

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 508

101ST GENERAL ASSEMBLY

0826H.03P

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 270.170, 270.180, 270.260, 270.270, and 270.400, RSMo, and to enact in lieu thereof five new sections relating to feral swine, with penalty provisions.

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

Section A. Sections 270.170, 270.180, 270.260, 270.270, and 270.400, RSMo, are  
2 repealed and five new sections enacted in lieu thereof, to be known as sections 270.170, 270.180,  
3 270.260, 270.270, and 270.400, to read as follows:

270.170. ~~[1-]~~ If any **domestic** swine ~~[or sheep]~~ shall be found running at large, contrary  
2 to the provisions of this chapter, it shall be lawful for any person on whose premises said swine  
3 ~~[or sheep]~~ shall be found to restrain the same forthwith, and give the owner, if known, notice in  
4 writing that such person has restrained said swine ~~[or sheep]~~, and the amount of damages such  
5 person claims in the premises, and requiring the owner to take said swine ~~[or sheep]~~ away and  
6 pay such damages; and such owner shall pay such person a reasonable sum for taking up, feeding  
7 and caring for the same, and the actual damages done by said swine ~~[or sheep]~~. If such owner  
8 fails to comply with the provisions of this section within three days after receiving such notice,  
9 or if the owner of such swine ~~[or sheep]~~ be unknown, such swine ~~[or sheep]~~ shall be disposed  
10 of in the manner provided for in section 270.180.

11 ~~[2- Any swine not conspicuously identified by ear tags or other forms of identification~~  
12 ~~that were born in the wild or that lived outside of captivity for a sufficient length of time to be~~  
13 ~~considered wild by nature by hiding from humans or being nocturnal shall be considered feral~~  
14 ~~hogs. Any person may take or kill such feral hogs on such person's own property.]~~

270.180. 1. If the owner of any **domestic** swine ~~[or sheep]~~ taken up under the provisions  
2 of this chapter be unknown, after three days' diligent inquiry by the taker-up, or if the owner of

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.

3 any swine ~~[or sheep]~~ taken up under the provisions of this chapter shall not, within three days  
4 after receiving notice as provided for in section 270.170, comply with the provisions of this  
5 chapter, the taker-up of such swine ~~[or sheep]~~ shall apply to an associate circuit judge of the  
6 county for the sale of such swine ~~[or sheep]~~ according to law.

7         2. Such associate circuit judge, being satisfied that the provisions of this chapter have  
8 been complied with, shall order the same to be sold by the sheriff after the expiration of fifteen  
9 days, who shall give notice and sell the same in the same manner as personal property may be  
10 sold on execution by a sheriff; and after paying the costs of sale, and of taking up and keeping  
11 the swine ~~[or sheep]~~, and all damages done by the same, such sheriff shall pay the balance, if  
12 there be any, over to the county treasurer, and take ~~[his]~~ a receipt therefor; which balance shall  
13 be subject to the order of the owner of such swine ~~[or sheep]~~, if called for within twelve months  
14 after the sale, but if not called for, the same shall be turned over to the school fund of the county.

270.260. 1. **(1) Before August 28, 2021**, any person who recklessly or knowingly  
2 releases any swine to live in a wild or feral state upon any public land or private land not  
3 completely enclosed by a fence capable of containing such animals is guilty of a class A  
4 misdemeanor. Each swine so released shall be a separate offense.

5         **(2) Beginning on August 28, 2021, any person who recklessly or knowingly releases**  
6 **any swine to live in a wild or feral state upon any public land or private land is guilty of**  
7 **a class E felony. Each swine so released shall be a separate offense.**

8         2. ~~[Every person who has previously been found guilty of violating the provisions of this~~  
9 ~~section, committed on two separate occasions where such offense occurred within ten years of~~  
10 ~~the date of the occurrence of the present offense and who subsequently is found guilty of~~  
11 ~~violating this section shall be guilty of a class E felony.~~

12 ~~———3.]~~ Nothing in this section shall be construed to criminalize the accidental escape of  
13 domestic swine **or the release into a facility under a department of conservation permit.**

270.270. 1. **(1) Before August 28, 2021**, any person possessing or transporting live  
2 Russian or European wild boar or wild-caught swine on or through public land without a  
3 Missouri department of agriculture permit is guilty of a class A misdemeanor.

4         **(2) Beginning on August 28, 2021, any person possessing or transporting live feral**  
5 **swine, as defined in section 270.400, is guilty of a class E felony.**

6         **(3)** Each violation of this subsection shall be a separate offense.

7         2. Any law enforcement officer, any agent of the conservation commission, or the state  
8 veterinarian is authorized to enforce the provisions of this section, section 270.260, and section  
9 270.400.

270.400. 1. For purposes of this section, the following terms mean:

2 (1) "Feral [hog] swine", any [hog, including Russian and European wild boar, that is not  
3 conspicuously identified by ear tags or other forms of identification and is roaming freely upon  
4 public or private lands without the landowner's permission] swine that is born, living, or has  
5 lived in the wild, and the offspring of such swine. For purposes of this subdivision, "in the  
6 wild" means not confined by humans to pens, houses, or other facilities designed to hold  
7 swine and prevent their escape;

8 (2) "Landowner's agent", any person who has permission from a landowner to be present  
9 on the landowner's property.

10 2. A person may kill a feral [hog] swine roaming freely upon such person's land and shall  
11 not be liable to the owner of the [hog] swine for the loss of the [hog] swine.

12 3. Any person may take or kill a feral [hog] swine on public land or private land with the  
13 consent of the public landowner or the private landowner; except that, during the firearms deer  
14 and turkey hunting season, the regulations of the Missouri wildlife code shall apply. Such person  
15 shall not be liable to the owner of the [hog] swine for the loss of such [hog] swine.

16 4. No person except a landowner or such landowner's agent on such landowner's property  
17 shall take, attempt to take, or kill a feral [hog] swine with the use of an artificial light.

18 5. ~~[The director of the department of agriculture shall promulgate rules for fencing and~~  
19 ~~health standards for Russian and European wild boar and wild-caught swine held alive on private~~  
20 ~~land. Any person holding Russian or European wild boar or wild-caught swine on private land~~  
21 ~~shall annually submit an application to the department for a permit. Any applicant that~~  
22 ~~successfully meets the requirements under this section as determined by the department and pays~~  
23 ~~an application fee shall be issued a permit.~~

24 ~~6. Russian and European wild boar and wild-caught swine may move only from a farm~~  
25 ~~to a farm or directly to slaughter or to a slaughter-only market. The department shall promulgate~~  
26 ~~rules for exemption permits and a fee structure to offset the actual and necessary costs incurred~~  
27 ~~to enforce the provisions of this section.~~

28 ~~7. (1) There is hereby created in the state treasury the "Animal Health Fund", which~~  
29 ~~shall consist of all fees and administrative penalties collected by the department of agriculture~~  
30 ~~under this section and section 270.260. The state treasurer shall be custodian of the fund. In~~  
31 ~~accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements.~~  
32 ~~Upon appropriation, moneys in the fund shall be used for the administration of this section and~~  
33 ~~section 270.260.~~

34 ~~(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys~~  
35 ~~remaining in the fund at the end of the biennium shall not revert to the credit of the general~~  
36 ~~revenue fund.~~

37 ~~———(3) The state treasurer shall invest moneys in the fund in the same manner as other funds~~  
38 ~~are invested. Any interest and moneys earned on such investments shall be credited to the fund.~~

39 ~~———8. Any person who violates subsection 2 of section 270.260 may, in addition to the~~  
40 ~~penalty imposed under section 270.260, be assessed an administrative penalty of up to one~~  
41 ~~thousand dollars per violation. Any person who is assessed an administrative penalty under this~~  
42 ~~section shall be notified in writing of the right to appeal. Such person may request a hearing~~  
43 ~~before the director of the department of agriculture. Such request shall be made in writing no~~  
44 ~~later than thirty days after the date on which the person was notified of the violation of section~~  
45 ~~270.260.~~

46 ~~———9. Any rule or portion of a rule, as that term is defined in section 536.010, that is created~~  
47 ~~under the authority delegated in this section shall become effective only if it complies with and~~  
48 ~~is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section~~  
49 ~~and chapter 536 are nonseverable and if any of the powers vested with the general assembly~~  
50 ~~pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule~~  
51 ~~are subsequently held unconstitutional, then the grant of rulemaking authority and any rule~~  
52 ~~proposed or adopted after August 28, 2010, shall be invalid and void.~~

53 ~~———10.] Any person who violates subsection 3 or 4 of this section is guilty of a class A~~  
54 ~~misdemeanor. Each violation of subsection 3 or 4 of this section shall be a separate offense.~~

55 ~~6. Nothing in this section shall be construed to apply to the accidental escape of~~  
56 ~~domestic swine.~~

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