

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1444**  
**96TH GENERAL ASSEMBLY**

4882L.04C

D. ADAM CRUMBLISS, Chief Clerk

---

---

**AN ACT**

To repeal section 578.018, RSMo, and to enact in lieu thereof one new section relating to confiscated animals, with a penalty provision.

---

---

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

Section A. Section 578.018, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 578.018, to read as follows:

578.018. 1. Any duly authorized [public health official or] law enforcement official may seek a warrant from the appropriate court to enable him to enter private property in order to inspect, care for, or impound neglected or abused animals. All requests for such warrants shall be accompanied by an affidavit stating the probable cause to believe a violation of sections 578.005 to [578.023] **578.025** has occurred. A person acting under the authority of a warrant shall:

(1) Be given a disposition hearing before the court through which the warrant was issued, within thirty days of the filing of the request for the purpose of granting immediate disposition of the animals impounded. **No animal shall be sterilized prior to the completion of such disposition hearing;**

(2) Place impounded animals in the care or custody of a veterinarian, the appropriate animal control authority, [or] an animal shelter, **or third party agreed upon by the law enforcement agency, a veterinarian, and the animal owner.** If no appropriate veterinarian, animal control authority, [or] animal shelter, **or third party** is available, the animal shall not be impounded unless it is diseased or disabled beyond recovery for any useful purpose;

(3) Humanely kill any animal impounded if it is determined by a licensed veterinarian that the animal is diseased or disabled beyond recovery for any useful purpose;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (4) Not be liable for any necessary damage to property while acting under such warrant.

19 2. **(1) The owner of any animal that has been impounded under this section shall**  
20 **only be responsible for the animal's care and keeping prior to a disposition hearing if the**  
21 **court determines that the animal was lawfully taken and the animal will not be returned**  
22 **to the owner.**

23 **(2) After completion of the disposition hearing,** the owner or custodian or any person  
24 claiming an interest in any animal that has been impounded because of neglect or abuse may  
25 prevent disposition of the animal **after the disposition hearing** by posting **reasonable** bond or  
26 security in an amount sufficient to provide for the animal's care and keeping [for at least thirty  
27 days, inclusive of the date on which the animal was taken into custody] **after completion of**  
28 **such hearing.** Notwithstanding the fact that **reasonable** bond may be posted pursuant to this  
29 [subsection] **subdivision,** the authority having custody of the animal may humanely dispose of  
30 the animal at the end of the time for which **reasonable** expenses are covered by the bond or  
31 security, unless there is a court order prohibiting such disposition. Such order shall provide for  
32 a **reasonable** bond or other security in the amount necessary to protect the authority having  
33 custody of the animal from any cost of the care, keeping or disposal of the animal.

34 **(3) The authority taking custody of an animal shall give notice of the provisions of this**  
35 **section by posting a copy of this section at the place where the animal was taken into custody or**  
36 **by delivering it to a person residing on the property.**

37 3. The owner or custodian of any animal humanely killed pursuant to this section shall  
38 not be entitled to recover any damages related to nor the actual value of the animal if the animal  
39 was found by a licensed veterinarian to be diseased or disabled **beyond recovery for any useful**  
40 **purpose,** or if the owner or custodian failed to post bond or security for the care, keeping and  
41 disposition of the animal after being notified of impoundment **and after completion of the**  
42 **disposition hearing.**

43 **4. All animals impounded under this section shall receive proper care as**  
44 **determined by state law and regulations for each specific animal and facility or**  
45 **organization where the animal is placed after such impoundment. Any such facility or**  
46 **organization shall be liable to the owner for damages for any negligent acts or abuse of**  
47 **such animal which occurs while the animal is in the care, custody, and control of such**  
48 **facility or organization.**

49 **5. If the owner is acquitted or there is a final discharge without conviction, the**  
50 **owner may demand the return of the animal held in custody. Any entity with care,**  
51 **custody, and control of such animal shall immediately return such animal to the owner**  
52 **upon demand and proof of such acquittal or final discharge without conviction. Upon**  
53 **acquittal or final discharge without conviction, the owner shall not be liable for any costs**

54 incurred relating to the placement or care of the animal during the pendency of the  
55 charges.

56         **6. Any person or entity that euthanizes, other than as permissible under this**  
57 **section, or sterilizes an animal prior to a disposition hearing or during any period for**  
58 **which reasonable bond was secured for the animal's care is guilty of a class B**  
59 **misdemeanor. Each individual animal for which a violation occurs is a separate offense.**  
60 **Any second or subsequent violation is a class A misdemeanor and any entity licensed under**  
61 **state law shall be subject to licensure sanction by its governing body.**

✓