

SECOND REGULAR SESSION

SENATE BILL NO. 594

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR JOHNSON.

Pre-filed December 9, 1997, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S2497.011

AN ACT

To repeal section 578.009, RSMo 1994, relating to animal neglect, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

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

Section A. Section 578.009, RSMo 1994, is repealed and three new sections enacted in lieu thereof, to be known as sections 578.008, 578.009 and 578.013, to read as follows:

578.008. 1. A person is guilty of felony animal neglect when such person has custody or ownership, or both, of more than ten animals and fails to provide adequate care or adequate control, including, but not limited to, knowingly abandoning said animals in any place without making provisions for their adequate care.

2. Felony animal neglect is a class D felony upon the first conviction and a class C felony upon the second and all subsequent convictions.

3. Notwithstanding other provisions of the law to the contrary, upon conviction the court may restrict a person found guilty of felony animal neglect from retaining custody or ownership, or both, of more than ten animals for a period of five years from the date of the first conviction pursuant to this section, and for a period of ten years from the date of the second and all subsequent convictions. Violation of a restriction imposed by this subsection constitutes a class C felony.

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

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

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

(2) The disposal of any dead or diseased animals within the person's custody or ownership;

(3) The reduction of environmental damage to the immediate area of the neglect; and

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

578.009. 1. A person is guilty of animal neglect when he has custody or ownership or both of an animal and fails to provide adequate care or adequate control, including, but not limited to, knowingly abandoning an animal in any place without making provisions for its adequate care [which results in substantial harm to the animal].

2. Animal neglect is a class C misdemeanor upon first conviction and for each offense, punishable by imprisonment or a fine not to exceed five hundred dollars, or both, and a class B misdemeanor punishable by imprisonment or a fine not to exceed one thousand dollars, or both upon the second and all subsequent convictions. All fines and penalties for a first conviction of animal neglect may be waived by the court provided that the person found guilty of animal neglect shows that adequate, permanent remedies for the neglect have been made. Reasonable costs incurred for the care and maintenance of neglected animals may not be waived.

578.013. 1. A person is guilty of felony animal abuse when a person:

(1) Intentionally or purposely kills more than ten animals in any manner not allowed by or expressly exempted from the provisions of sections 578.005 to 578.023 and 273.030, RSMo;

(2) Purposely or intentionally causes injury or suffering to more than ten animals; or

(3) Having ownership or custody of more than ten animals knowingly fails to provide adequate care or adequate control.

2. **Felony animal abuse is a class D felony, unless the defendant has previously plead guilty to or has been found guilty of animal abuse or the suffering involved in subdivision (2) of subsection 1 of this section is the result of torture or mutilation, or both, consciously inflicted while the animal was alive, in which case it is a class C felony.**

3. **Notwithstanding other provisions of the law to the contrary, upon conviction the court may restrict a person found guilty of felony animal abuse from retaining custody or ownership, or both, of more than ten animals for a period of five years from the date of the first conviction pursuant to this section, and for a period of ten years from the date of the second and all subsequent convictions. Violation of a restriction imposed by this subsection constitutes a class C felony.**

4. **In addition to any other penalty imposed by this section, the court may order a person found guilty of felony animal abuse to pay all reasonable costs and expenses**

necessary for:

(1) The care and maintenance of abused animals within the person's custody or ownership;

(2) The disposal of any dead or diseased animals within the person's custody or ownership;

(3) The reduction of environmental damage to the immediate area of the abuse; and

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

5. For purposes of this section, "animal" shall be defined as a mammal.

Unofficial

Bill

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