

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 508**

101ST GENERAL ASSEMBLY

0826S.05C

ADRIANE D. CROUSE, Secretary

**AN ACT**

To repeal sections 270.170, 270.180, 270.260, 270.270, and 270.400, RSMo, and to enact in lieu thereof five new sections relating to feral swine, with penalty provisions.

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

Section A. Sections 270.170, 270.180, 270.260, 270.270,  
2 and 270.400, RSMo, are repealed and five new sections enacted  
3 in lieu thereof, to be known as sections 270.170, 270.180,  
4 270.260, 270.270, and 270.400, to read as follows:

270.170. [1.] If any **domestic** swine [or sheep] shall  
2 be found running at large, contrary to the provisions of  
3 this chapter, it shall be lawful for any person on whose  
4 premises said swine [or sheep] shall be found to restrain  
5 the same forthwith, and give the owner, if known, notice in  
6 writing that such person has restrained said swine [or  
7 sheep], and the amount of damages such person claims in the  
8 premises, and requiring the owner to take said swine [or  
9 sheep] away and pay such damages; and such owner shall pay  
10 such person a reasonable sum for taking up, feeding and  
11 caring for the same, and the actual damages done by said  
12 swine [or sheep]. If such owner fails to comply with the  
13 provisions of this section within three days after receiving  
14 such notice, or if the owner of such swine [or sheep] be

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

15 unknown, such swine [or sheep] shall be disposed of in the  
16 manner provided for in section 270.180.

17 [2. Any swine not conspicuously identified by ear tags  
18 or other forms of identification that were born in the wild  
19 or that lived outside of captivity for a sufficient length  
20 of time to be considered wild by nature by hiding from  
21 humans or being nocturnal shall be considered feral hogs.  
22 Any person may take or kill such feral hogs on such person's  
23 own property.]

270.180. 1. If the owner of any **domestic** swine [or  
2 sheep] taken up under the provisions of this chapter be  
3 unknown, after three days' diligent inquiry by the taker-up,  
4 or if the owner of any swine [or sheep] taken up under the  
5 provisions of this chapter shall not, within three days  
6 after receiving notice as provided for in section 270.170,  
7 comply with the provisions of this chapter, the taker-up of  
8 such swine [or sheep] shall apply to an associate circuit  
9 judge of the county for the sale of such swine [or sheep]  
10 according to law.

11 2. Such associate circuit judge, being satisfied that  
12 the provisions of this chapter have been complied with,  
13 shall order the same to be sold by the sheriff after the  
14 expiration of fifteen days, who shall give notice and sell  
15 the same in the same manner as personal property may be sold  
16 on execution by a sheriff; and after paying the costs of  
17 sale, and of taking up and keeping the swine [or sheep], and  
18 all damages done by the same, such sheriff shall pay the  
19 balance, if there be any, over to the county treasurer, and  
20 take [his] a receipt therefor; which balance shall be  
21 subject to the order of the owner of such swine [or sheep],  
22 if called for within twelve months after the sale, but if

23 not called for, the same shall be turned over to the school  
24 fund of the county.

270.260. 1. Any person who recklessly or knowingly  
2 releases any swine to live in a wild or feral state upon any  
3 public land or private land not completely enclosed by a  
4 fence capable of containing such animals is guilty of a  
5 class A misdemeanor **and may be sentenced to pay a fine up to**  
6 **two thousand dollars.** Each swine so released shall be a  
7 separate offense.

8 2. Every person who has previously been found guilty  
9 of violating the provisions of this section, committed on  
10 **[two] a separate [occasions] occasion** where such offense  
11 occurred within ten years of the date of the occurrence of  
12 the present offense and who subsequently is found guilty of  
13 violating this section shall be guilty of a class E felony.  
14 **Each swine so released shall be a separate offense.**

15 3. Nothing in this section shall be construed to  
16 criminalize the accidental escape of domestic swine **or the**  
17 **release into a facility under a department of conservation**  
18 **permit or to hinder the ability to transport domestic swine**  
19 **to market or slaughter.**

20 4. Nothing in this section shall be construed to  
21 **prohibit the right of an individual to farm or raise**  
22 **livestock.**

270.270. 1. (1) Any person possessing or  
2 transporting live **[Russian or European wild boar or wild-**  
3 **caught swine] feral swine, as defined in section 270.400,** on  
4 or through public land **[without a Missouri department of**  
5 **agriculture permit]** is guilty of a class A misdemeanor.

6 (2) **Every person who has previously been found guilty**  
7 **of violating the provisions of this section, committed on a**  
8 **separate occasion where such offense occurred within ten**

9 years of the date of the occurrence of the present offense  
10 and who subsequently is found guilty of violating this  
11 section shall be guilty of a class E felony.

12 (3) Each violation of this subsection shall be a  
13 separate offense.

14 (4) Nothing in this section shall apply to the  
15 possession of the offspring of domestic swine that are  
16 unintentionally sired by feral swine, as defined in section  
17 270.400, and are reported to the state veterinarian within  
18 thirty days of birth and within fifteen days before  
19 slaughter.

20 2. Any law enforcement officer, any agent of the  
21 conservation commission, or the state veterinarian is  
22 authorized to enforce the provisions of this section,  
23 section 270.260, and section 270.400.

270.400. 1. For purposes of this section, the  
2 following terms mean:

3 (1) "Feral [hog] **swine**", any [hog, including Russian  
4 and European wild boar, that is not conspicuously identified  
5 by ear tags or other forms of identification and is roaming  
6 freely upon public or private lands without the landowner's  
7 permission] **swine that is born, living, or has lived in the**  
8 **wild, and the offspring of such swine. For purposes of this**  
9 **subdivision, "in the wild" means not confined by humans to**  
10 **pens, houses, or other facilities designed to hold swine and**  
11 **prevent their escape;**

12 (2) "Landowner's agent", any person who has permission  
13 from a landowner to be present on the landowner's property.

14 2. A person may kill a feral [hog] **swine** roaming  
15 freely upon such person's land and shall not be liable to  
16 the owner of the [hog] **swine** for the loss of the [hog] **swine**.

17           3. Any person may take or kill a feral [hog] **swine** on  
18 public land or private land with the consent of the **public**  
19 landowner **or the private landowner**; except that, during the  
20 firearms deer and turkey hunting season, the regulations of  
21 the Missouri wildlife code shall apply. Such person shall  
22 not be liable to the owner of the [hog] **swine** for the loss  
23 of such [hog] **swine**.

24           4. No person except a landowner or such landowner's  
25 agent on such landowner's property shall take, attempt to  
26 take, or kill a feral [hog] **swine** with the use of an  
27 artificial light **or thermal imagery**.

28           5. [The director of the department of agriculture  
29 shall promulgate rules for fencing and health standards for  
30 Russian and European wild boar and wild-caught swine held  
31 alive on private land. Any person holding Russian or  
32 European wild boar or wild-caught swine on private land  
33 shall annually submit an application to the department for a  
34 permit. Any applicant that successfully meets the  
35 requirements under this section as determined by the  
36 department and pays an application fee shall be issued a  
37 permit.

38           6. Russian and European wild boar and wild-caught  
39 swine may move only from a farm to a farm or directly to  
40 slaughter or to a slaughter-only market. The department  
41 shall promulgate rules for exemption permits and a fee  
42 structure to offset the actual and necessary costs incurred  
43 to enforce the provisions of this section.

44           7. (1) There is hereby created in the state treasury  
45 the "Animal Health Fund", which shall consist of all fees  
46 and administrative penalties collected by the department of  
47 agriculture under this section and section 270.260. The  
48 state treasurer shall be custodian of the fund. In

49 accordance with sections 30.170 and 30.180, the state  
50 treasurer may approve disbursements. Upon appropriation,  
51 moneys in the fund shall be used for the administration of  
52 this section and section 270.260.

53 (2) Notwithstanding the provisions of section 33.080  
54 to the contrary, any moneys remaining in the fund at the end  
55 of the biennium shall not revert to the credit of the  
56 general revenue fund.

57 (3) The state treasurer shall invest moneys in the  
58 fund in the same manner as other funds are invested. Any  
59 interest and moneys earned on such investments shall be  
60 credited to the fund.

61 8. Any person who violates subsection 2 of section  
62 270.260 may, in addition to the penalty imposed under  
63 section 270.260, be assessed an administrative penalty of up  
64 to one thousand dollars per violation. Any person who is  
65 assessed an administrative penalty under this section shall  
66 be notified in writing of the right to appeal. Such person  
67 may request a hearing before the director of the department  
68 of agriculture. Such request shall be made in writing no  
69 later than thirty days after the date on which the person  
70 was notified of the violation of section 270.260.

71 9. Any rule or portion of a rule, as that term is  
72 defined in section 536.010, that is created under the  
73 authority delegated in this section shall become effective  
74 only if it complies with and is subject to all of the  
75 provisions of chapter 536 and, if applicable, section  
76 536.028. This section and chapter 536 are nonseverable and  
77 if any of the powers vested with the general assembly  
78 pursuant to chapter 536 to review, to delay the effective  
79 date, or to disapprove and annul a rule are subsequently  
80 held unconstitutional, then the grant of rulemaking

81 authority and any rule proposed or adopted after August 28,  
82 2010, shall be invalid and void.

83 10.] **Any person who violates subsection 3 or 4 of this**  
84 **section is guilty of a class A misdemeanor. Each violation**  
85 **of subsection 3 or 4 of this section shall be a separate**  
86 **offense.**

87 6. Nothing in this section shall be construed to apply  
88 to **the accidental escape of** domestic swine.

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