if it complies with
10 and is subject to all of the provisions of chapter 536 and, if
11 applicable, section 536.028. This section and chapter 536 are
12 nonseverable and if any of the powers vested with the general
13 assembly pursuant to chapter 536 to review, to delay the
14 effective date, or to disapprove and annul a rule are
15 subsequently held unconstitutional, then the grant of rulemaking
16 authority and any rule proposed or adopted after August 28, 2013,
17 shall be invalid and void.

18 442.576. 1. If the director finds that an alien or foreign
19 business or an agent, trustee, or other fiduciary therefor has
20 acquired agricultural land in Missouri [after August 13, 1978] in
21 violation of sections 442.560 to 442.592, or the land ceases to
22 be used for nonagricultural purposes under section 442.591, he or
23 she shall report the violation to the attorney general.

24 2. The attorney general shall institute an action in the
25 circuit court of Cole County or the circuit court in any county
26 in which agricultural land owned by the alien or foreign
27 business, agent, trustee or other fiduciary, alleged to have
28 violated sections 442.560 to [442.591] 442.592, is located.

1 3. The attorney general shall file a notice of the pendency
2 of the action with the recorder of deeds of each county in which
3 any portion of such agricultural lands is located. If the court
4 finds that the lands in question have been acquired in violation
5 of sections 442.560 to [442.591] 442.592, it shall enter an order
6 so declaring and shall file a copy of the order with the recorder
7 of deeds of each county in which any portion of the agricultural
8 lands is located. The court shall order the owner to divest
9 himself of the agricultural land. The owner must comply with the
10 order within two years. The two-year limitation period shall be
11 a covenant running with the title to the land against any alien
12 grantee or assignee. Provided, however, an incorporated foreign
13 business must divest itself of agricultural land within the
14 minimum time required by article XI, section 5, of the Missouri
15 Constitution. Any agricultural lands not divested within the
16 time prescribed shall be ordered sold by the court at a public
17 sale in the manner prescribed by law for the foreclosure of a
18 mortgage on real estate for default in payment.

19 570.030. 1. A person commits the crime of stealing if he
20 or she appropriates property or services of another with the
21 purpose to deprive him or her thereof, either without his or her
22 consent or by means of deceit or coercion.

23 2. Evidence of the following is admissible in any criminal
24 prosecution pursuant to this section on the issue of the
25 requisite knowledge or belief of the alleged stealer:

26 (1) That he or she failed or refused to pay for property or
27 services of a hotel, restaurant, inn or boardinghouse;

28 (2) That he or she gave in payment for property or services

1 of a hotel, restaurant, inn or boardinghouse a check or
2 negotiable paper on which payment was refused;

3 (3) That he or she left the hotel, restaurant, inn or
4 boardinghouse with the intent to not pay for property or
5 services;

6 (4) That he or she surreptitiously removed or attempted to
7 remove his or her baggage from a hotel, inn or boardinghouse;

8 (5) That he or she, with intent to cheat or defraud a
9 retailer, possesses, uses, utters, transfers, makes, alters,
10 counterfeits, or reproduces a retail sales receipt, price tag, or
11 universal price code label, or possesses with intent to cheat or
12 defraud, the device that manufactures fraudulent receipts or
13 universal price code labels.

14 3. Notwithstanding any other provision of law, any offense
15 in which the value of property or services is an element is a
16 class C felony if:

17 (1) The value of the property or services appropriated is
18 five hundred dollars or more but less than twenty-five thousand
19 dollars; or

20 (2) The actor physically takes the property appropriated
21 from the person of the victim; or

22 (3) The property appropriated consists of:

23 (a) Any motor vehicle, watercraft or aircraft; or

24 (b) Any will or unrecorded deed affecting real property; or

25 (c) Any credit card or letter of credit; or

26 (d) Any firearms; or

27 (e) Any explosive weapon as defined in section 571.010; or

28 (f) A United States national flag designed, intended and

1 used for display on buildings or stationary flagstaffs in the
2 open; or

3 (g) Any original copy of an act, bill or resolution,
4 introduced or acted upon by the legislature of the state of
5 Missouri; or

6 (h) Any pleading, notice, judgment or any other record or
7 entry of any court of this state, any other state or of the
8 United States; or

9 (i) Any book of registration or list of voters required by
10 chapter 115; or

11 (j) Any animal considered livestock as that term is defined
12 in section 144.010; or

13 (k) Live fish raised for commercial sale with a value of
14 seventy-five dollars; or

15 (l) Captive wildlife held under permit issued by the
16 conservation commission; or

17 (m) Any controlled substance as defined by section 195.010;
18 or

19 (n) Anhydrous ammonia;

20 (o) Ammonium nitrate; or

21 (p) Any document of historical significance which has fair
22 market value of five hundred dollars or more.

23 4. Notwithstanding any other provision of law, stealing of
24 any animal considered livestock, as that term is defined in
25 section 144.010, is a class B felony if the value of the
26 livestock exceeds ten thousand dollars.

27 5. If an actor appropriates any material with a value less
28 than five hundred dollars in violation of this section with the

1 intent to use such material to manufacture, compound, produce,
2 prepare, test or analyze amphetamine or methamphetamine or any of
3 their analogues, then such violation is a class C felony. The
4 theft of any amount of anhydrous ammonia or liquid nitrogen, or
5 any attempt to steal any amount of anhydrous ammonia or liquid
6 nitrogen, is a class B felony. The theft of any amount of
7 anhydrous ammonia by appropriation of a tank truck, tank trailer,
8 rail tank car, bulk storage tank, field (nurse) tank or field
9 applicator is a class A felony.

10 [5.] 6. The theft of any item of property or services
11 pursuant to subsection 3 of this section which exceeds five
12 hundred dollars may be considered a separate felony and may be
13 charged in separate counts.

14 [6.] 7. Any person with a prior conviction of paragraph (j)
15 or (l) of subdivision (3) of subsection 3 of this section and who
16 violates the provisions of paragraph (j) or (l) of subdivision
17 (3) of subsection 3 of this section when the value of the animal
18 or animals stolen exceeds three thousand dollars is guilty of a
19 class B felony. Notwithstanding any provision of law to the
20 contrary, such person shall serve a minimum prison term of not
21 less than eighty percent of his or her sentence before he or she
22 is eligible for probation, parole, conditional release, or other
23 early release by the department of corrections.

24 [7.] 8. Any offense in which the value of property or
25 services is an element is a class B felony if the value of the
26 property or services equals or exceeds twenty-five thousand
27 dollars.

28 [8.] 9. Any violation of this section for which no other

1 penalty is specified in this section is a class A misdemeanor.

2 578.009. 1. A person is guilty of animal neglect [when] if
3 he has custody or ownership or both of an animal and fails to
4 provide adequate care [or adequate control, which results in
5 substantial harm to the animal].

6 2. A person is guilty of abandonment [when] if he has
7 knowingly abandoned an animal in any place without making
8 provisions for its adequate care.

9 3. Animal neglect and abandonment is a class C misdemeanor
10 upon first conviction and for each offense, punishable by
11 imprisonment or a fine not to exceed five hundred dollars, or
12 both, and a class B misdemeanor punishable by imprisonment or a
13 fine not to exceed one thousand dollars, or both upon the second
14 and all subsequent convictions. All fines and penalties for a
15 first conviction of animal neglect or abandonment may be waived
16 by the court provided that the person found guilty of animal
17 neglect or abandonment shows that adequate, permanent remedies
18 for the neglect or abandonment have been made. Reasonable costs
19 incurred for the care and maintenance of neglected or abandoned
20 animals may not be waived. This section shall not apply to the
21 provisions of section 578.007 or sections 272.010 to 272.370.

22 4. In addition to any other penalty imposed by this
23 section, the court may order a person found guilty of animal
24 neglect or abandonment to pay all reasonable costs and expenses
25 necessary for:

26 (1) The care and maintenance of neglected or abandoned
27 animals within the person's custody or ownership;

28 (2) The disposal of any dead or diseased animals within the

1 person's custody or ownership;

2 (3) The reduction of resulting organic debris affecting the
3 immediate area of the neglect or abandonment; and

4 (4) The avoidance or minimization of any public health
5 risks created by the neglect or abandonment of the animals.

6 578.011. 1. A person is guilty of animal trespass if a
7 person having ownership or custody of an animal knowingly fails
8 to provide adequate control for a period equal to or exceeding
9 twelve hours.

10 2. Animal trespass is an infraction upon first conviction
11 and for each offense punishable by a fine not to exceed two
12 hundred dollars, and a class C misdemeanor punishable by
13 imprisonment or a fine not to exceed five hundred dollars, or
14 both, upon the second and all subsequent convictions. All fines
15 for a first conviction of animal trespass may be waived by the
16 court provided that the person found guilty of animal trespass
17 shows that adequate, permanent remedies for trespass have been
18 made. Reasonable costs incurred for the care and maintenance of
19 trespassing animals may not be waived. This section shall not
20 apply to the provisions of section 578.007 or sections 272.010 to
21 272.370.

22 578.012. 1. A person is guilty of animal abuse [when] if a
23 person:

24 (1) Intentionally or purposely kills an animal in any
25 manner not allowed by or expressly exempted from the provisions
26 of sections 578.005 to 578.023 and 273.030;

27 (2) Purposely or intentionally causes injury or suffering
28 to an animal; or

1 (3) Having ownership or custody of an animal knowingly
2 fails to provide adequate care [or adequate control] which
3 results in substantial harm to the animal.

4 2. Animal abuse is a class A misdemeanor, unless the
5 defendant has previously [plead] pled guilty to or has been found
6 guilty of animal abuse or the suffering involved in subdivision
7 (2) of subsection 1 of this section is the result of torture or
8 mutilation, or both, consciously inflicted while the animal was
9 alive, in which case it is a class D felony.

10 ✓

11 _____
12 _____
13 _____
14 _____
15 _____
16 _____
17 David Pearce
