

HCS HB 564 -- CRIMES AGAINST ANIMALS

SPONSOR: McGaugh

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Agri-Business by a vote of 11 to 4.

Currently, a person is guilty of animal neglect when he has custody, ownership, or both of an animal and fails to provide adequate care or adequate control that results in substantial harm to the animal. This substitute specifies that a person will be guilty of animal neglect if he has custody, ownership, or both and fails to provide adequate care.

The substitute specifies that a person is guilty of animal trespass if a person having ownership or custody of an animal knowingly fails to provide adequate control for 12 hours or more. The first conviction for animal trespass is an infraction and punishable by a fine of up to \$200. A second or subsequent conviction is a class C misdemeanor punishable by imprisonment, a fine of up to \$500, or both. The court may waive all fines for the first conviction if the person found guilty of animal trespass shows that adequate, permanent remedies for trespass have been made. Reasonable costs incurred for the care and maintenance of trespassing animals may not be waived.

Currently, a person is guilty of animal abuse when the person having ownership or custody of an animal knowingly fails to provide adequate care or adequate control. The substitute specifies that a person is guilty of animal abuse if a person having ownership or custody of an animal knowingly fails to provide adequate control that results in substantial harm to the animal.

The term "custody" as it is used in these provisions must apply only to an agent or employee of the owner who is in possession of the animal.

PROponents: Supporters say that farmers are being charged with animal abuse when their fences fail and livestock trespass on the neighbors property. This bill creates the crime of animal trespass and gives farmers time to contain their animals and fix the fencing problem.

Testifying for the bill were Representative McGaugh; Missouri Cattlemens Association; Missouri Farm Bureau; Missouri Federation of Animal Owners; and Missouri Pork Association.

OPponents: Those who oppose the bill say that using the term "substantial harm" may make it difficult for prosecutors to prove

animal abuse has taken place.

Testifying against the bill was Missouri Alliance for Animal Legislation.