

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 564
97TH GENERAL ASSEMBLY

1436H.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 578.009 and 578.012, RSMo, and to enact in lieu thereof three new sections relating to crimes against animals, with penalty provisions.

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

Section A. Sections 578.009 and 578.012, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 578.009, 578.011, and 578.012, to read as
3 follows:

578.009. 1. A person is guilty of animal neglect [when] **if** he has custody or ownership
2 or both of an animal and fails to provide adequate care [or adequate control, which results in
3 substantial harm to the animal]. **As used in this section, the term “custody” shall only apply
4 to an agent or employee of the owner who is in possession of the animal.**

5 2. A person is guilty of abandonment [when] **if** he has knowingly abandoned an animal
6 in any place without making provisions for its adequate care.

7 3. Animal neglect and abandonment is a class C misdemeanor upon first conviction and
8 for each offense, punishable by imprisonment or a fine not to exceed five hundred dollars, or
9 both, and a class B misdemeanor punishable by imprisonment or a fine not to exceed one
10 thousand dollars, or both upon the second and all subsequent convictions. All fines and penalties
11 for a first conviction of animal neglect or abandonment may be waived by the court provided that
12 the person found guilty of animal neglect or abandonment shows that adequate, permanent
13 remedies for the neglect or abandonment have been made. Reasonable costs incurred for the care
14 and maintenance of neglected or abandoned animals may not be waived. This section shall not
15 apply to the provisions of section 578.007.

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

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.

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

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

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

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

**578.011. 1. A person is guilty of animal trespass if a person having ownership or
2 custody of an animal knowingly fails to provide adequate control for a period equal to or
3 exceeding twelve hours. As used in this section, the term "custody" shall apply only to an
4 agent or employee of the owner who is in possession of the animal.**

5 **2. Animal trespass is an infraction upon first conviction and for each offense
6 punishable by a fine not to exceed two hundred dollars, and a class C misdemeanor
7 punishable by imprisonment or a fine not to exceed five hundred dollars, or both, upon the
8 second and all subsequent convictions. All fines for a first conviction of trespass may be
9 waived by the court provided that the person found guilty of animal trespass shows that
10 adequate, permanent remedies for trespass have been made. Reasonable costs incurred
11 for the care and maintenance of trespassing animals may not be waived. This section shall
12 not apply to the provisions of section 578.007.**

578.012. 1. A person is guilty of animal abuse [when] if a person:

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

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

5 (3) Having ownership or custody of an animal knowingly fails to provide adequate care
6 [or adequate control] **which results in substantial harm to the animal. As used in this
7 section, the term "custody" shall apply only to an agent or employee of the owner who is
8 in possession of the animal. As used in this section, the term "substantial harm" shall mean
9 a significant risk of fatal consequences.**

10 2. Animal abuse is a class A misdemeanor, unless the defendant has previously [plead]
11 **pled** guilty to or has been found guilty of animal abuse or the suffering involved in subdivision
12 (2) of subsection 1 of this section is the result of torture or mutilation, or both, consciously
13 inflicted while the animal was alive, in which case it is a class D felony.

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