

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Bill No. 1069, Page 5, Section 576.030, Line 7, by inserting after said section and
2 line the following:

3
4 "578.024. 1. A person commits the offense of keeping a dangerous dog if he or she owns or
5 possesses a dog that has previously bitten or physically injured a person or a domestic animal
6 without provocation and that dog bites or physically injures any person on a subsequent occasion.

7 2. The offense of keeping a dangerous dog is a class B misdemeanor, unless such attack:

8 (1) Results in serious injury to any person, in which case, it is a class A misdemeanor; or

9 (2) Results in serious injury to any person and any previous attack also resulted in serious
10 injury to any person, in which case, it is a class E felony; or

11 (3) Results in the death of any person, in which case, it is a class D felony.

12 3. In addition to the penalty included in subsection 2 of this section, if any dog that has
13 previously bitten a person or a domestic animal without provocation bites any person on a
14 subsequent occasion or if a dog that has not previously bitten a person attacks and causes serious
15 injury to or the death of any human, the dog shall be seized immediately by an animal control
16 authority or by the county sheriff. The dog shall be impounded and held for ten business days after
17 the owner or possessor is given written notification and thereafter destroyed.

18 4. The owner or possessor of the dog that has been impounded may file a written appeal to
19 the circuit court to contest the impoundment and destruction of such dog. The owner or possessor
20 shall provide notice of the filing of the appeal to the animal control authority or county sheriff who
21 seized the dog. If the owner or possessor files such an appeal and provides proper notice, the dog
22 shall remain impounded and shall not be destroyed while such appeal is pending and until the court
23 issues an order for the destruction of the dog. The court shall hold a disposition hearing within
24 thirty days of the filing of the appeal to determine whether such dog shall be humanely destroyed.
25 The court may order the owner or possessor of the dog to pay the costs associated with the animal's
26 keeping and care during the pending appeal.

27 5. Notwithstanding any provision of sections 273.033 and 273.036, section 578.022 and this
28 section to the contrary, if a dog attacks or bites a person who is engaged in or attempting to engage
29 in a criminal activity at the time of the attack, the owner or possessor is not guilty of any crime
30 specified under this section or section 273.036, and is not civilly liable under this section or section
31 273.036, nor shall such dog be destroyed as provided in subsection 3 of this section, nor shall such
32 person engaged in or attempting to engage in a criminal activity at the time of the attack be entitled
33 to the defenses set forth in section 273.033. For purposes of this section "criminal activity" shall not
34 include the act of trespass upon private property under section 569.150 as long as the trespasser does
35 not otherwise engage in, attempt to engage in, or have intent to engage in other criminal activity nor
36 shall it include any trespass upon private property by a person under the age of twelve under section

Action Taken _____ Date _____

1 569.140.

2 6. For purposes of this section, "physically injures" or "physically injured" means moderate
3 impairment of any function of the body or temporary loss of use of any part of the body."; and

4
5 Further amend said bill by amending the title, enacting clause, and intersectional references
6 accordingly.