

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 596
89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR JOHNSON.

Offered March 4, 1998.

Senate Substitute adopted, March 4, 1998.

Taken up for Perfection March 4, 1998. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

S2263.04P

AN ACT

To repeal sections 578.005 and 578.009, RSMo 1994, relating to the treatment of animals, and to enact in lieu thereof four 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Section A. Sections 578.005 and 578.009, RSMo 1994, are repealed and four new sections enacted in lieu thereof, to be known as sections 578.005, 578.008, 578.009 and 578.013, to read as follows:

578.005. As used in sections 578.005 to 578.023, the following terms shall mean:

(1) "Adequate care", normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care as necessary to maintain good health in a specific species of animal;

(2) "Adequate control", to reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal, or property;

(3) "Animal", every living vertebrate except a human being;

(4) "**Animal husbandry**", **normal or common practices including, but not limited to, vaccinations, de-horning, castration, herding, implanting, artificial insemination, and branding**;

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

(5) "Animal shelter", a facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other not for profit organization devoted to the welfare, protection, and humane treatment of animals;

[(5)] (6) "Farm animal", an animal raised on a farm or ranch and used or intended for use in farm or ranch production, or as food or fiber;

[(6)] (7) "Harbor", to feed or shelter an animal at the same location for three or more consecutive days;

[(7)] (8) "Humane killing", the destruction of an animal accomplished by a method approved by the American Veterinary Medical Association's Panel on Euthanasia (JAVMA 173: 59-72, 1978); or more recent editions, but animals killed during the feeding of pet carnivores shall be considered humanely killed;

[(8)] (9) "Owner", in addition to its ordinary meaning, any person who keeps or harbors an animal or professes to be owning, keeping, or harboring an animal;

[(9)] (10) "Person", any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity;

[(10)] (11) "Pests", birds, rabbits, or rodents which damage property or have an adverse effect on the public health, but shall not include any endangered species listed by the United States Department of the Interior nor any endangered species listed in the Wildlife Code of Missouri.

578.008. 1. A person is guilty of animal unit neglect when such person has custody or ownership, or both, of more than five animal units or animal unit equivalents and abandons said animals in any place without making provisions for their care.

2. Animal unit neglect is a class B misdemeanor upon the first conviction and a class A misdemeanor upon the second and all subsequent convictions, unless the conduct described in subsection 1 of this section is done knowingly, in which case it is a class A misdemeanor on the first and for all subsequent convictions.

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

4. In addition to any other penalty imposed by this section, the court may order a person found guilty of animal unit 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;

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

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

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

5. For purposes of this section, "animal units" or "animal unit equivalents" shall be defined pursuant to section 640.703, RSMo.

578.009. 1. A person is guilty of animal neglect when he has custody or ownership or both of [an] **a companion** 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 animal unit abuse when a person:

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

(2) Purposely or intentionally causes injury to more than five animal units or animal unit equivalents in any manner not allowed by or expressly exempted from the provisions of sections 578.005 to 578.023 and section 273.030, RSMo.

2. Animal unit abuse is a class B misdemeanor.

3. Notwithstanding other provisions of the law to the contrary, upon conviction the court may restrict a person found guilty of animal unit abuse from retaining custody or ownership, or both, of more than five animal units or animal unit equivalents for a period of one year from the date of the first conviction pursuant to this section, and for a period of two years from the date of the second and all subsequent convictions. Violation of a restriction imposed by this subsection constitutes a class A misdemeanor.

4. In addition to any other penalty imposed by this section, the court may order a person found guilty of animal unit 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 resulting organic debris affecting 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 and "animal units" or "animal unit equivalents" shall be defined pursuant to section 640.703, RSMo.

Unofficial ✓

Bill

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