

SENATE BILL NO. 1304

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

5723S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 578.012, RSMo, and to enact in lieu thereof two new sections relating to animal abuse, with penalty provisions.

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

Section A. Section 578.012, RSMo, is repealed and two new
2 sections enacted in lieu thereof, to be known as sections
3 578.006 and 578.012, to read as follows:

578.006. 1. A person commits the offense of making a
2 malicious false report of animal abuse if:

3 (1) The person purposely makes a report to a law
4 enforcement agency or an applicable government agency
5 alleging the abuse of any animal in a manner punishable
6 under section 578.012;

7 (2) The person knows that such a report is false;

8 (3) The person makes the report with the purpose of
9 disrupting, harassing, causing a monetary loss to, or
10 disturbing the peace of the owner of the animal; and

11 (4) Such report causes a disruption, harassment,
12 monetary loss, or disturbance of the owner of the animal.

13 2. The offense of making a malicious false report of
14 animal abuse is a class C misdemeanor.

15 3. It shall be an absolute defense for a prosecution
16 of the offense of making a malicious false report of animal
17 abuse if the reporting party reported an incident of animal

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

18 abuse out of a good faith, reasonable belief that an animal
19 was being abused. The defendant shall have the burden of
20 injecting this defense under this subsection. If a
21 defendant asserts that his or her report of animal abuse was
22 made from a good faith, reasonable belief that an animal was
23 being abused, the state shall have the burden to prove
24 beyond a reasonable doubt that the defendant did not have a
25 good faith, reasonable belief that such a report was true.

578.012. 1. A person commits the offense of animal
2 abuse if he or she:

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

6 (2) Purposely or intentionally causes injury or
7 suffering to an animal; or

8 (3) Having ownership or custody of an animal knowingly
9 fails to provide adequate care which results in substantial
10 harm to the animal.

11 2. Animal abuse is a class A misdemeanor, unless the
12 defendant has previously been found guilty of animal abuse
13 or the suffering involved in subdivision (2) of subsection 1
14 of this section is the result of torture [or], mutilation
15 [consciously], **starvation, or dehydration knowingly**
16 inflicted while the animal was alive, in which case it is a
17 class E felony.

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