

SECOND REGULAR SESSION

HOUSE BILL NO. 1826

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SMITH (155).

3834H.02I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 578.018 and 578.030, RSMo, and to enact in lieu thereof two new sections relating to the confiscation of animals, with penalty provisions.

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

Section A. Sections 578.018 and 578.030, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 578.018 and 578.030, to read as follows:

578.018. 1. Any duly authorized public health official or law enforcement official
2 may seek a warrant from the appropriate **circuit** court to enable ~~[him or her]~~ **the law**
3 **enforcement official** to enter private property in order to inspect, care for, or ~~[impound]~~
4 **confiscate** neglected or abused animals **as set forth in such warrant**. All requests for such
5 warrants shall be **signed, witnessed, and** accompanied by an affidavit stating the probable
6 cause to believe a violation of sections 578.005 to ~~[578.023]~~ **578.025** has occurred. **All**
7 **warrants shall be served in the presence of a law enforcement official**. A person acting
8 under the authority of a warrant shall:

9 (1) ~~[Be given]~~ **Appear at** a disposition hearing before the court through which the
10 warrant was issued, within ~~[thirty]~~ **fifteen** days of the ~~[filing of the request]~~ **confiscation** for
11 the purpose of granting immediate disposition of the animals ~~[impounded]~~. **No animal shall**
12 **be sterilized prior to the completion of such disposition hearing unless necessary to save**
13 **its life or relieve its suffering;**

14 (2) Place ~~[impounded]~~ animals in the care or custody of a veterinarian, the
15 appropriate animal control authority, ~~[or]~~ an animal shelter, **or a third party approved by**
16 **the court**. If no appropriate veterinarian, animal control authority, ~~[or]~~ animal shelter, **or**

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 **third party** is available, the animal shall not be [~~impounded~~] **confiscated** unless it is diseased
18 or disabled beyond recovery for any useful purpose;

19 (3) Humanely kill any animal [~~impounded~~] **confiscated** if it is determined by a
20 licensed veterinarian that the animal is diseased or disabled beyond recovery for any useful
21 purpose;

22 (4) Not be liable for any **reasonable and** necessary damage to property while acting
23 under such warrant.

24 2. The owner or custodian or any person claiming an interest in any animal that has
25 been impounded because of neglect or abuse may prevent disposition of the animal by posting
26 bond or security in an amount sufficient to provide for the animal's care and keeping for at
27 least [~~thirty~~] **fifteen** days, inclusive of the date on which the animal was taken into custody.
28 Notwithstanding the fact that bond may be posted pursuant to this subsection, the authority
29 having custody of the animal may humanely dispose of the animal at the end of the time for
30 which expenses are covered by the bond or security, unless there is a court order prohibiting
31 such disposition. Such order shall provide for a bond or other security in the amount
32 necessary to protect the authority having custody of the animal from any cost of the care,
33 keeping or disposal of the animal. The authority taking custody of an animal shall give notice
34 of the provisions of this section by posting a copy of this section at the place where the animal
35 was taken into custody or by delivering [~~it~~] **such copy** to a person residing on the property.

36 3. The owner or custodian of any animal humanely killed pursuant to this section
37 shall not be entitled to recover any damages related to nor the actual value of the animal if the
38 animal was found by a licensed veterinarian to be diseased or disabled **beyond recovery for**
39 **any useful purpose**, or if the owner or custodian failed to post bond or security for the care,
40 keeping, and disposition of the animal after being notified of [~~impoundment~~] **confiscation**
41 **and after completion of the disposition hearing**.

42 4. **All animals confiscated under this section shall receive proper care as**
43 **determined by state law and regulations for each specific animal and facility or**
44 **organization where the animal is placed after such confiscation. Any such facility or**
45 **organization shall be liable to the animal owner for damages for any negligent acts or**
46 **abuse of such animal that occurs while the animal is in the care, custody, and control of**
47 **the facility or organization.**

48 5. **Any person or entity that intentionally euthanizes, other than as permissible**
49 **under this section, or intentionally sterilizes an animal prior to a disposition hearing is**
50 **guilty of a class B misdemeanor and shall be liable to the owner of the animal for**
51 **damages including, but not limited to, the actual value of the animal. Each violation**
52 **against each individual animal is a separate offense. Any second or subsequent violation**

53 **is a class A misdemeanor and any entity licensed under state law shall be subject to**
54 **licensure sanction by its governing body.**

578.030. 1. The provisions of section 43.200 notwithstanding, any member of the
2 state highway patrol or other law enforcement officer may apply for and serve a search
3 warrant, and shall have the power of search and seizure in order to enforce the provisions of
4 sections 578.025 to 578.050. **All requests for such warrants shall be signed, witnessed,**
5 **and accompanied by an affidavit stating the probable cause to believe a violation of**
6 **sections 578.025 to 578.050 has occurred.**

7 2. Any member of the state highway patrol or other law enforcement officer making
8 an arrest under section 578.025 shall lawfully take possession of all dogs or other animals **in**
9 **accordance with the provisions of section 578.018** and all paraphernalia, implements, or
10 other property or things used or employed, or about to be employed, in the violation of any of
11 the provisions of section 578.025. Such officer, after taking possession of such dogs, animals,
12 paraphernalia, implements or other property or things, shall file with the court before whom
13 the complaint is made against any person so arrested an affidavit stating therein the name of
14 the person charged in such complaint, a description of the property so taken and the time and
15 place of the taking thereof together with the name of the person from whom the same was
16 taken and the name of the person who claims to own such property, if known, and that the
17 affiant has reason to believe and does believe, stating the ground of such belief, that the
18 property so taken was used or employed, or was about to be used or employed, in such
19 violation of section 578.025. ~~[He or she]~~ **The officer** shall thereupon deliver the property so
20 taken to the court, which shall, by order in writing, place the same in the custody of an officer
21 or other proper person named and designated in such order, to be kept by ~~[him or her]~~ **such**
22 **officer or other proper person named and designated in such order** until the conviction or
23 final discharge of such person complained against, and shall send a copy of such order
24 without delay to the prosecuting attorney of the county. The officer or person so named and
25 designated in such order shall immediately thereupon assume the custody of such property
26 and shall retain the same, subject to the order of the court before which such person so
27 complained against may be required to appear for trial. **If the property includes animals,**
28 **the placement of the animals shall be handled in accordance with the provisions of**
29 **section 578.018.** Upon the conviction of the person so charged, all property so seized shall be
30 adjudged by the court to be forfeited and shall thereupon be destroyed or otherwise disposed
31 of as the court may order. In the event of the acquittal or final discharge without conviction of
32 the person so charged, such court shall, on demand, direct the delivery of such property so
33 held in custody to the owner thereof.

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