

FIRST REGULAR SESSION

SENATE BILL NO. 164

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROMINE.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0321S.011

AN ACT

To repeal sections 578.005, 578.007, and 578.011, RSMo, and to enact in lieu thereof three new sections relating to the offense of animal or livestock trespass, with penalty provisions.

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

Section A. Sections 578.005, 578.007, and 578.011, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 578.005,
3 578.007, and 578.040, to read as follows:

578.005. As used in sections 578.005 to 578.023, the following terms shall
2 mean:

3 (1) "Adequate care", normal and prudent attention to the needs of an
4 animal, including wholesome food, clean water, shelter and health care as
5 necessary to maintain good health in a specific species of animal;

6 (2) ["Adequate control", to reasonably restrain or govern an animal so that
7 the animal does not injure itself, any person, any other animal, or property;

8 (3)] "Animal", every living vertebrate except a human being;

9 [(4)] **(3)** "Animal shelter", a facility which is used to house or contain
10 animals and which is owned, operated, or maintained by a duly incorporated
11 humane society, animal welfare society, society for the prevention of cruelty to
12 animals, or other not-for-profit organization devoted to the welfare, protection,
13 and humane treatment of animals;

14 [(5)] **(4)** "Farm animal", an animal raised on a farm or ranch and used
15 or intended for use in farm or ranch production, or as food or fiber;

16 [(6)] **(5)** "Farm animal professional", any individual employed at a
17 location where farm animals are harbored;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 [(7)] (6) "Harbor", to feed or shelter an animal at the same location for
19 three or more consecutive days;

20 [(8)] (7) "Humane killing", the destruction of an animal accomplished by
21 a method approved by the American Veterinary Medical Association's Panel on
22 Euthanasia (JAVMA 173: 59-72, 1978); or more recent editions, but animals killed
23 during the feeding of pet carnivores shall be considered humanely killed;

24 [(9)] (8) "Owner", in addition to its ordinary meaning, any person who
25 keeps or harbors an animal or professes to be owning, keeping, or harboring an
26 animal;

27 [(10)] (9) "Person", any individual, partnership, firm, joint stock
28 company, corporation, association, trust, estate, or other legal entity;

29 [(11)] (10) "Pests", birds, rabbits, or rodents which damage property or
30 have an adverse effect on the public health, but shall not include any endangered
31 species listed by the United States Department of the Interior nor any
32 endangered species listed in the Wildlife Code of Missouri.

 578.007. The provisions of section 574.130, sections 578.005 to 578.023
2 **and section 578.040** shall not apply to:

3 (1) Care or treatment performed by a licensed veterinarian within the
4 provisions of chapter 340;

5 (2) Bona fide scientific experiments;

6 (3) Hunting, fishing, or trapping as allowed by chapter 252, including all
7 practices and privileges as allowed under the Missouri Wildlife Code;

8 (4) Facilities and publicly funded zoological parks currently in compliance
9 with the federal "Animal Welfare Act" as amended;

10 (5) Rodeo practices currently accepted by the Professional Rodeo Cowboy's
11 Association;

12 (6) The killing of an animal by the owner thereof, the agent of such owner,
13 or by a veterinarian at the request of the owner thereof;

14 (7) The lawful, humane killing of an animal by an animal control officer,
15 the operator of an animal shelter, a veterinarian, or law enforcement or health
16 official;

17 (8) With respect to farm animals, normal or accepted practices of animal
18 husbandry;

19 (9) The killing of an animal by any person at any time if such animal is
20 outside of the owned or rented property of the owner or custodian of such animal
21 and the animal is injuring any person or farm animal but shall not include police

22 or guard dogs while working;

23 (10) The killing of house or garden pests; or

24 (11) Field trials, training and hunting practices as accepted by the
25 Professional Houndsmen of Missouri.

[578.011.] **578.040. 1. For purposes of this section, the following**
2 **terms shall mean:**

3 (1) "Adequate control", to reasonably restrain or govern an
4 animal so that the animal does not injure itself, any person, any other
5 animal, or property;

6 (2) "Animal", any living vertebrate except a human being or
7 livestock as the term "livestock" is defined under section 265.300.

8 2. A person [is guilty] **commits the offense of animal or livestock**
9 trespass if a person:

10 (1) Having ownership or custody of an animal knowingly fails to provide
11 adequate control [for a period equal to or exceeding twelve hours] **and the**
12 **animal trespasses onto another person's property; or**

13 (2) **Having ownership or custody of livestock as the term**
14 **"livestock" is defined under section 265.300 knowingly fails to provide**
15 **adequate control of the livestock for a period of twelve hours or more**
16 **and the livestock trespasses onto another person's property.**

17 [2.] **3. The offense of animal or livestock trespass is an infraction**
18 **[upon first conviction and for each offense punishable by a fine not to exceed two**
19 **hundred dollars, and], unless the person has previously been found guilty**
20 **of a violation of this section in which case it is a class C misdemeanor**
21 **[punishable by imprisonment or a fine not to exceed five hundred dollars, or both,**
22 **upon the second and all subsequent convictions]. All fines for a first [conviction**
23 **of animal trespass] finding of guilt under this section may be waived by the**
24 **court provided that the person found guilty of animal or livestock trespass**
25 **shows that adequate, permanent remedies for the trespass have been**
26 **made. [Reasonable costs incurred for the care and maintenance of trespassing**
27 **animals may not be waived.] This section shall not apply to the provisions of**
28 **section 578.007 or sections 272.010 to 272.370.**

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