

SECOND REGULAR SESSION

HOUSE BILL NO. 1320

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SOMMER.

3124H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 578.012 and 578.021, RSMo, 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Section A. Sections 578.012 and 578.021, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 578.012, 578.015, 578.017, and 578.021, to read as follows:

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

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

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

(3) Having ownership or custody of an animal knowingly fails to provide adequate care which results in substantial harm to the animal.

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

3. (1) In addition to any other penalty provided by law, upon the first conviction under this section, the court may place the convicted person on a term of probation and, as a condition of probation, may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo any treatment, at the convicted person's expense, that the court determines to be appropriate after due consideration of the evaluation. However, if the offense involved torture or mutilation, the court may place the convicted

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.

17 person on a term of probation. If the court places the convicted person on probation, the
18 court shall, as a condition of probation, order the person to undergo a psychological or
19 psychiatric evaluation and to undergo any treatment, at the convicted person's expense,
20 that the court determines to be appropriate after due consideration of the evaluation. If
21 the court finds that the defendant is financially unable to pay for such treatment, the court
22 may develop a sliding fee schedule based upon the defendant's ability to pay.

23 (2) Upon a second or subsequent conviction under this section, the court may place
24 the convicted person on a term of probation. If the court places the convicted person on
25 probation, the court shall, as a condition of probation, order the convicted person to
26 undergo a psychological or psychiatric evaluation and to undergo any treatment, at the
27 convicted person's expense, that the court determines to be appropriate after due
28 consideration of the evaluation. If the court finds that the defendant is financially unable
29 to pay for such treatment, the court may develop a sliding fee schedule based upon the
30 defendant's ability to pay.

31 4. Nothing in this section shall be construed to prohibit farming practices, lawful
32 hunting, search and rescue, or any other lawful activities involving animals.

578.015. If a child under eighteen years of age has been adjudicated delinquent by
2 a juvenile court for a first violation under section 578.012, the court may require, in
3 addition to any other penalty or disposition provided by law, the child to undergo a
4 psychological or psychiatric evaluation. Upon a second or subsequent violation, the court
5 shall require the child to undergo a psychological or psychiatric evaluation. The
6 evaluation shall determine whether the child needs individual or family counseling and
7 shall recommend the frequency and duration of counseling. If individual or family
8 counseling is recommended by the evaluation, the court shall consider such
9 recommendation and determine the course of action based upon all the relevant
10 circumstances involving the violation. The court may order the parent, guardian, or other
11 person having care of the child to pay the costs of the evaluation, any counseling, or both.
12 If the court finds that the parent, guardian, or other person having care of the child is
13 financially unable to pay for such counseling, the court may develop a sliding fee schedule
14 based upon his or her ability to pay.

578.017. 1. Any person, including veterinarians, teachers, and school personnel,
2 who in good faith reports a suspected violation of section 578.012 to a law enforcement
3 agency or officer shall be immune from all civil liability that might arise by reason of such
4 action.

5 **2. A person who intentionally files a false report under this section shall be guilty**
6 **of a class C misdemeanor and shall be civilly liable for any actual damages resulting from**
7 **such false report. Any second or subsequent violation shall be a class B misdemeanor.**

 578.021. If a person is found guilty of the offense of animal neglect or animal abuse and
2 the court having jurisdiction is satisfied that an animal owned or controlled by such person would
3 in the future be subject to such neglect or abuse, such animal shall not be returned to or allowed
4 to remain with such person, but its disposition shall be determined by the court. **If a child is**
5 **adjudicated delinquent of the offense of animal abuse or animal neglect, and the court, in**
6 **its discretion, determines that the animal is not at risk for future abuse or neglect, the court**
7 **may order that the animal be returned or allowed to remain in the home of such child**
8 **unless the disposition of the animal has been otherwise adjudicated under section 578.018.**

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