

SECOND REGULAR SESSION

HOUSE BILL NO. 1176

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES GUEST (Sponsor), BARNITZ, DETHROW, MYERS, SANDER,
QUINN, MUNZLINGER AND HOBBS (Co-sponsor).

Read 1st time January 21, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4062L.011

AN ACT

To repeal sections 578.405, 578.407, 578.409, and 578.412, RSMo, and to enact in lieu thereof four new sections relating to animal research and production facilities, with penalty provisions.

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

Section A. Sections 578.405, 578.407, 578.409, and 578.412, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 578.405, 578.407, 578.409,
3 and 578.412, to read as follows:

578.405. 1. Sections 578.405 to 578.412 shall be known and may be cited as "The
2 Animal Research and Production Facilities Protection Act".

3 2. As used in sections 578.405 to 578.412, the following terms mean:

4 (1) "Animal", every living creature, domestic or wild, but not including Homo sapiens;

5 (2) "Animal facility", any facility, **animal farming operation, business, or**
6 **organization** engaging in legal scientific research or agricultural production or involving the use
7 of animals, including any organization with a primary purpose of representing livestock
8 production or processing, any organization with a primary purpose of promoting or marketing
9 livestock or livestock products, any person licensed to practice veterinary medicine, any
10 organization involved in the production of pet food or pet food research, and any organization
11 with a primary purpose of representing any such person, organization, or institution. [The term]
12 **Animal facility** shall include the owner, operator, and employees of any animal facility [and],
13 the offices [and], **barns, buildings, or other structures, the** vehicles of any such persons while
14 engaged in duties related to the animal facility, and any premises, **private or public property,**

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

15 where animals are located, **including but not limited to the barns, buildings, or areas where**
16 **animals are pastured, housed, or otherwise quartered;**

17 (3) "Director", the director of the department of agriculture.

578.407. No person shall:

2 (1) Release, steal, or otherwise intentionally cause the death, injury, or loss of any animal
3 at or from an animal facility and not authorized by that facility;

4 (2) Damage, vandalize, or steal any property in or on an animal facility;

5 (3) Obtain access **or employment** to an animal facility by false pretenses for the purpose
6 of performing acts not authorized by the facility;

7 (4) Enter or otherwise interfere with an animal facility with the intent to destroy,
8 **damage**, alter, duplicate or obtain unauthorized possession of records, data, **images**, material,
9 equipment, or animals;

10 (5) Knowingly obtain, by theft, **trespass**, or deception, [control over] records, data,
11 **images**, material, equipment, or animals of any animal facility for the purpose of depriving the
12 rightful owner or animal facility of the records, material, data, equipment, or animals, or for the
13 purpose of concealing, abandoning, **damaging**, or destroying such records, material, data,
14 equipment, [or] animals, **or animal facility**;

15 (6) Enter or remain on an animal facility with the intent to commit an act prohibited by
16 this section;

17 (7) **Intentionally or knowingly release or introduce any pathogen or disease in or**
18 **near an animal facility that has the potential to cause disease in any animal at the animal**
19 **facility or that otherwise threatens human health or biosecurity at the animal facility.**

578.409. 1. Any person who violates **subdivisions (1) to (6) of section 578.407:**

2 (1) [Shall be guilty of a misdemeanor for each such violation unless the loss, theft, or
3 damage to the animal facility exceeds three hundred dollars in value;

4 (2) Shall be] **Is** guilty of a class D felony [if] **unless** the loss, theft, or damage to the
5 animal facility property exceeds [three hundred dollars in value but does not exceed] ten
6 thousand dollars in value;

7 [(3) Shall be] **(2) Is** guilty of a class C felony if the loss, theft, or damage to the animal
8 facility property exceeds ten thousand dollars in value but does not exceed one hundred thousand
9 dollars in value;

10 [(4) Shall be] **(3) Is** guilty of a class B felony if the loss, theft, or damage to the animal
11 facility exceeds one hundred thousand dollars in value.

12 2. **Any person who violates subdivision (7) of section 578.407:**

13 **(1) Is guilty of a class C felony unless the loss, theft, or damage to the animal facility**
14 **property exceeds one hundred thousand dollars in value;**

15 **(2) Is guilty of a class B felony if the loss, theft, or damage to the animal facility**
16 **exceeds one hundred thousand dollars in value.**

17 **3.** Any person who intentionally agrees with another person to violate section 578.407
18 and commits an act in furtherance of such violation [shall be] **is** guilty of the same class of
19 violation as provided in [subsection 1] **subsections 1 and 2** of this section.

20 **[3.] 4.** In the determination of the value of the loss, theft, or damage to an animal facility,
21 the court shall conduct a hearing to determine the reasonable cost of replacement of materials,
22 data, equipment, animals, and records that were damaged, destroyed, lost, or cannot be returned,
23 as well as the reasonable cost of lost production funds and repeating experimentation that may
24 have been disrupted or invalidated as a result of the violation of section 578.407.

25 **[4.] 5.** Any persons found guilty of a violation of section 578.407 shall be ordered by the
26 court to make restitution, jointly and severally, to the owner, operator, or both, of the animal
27 facility, in the full amount of the reasonable cost as determined under subsection **[3] 4** of this
28 section.

29 **[5.] 6.** Any person who has been damaged by a violation of section 578.407 may recover
30 all actual and consequential damages, punitive damages, and court costs, including reasonable
31 attorneys' fees, from the person causing such damage.

32 **[6.] 7.** Nothing in sections 578.405 to 578.412 shall preclude any animal facility injured
33 in its business or property by a violation of section 578.407 from seeking appropriate relief under
34 any other provision of law or remedy including the issuance of an injunction against any person
35 who violates section 578.407, **including any relief authorized under subsection 6 of this**
36 **section.** The owner or operator of the animal facility may petition the court to permanently
37 enjoin such persons from violating sections 578.405 to 578.412 and the court shall provide such
38 relief.

 578.412. 1. The director shall have the authority to investigate any alleged violation of
2 sections 578.405 to 578.412, along with any other law enforcement agency, and may [take any
3 action within the director's authority necessary for the enforcement of sections 578.405 to
4 578.412] **initiate a civil action in the circuit court of the county where the violation**
5 **occurred.** The attorney general, the highway patrol, and other law enforcement officials shall
6 provide assistance required in the conduct of an investigation.

7 2. The director may promulgate rules and regulations necessary for the enforcement of
8 sections 578.405 to 578.412. No rule or portion of a rule promulgated under the authority of
9 sections 578.405 to 578.412 shall become effective unless it has been promulgated pursuant to
10 the provisions of section 536.024, RSMo.