

SECOND REGULAR SESSION

HOUSE BILL NO. 1970

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BURGER.

3515H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 578.024, RSMo, and to enact in lieu thereof one new section relating to the offense of keeping a dangerous dog, with penalty provisions.

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

Section A. Section 578.024, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 578.024, to read as follows:

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

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

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

or

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

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

3. In addition to the penalty included in subsection 2 of this section, if any dog that has previously bitten a person or a domestic animal without provocation bites any person on a subsequent occasion or if a dog that has not previously bitten a person attacks and causes serious injury to or the death of any human, the dog shall be seized immediately by an animal control authority or by the county sheriff. The dog shall be impounded and held for ten

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 business days after the owner or possessor is given written notification and thereafter
18 destroyed.

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

29 5. Notwithstanding any provision of sections 273.033 and 273.036, section 578.022
30 and this section to the contrary, if a dog attacks or bites a person who is engaged in or
31 attempting to engage in a criminal activity at the time of the attack, the owner or possessor is
32 not guilty of any crime specified under this section or section 273.036, and is not civilly liable
33 under this section or section 273.036, nor shall such dog be destroyed as provided in
34 subsection 3 of this section, nor shall such person engaged in or attempting to engage in a
35 criminal activity at the time of the attack be entitled to the defenses set forth in section
36 273.033. For purposes of this section "criminal activity" shall not include the act of trespass
37 upon private property under section 569.150 as long as the trespasser does not otherwise
38 engage in, attempt to engage in, or have intent to engage in other criminal activity nor shall it
39 include any trespass upon private property by a person under the age of twelve under section
40 569.140.

41 **6. For purposes of this section, "physically injures" or "physically injured"**
42 **means slight impairment of any function of the body or temporary loss of use of any**
43 **part of the body.**

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