

HOUSE BILL NO. 1320

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DINKINS.

2470H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 270.260 and 270.400, RSMo, and to enact in lieu thereof two new sections relating to feral swine, with a penalty provision.

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

Section A. Sections 270.260 and 270.400, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 270.260 and 270.400, to read as follows:

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

(2) Beginning on August 28, 2021, any person who intentionally or knowingly releases any swine to live in a wild or feral state upon any public land or private land is guilty of a class A misdemeanor. Such person shall also provide five thousand dollars restitution for damages to the county commission of the county in which the offense occurred. The county commission shall distribute the restitution as follows:

(a) Five-thousand-dollar grants to the landowners of the land upon which the offense occurred to be used to restore the land damaged by the swine or for feral swine elimination efforts; or

(b) A two-thousand-five-hundred-dollar reward for information leading to the arrest and conviction of a person who violates this subdivision.

(3) Each swine so released shall be a separate offense.

2. Every person who has previously been found guilty of violating the provisions of this section, committed on two separate occasions where such offense occurred within ten years 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.

18 the date of the occurrence of the present offense and who subsequently is found guilty of
19 violating this section shall be guilty of a class E felony.

20 3. Nothing in this section shall be construed to criminalize the accidental escape of
21 domestic swine **or to hinder the ability to transport domestic swine to market or slaughter.**

22 **4. Nothing in this section shall be construed to prohibit the right of an individual**
23 **to farm or raise livestock.**

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,]~~ swine
3 that is not conspicuously identified by ear tags or other forms of identification and is roaming
4 freely upon public or private lands without the landowner's permission;

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

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

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

13 4. No person except a landowner or such landowner's agent on such landowner's property
14 shall take, attempt to take, or kill a feral ~~[hog]~~ swine with the use of an artificial light **or a night**
15 **vision, infrared, or thermal imaging device. No provision of this section shall be construed**
16 **to prohibit a landowner or the landowner's agent from using a night vision, infrared, or**
17 **thermal imaging device.**

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.] Nothing in this section shall be construed to apply to domestic swine.~~

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