

FIRST REGULAR SESSION

HOUSE BILL NO. 998

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SOMMER.

2223H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 578.012 and 578.021 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 578.012 as enacted by senate bill no. 9, ninety-seventh general assembly, first regular session, and section 578.021 as enacted by senate bill no. 211, eighty-second general assembly, first regular session, and to enact in lieu thereof four new sections relating to animal abuse, with penalty provisions.

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

Section A. Sections 578.012 and 578.021 as enacted by senate bill no. 491, ninety-
2 seventh general assembly, second regular session, section 578.012 as enacted by senate bill no.
3 9, ninety-seventh general assembly, first regular session, and section 578.021 as enacted by
4 senate bill no. 211, eighty-second general assembly, first regular session, are repealed and four
5 new sections enacted in lieu thereof, to be known as sections 578.012, 578.015, 578.017, and
6 578.021, to read as follows:

578.012. 1. A person commits the offense of animal abuse if he or she:

- 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 which results in substantial harm to the animal.

7 2. Animal abuse is a class A misdemeanor, unless the defendant has previously been
8 found guilty of animal abuse or the suffering involved in subdivision (2) of subsection 1 of this
9 section is the result of torture or mutilation consciously inflicted while the animal was alive, in
10 which case it is a class E felony.

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.

11 **3. In addition to any other penalty provided by law, upon the first conviction of this**
12 **section, the court may order the convicted person to undergo a psychological or psychiatric**
13 **evaluation and to undergo any treatment at the convicted person's expense that the court**
14 **determines to be appropriate after due consideration of the evaluation, unless the offense**
15 **involved torture or mutilation, in which case the court is required to order the person to**
16 **undergo a psychological or psychiatric evaluation. Upon a second or subsequent**
17 **conviction of this section, the court shall order the convicted person to undergo a**
18 **psychological or psychiatric evaluation and to undergo any treatment at the convicted**
19 **person's expense that the court determines to be appropriate after due consideration of the**
20 **evaluation.**

578.012. 1. A person is guilty of animal abuse 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 which results in substantial harm to the animal.

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

11 **3. In addition to any other penalty provided by law, upon the first conviction of this**
12 **section, the court may order the convicted person to undergo a psychological or psychiatric**
13 **evaluation and to undergo any treatment at the convicted person's expense that the court**
14 **determines to be appropriate after due consideration of the evaluation, unless the offense**
15 **involved torture or mutilation, in which case the court is required to order the person to**
16 **undergo a psychological or psychiatric evaluation. Upon a second or subsequent**
17 **conviction of this section, the court shall order the convicted person to undergo a**
18 **psychological or psychiatric evaluation and to undergo any treatment at the convicted**
19 **person's expense that the court determines to be appropriate after due consideration of the**
20 **evaluation.**

578.015. If a child under eighteen years of age has been adjudicated a delinquent
2 by a juvenile court for a first violation of section 578.012, the court, in addition to any other
3 penalty or disposition provided by law, may require the child to undergo a psychological
4 or psychiatric evaluation. Upon a second or subsequent violation, the court shall require
5 the child to undergo a psychological or psychiatric evaluation. The evaluation shall
6 determine whether the child needs individual or family counseling and shall recommend

7 the frequency and duration of counseling. If individual or family counseling is
8 recommended by the evaluation, the court shall require the counseling to take place and
9 shall establish the frequency and the duration of the counseling. The court may order the
10 parent, guardian, or other person having care of the child to pay the costs of the
11 evaluation, any counseling, or both.

2 **578.017. Any persons, including but not limited to veterinarians, teachers, and**
3 **school personnel, who in good faith report a suspected violation of section 578.012 to a law**
4 **enforcement agency or officer shall be immune from all civil liability which might arise by**
5 **reason of such action.**

2 578.021. If a person is found guilty of the offense of animal neglect or animal abuse and
3 the court having jurisdiction is satisfied that an animal owned or controlled by such person would
4 in the future be subject to such neglect or abuse, such animal shall not be returned to or allowed
5 to remain with such person, but its disposition shall be determined by the court. **If a child is**
6 **adjudicated guilty of the crime of animal abuse or animal neglect, and the court, in its**
7 **discretion, determines that the animal is not at risk for future abuse or neglect, the court**
8 **may order that the animal be returned or allowed to remain in the home of such child.**

2 578.021. If a person is adjudicated guilty of the crime of animal neglect or animal abuse
3 and the court having jurisdiction is satisfied that an animal owned or controlled by such person
4 would in the future be subject to such neglect or abuse, such animal shall not be returned to or
5 allowed to remain with such person, but its disposition shall be determined by the court. **If a**
6 **child is adjudicated guilty of the crime of animal abuse or animal neglect, and the court,**
7 **in its discretion, determines that the animal is not at risk for future abuse or neglect, the**
8 **court may order that the animal be returned or allowed to remain in the home of such**
9 **child.**

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