

SECOND REGULAR SESSION

HOUSE BILL NO. 1798

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LOVE.

4373H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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

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

Section A. Sections 270.170, 270.260, 270.270, and 270.400, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 270.170, 270.260, 270.270, and 270.400, to read as follows:

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

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

270.260. 1. **(1)** Before August 28, 2020, 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

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 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, 2020, 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.**

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.

270.270. 1. **(1) Before August 28, 2020,** 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, 2020, 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;**

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

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

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

14 4. No person except a landowner or such landowner's agent on such landowner's property
15 shall take, attempt to take, or kill a feral ~~hog~~ **swine** with the use of an artificial light.

16 5. **Any person who violates subsection 3 or 4 of this section is guilty of a class A**
17 **misdemeanor. Each violation shall be a separate offense.**

18 6. 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-]~~ 7. Russian and European wild boar and wild-caught swine may move only from a
25 farm to a farm or directly to slaughter or to a slaughter-only market. The department shall
26 promulgate rules for exemption permits and a fee structure to offset the actual and necessary
27 costs incurred to enforce the provisions of this section.

28 ~~[7-]~~ 8. (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, **and section 270.270**. The state treasurer shall be
31 custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may
32 approve disbursements. Upon appropriation, moneys in the fund shall be used for the
33 administration of this section ~~[and]~~ , section 270.260, **and 270.270**.

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-]~~ 9. Any person who violates ~~[subsection 2 of]~~ section 270.260, **section 270.270, or**
40 **this section** may, in addition to ~~[the penalty imposed under section 270.260]~~ **any penalties**
41 **permitted by law**, be assessed an administrative penalty of up to one thousand dollars per
42 violation. Any person who is assessed an administrative penalty under this ~~[section]~~ **subsection**
43 shall be notified in writing of the right to appeal. Such person may request a hearing before the
44 director of the department of agriculture. Such request shall be made in writing no later than
45 thirty days after the date on which the person was notified of the violation of section 270.260,
46 **section 270.270, or this section**.

47 ~~[9-]~~ 10. Any rule or portion of a rule, as that term is defined in section 536.010, that is
48 created under the authority delegated in this section shall become effective only if it complies
49 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
50 This section and chapter 536 are nonseverable and if any of the powers vested with the general
51 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and

52 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
53 any rule proposed or adopted after August 28, 2010, shall be invalid and void.

54 [10.] **11.** Nothing in this section shall be construed to apply to **the accidental escape of**
55 domestic swine.

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