

FIRST REGULAR SESSION

# SENATE BILL NO. 382

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR GANNON.

1218S.01H

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 135.550, 491.725, 575.010, 575.353, and 578.012, RSMo, and to enact in lieu thereof eleven new sections relating to the regulation of animals, with penalty provisions.

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

Section A. Sections 135.550, 491.725, 575.010, 575.353, 2 and 578.012, RSMo, are repealed and eleven new sections enacted 3 in lieu thereof, to be known as sections 67.142, 135.550, 4 135.790, 252.035, 273.407, 491.725, 575.010, 575.352, 575.353, 5 575.354, and 578.012, to read as follows:

**67.142. 1. Nothing in this chapter shall be construed 2 to limit in any manner the authority of any village, town, 3 city, including home rule city, or county to prohibit dogs 4 from running at large or to further control or regulate dogs 5 within its boundaries, provided that no such ordinance, 6 order, policy, or regulation is specific to breed.**

**2. The general assembly hereby occupies and preempts 7 the entire field of legislation regarding in any way the 8 control or regulation of specific breeds of dogs to the 9 complete exclusion of any order, ordinance, policy, or 10 regulation by any village, town, city, including any home 11 rule city, or county in this state. Any existing or future 12 order, ordinance, policy, or regulation in this field shall 13 be null and void. 14**

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

15           3. Nothing in this chapter shall infringe the ability  
16 of any village, town, city, including any home rule city, or  
17 county to enact and enforce a vicious dog order, ordinance,  
18 policy, or regulation if the order, ordinance, policy, or  
19 regulation is not specific to breed.

20           4. Any village, town, city, county, or other political  
21 subdivision with an existing order, ordinance, policy, or  
22 regulation specific to breed on August 28, 2023, shall have  
23 until February 28, 2025, to bring any order, ordinance,  
24 policy, or regulation into compliance with this section.  
25 After February 28, 2025, all orders, ordinances, policies,  
26 and regulations in violation of this section shall be  
27 unenforceable.

135.550. 1. As used in this section, the following  
2 terms shall mean:

3           (1) "Contribution", a donation of cash, stock, bonds  
4 or other marketable securities, or real property;

5           (2) "Rape crisis center", a community-based nonprofit  
6 rape crisis center, as defined in section 455.003, located  
7 in this state and that provides the twenty-four-hour core  
8 services of hospital advocacy and crisis hotline support to  
9 survivors of rape and sexual assault;

10           (3) "Shelter for victims of domestic violence", a  
11 facility located in this state which meets the definition of  
12 a shelter for victims of domestic violence pursuant to  
13 section 455.200 and which meets the requirements of section  
14 455.220, or a nonprofit organization established and  
15 operating exclusively for the purpose of supporting a  
16 shelter for victims of domestic violence operated by the  
17 state or one of its political subdivisions **and which admits**  
18 **victims of domestic violence along with his or her companion**  
19 **animal;**

20 (4) "State tax liability", in the case of a business  
21 taxpayer, any liability incurred by such taxpayer pursuant  
22 to the provisions of chapter 143, chapter 147, chapter 148,  
23 and chapter 153, exclusive of the provisions relating to the  
24 withholding of tax as provided for in sections 143.191 to  
25 143.265 and related provisions, and in the case of an  
26 individual taxpayer, any liability incurred by such taxpayer  
27 pursuant to the provisions of chapter 143;

28 (5) "Taxpayer", a person, firm, a partner in a firm,  
29 corporation or a shareholder in an S corporation doing  
30 business in the state of Missouri and subject to the state  
31 income tax imposed by the provisions of chapter 143, or a  
32 corporation subject to the annual corporation franchise tax  
33 imposed by the provisions of chapter 147, including any  
34 charitable organization which is exempt from federal income  
35 tax and whose Missouri unrelated business taxable income, if  
36 any, would be subject to the state income tax imposed under  
37 chapter 143, or an insurance company paying an annual tax on  
38 its gross premium receipts in this state, or other financial  
39 institution paying taxes to the state of Missouri or any  
40 political subdivision of this state pursuant to the  
41 provisions of chapter 148, or an express company which pays  
42 an annual tax on its gross receipts in this state pursuant  
43 to chapter 153, or an individual subject to the state income  
44 tax imposed by the provisions of chapter 143.

45 2. A taxpayer shall be allowed to claim a tax credit  
46 against the taxpayer's state tax liability, in an amount  
47 equal to fifty percent of the amount such taxpayer  
48 contributed to a shelter for victims of domestic violence or  
49 rape crisis center for all fiscal years ending on or before  
50 June 30, 2022, and seventy percent of the amount such  
51 taxpayer contributed to a shelter for victims of domestic

52 violence or rape crisis center for all fiscal years  
53 beginning on or after July 1, 2022.

54 3. The amount of **[the] any** tax credit claimed **under**  
55 **subsection 2, 9, or 10 of this section** shall not exceed the  
56 amount of the taxpayer's state tax liability for the  
57 **[taxable] tax** year that the credit is claimed, and such  
58 taxpayer shall not be allowed to claim a tax credit in  
59 excess of fifty thousand dollars per **[taxable] tax** year.  
60 However, any tax credit that cannot be claimed in the  
61 **[taxable] tax** year the contribution was made may be carried  
62 over only to the next succeeding tax year. Tax credits  
63 issued pursuant to this section shall not be assigned,  
64 transferred, or sold.

65 4. Except for any excess credit which is carried over  
66 pursuant to subsection 3 of this section, a taxpayer shall  
67 not be allowed to claim a tax credit **under subsection 2 of**  
68 **this section** unless the total amount of such taxpayer's  
69 contribution or contributions to a shelter or shelters for  
70 victims of domestic violence or rape crisis center in such  
71 taxpayer's **[taxable] tax** year has a value of at least one  
72 hundred dollars.

73 5. The director of the department of social services  
74 shall determine, at least annually, which facilities in this  
75 state may be classified as shelters for victims of domestic  
76 violence and rape crisis centers. The director of the  
77 department of social services may require of a facility  
78 seeking to be classified as a shelter for victims of  
79 domestic violence or rape crisis center whatever information  
80 is reasonably necessary to make such a determination. The  
81 director of the department of social services shall classify  
82 a facility as a shelter for victims of domestic violence or

83 rape crisis center if such facility meets the definition set  
84 forth in subsection 1 of this section.

85         6. The director of the department of social services  
86 shall establish a procedure by which a taxpayer can  
87 determine if a facility has been classified as a shelter for  
88 victims of domestic violence or rape crisis center, and by  
89 which such taxpayer can then contribute to such shelter for  
90 victims of domestic violence or rape crisis center and claim  
91 **[a] the tax credit authorized under subsection 2 of this**  
92 **section.** Shelters for victims of domestic violence and rape  
93 crisis centers shall be permitted to decline a contribution  
94 from a taxpayer. The cumulative amount of tax credits  
95 **authorized under subsection 2 of this section** which may be  
96 claimed by all the taxpayers contributing to shelters for  
97 victims of domestic violence and rape crisis centers in any  
98 one fiscal year shall not exceed two million dollars for all  
99 fiscal years ending on or before June 30, 2022. For all  
100 fiscal years beginning on or after July 1, 2022, there shall  
101 be no limit imposed on the cumulative amount of tax credits  
102 that may be claimed by all taxpayers contributing to  
103 shelters for victims of domestic violence and rape crisis  
104 centers under the provisions of this section.

105         7. For all fiscal years ending on or before June 30,  
106 2022, the director of the department of social services  
107 shall establish a procedure by which, from the beginning of  
108 the fiscal year until some point in time later in the fiscal  
109 year to be determined by the director of the department of  
110 social services, the cumulative amount of tax credits  
111 **authorized under subsection 2 of this section** are equally  
112 apportioned among all facilities classified as shelters for  
113 victims of domestic violence and rape crisis centers. If a  
114 shelter for victims of domestic violence or rape crisis

115 center fails to use all, or some percentage to be determined  
116 by the director of the department of social services, of its  
117 apportioned tax credits during this predetermined period of  
118 time, the director of the department of social services may  
119 reapportion these unused tax credits to those shelters for  
120 victims of domestic violence and rape crisis centers that  
121 have used all, or some percentage to be determined by the  
122 director of the department of social services, of their  
123 apportioned tax credits during this predetermined period of  
124 time. The director of the department of social services may  
125 establish more than one period of time and reapportion more  
126 than once during each fiscal year. To the maximum extent  
127 possible, the director of the department of social services  
128 shall establish the procedure described in this subsection  
129 in such a manner as to ensure that taxpayers can claim all  
130 the tax credits possible up to the cumulative amount of tax  
131 credits available for the fiscal year.

132       **8. Except as otherwise provided, the provisions of**  
133 this section shall become effective January 1, 2000, and  
134 shall apply to all tax years after December 31, 1999.

135       **9. For all tax years beginning on or after January 1,**  
136 **2024, in addition to all other tax credits authorized under**  
137 **this section, a taxpayer shall be allowed to claim a credit**  
138 **against the taxpayer's state tax liability in an amount**  
139 **equal to one thousand dollars if such taxpayer has converted**  
140 **abandoned property, as that term is defined in section**  
141 **447.700, into an operational shelter for victims of domestic**  
142 **violence in the tax year for which the credit is sought.**

143       **10. For all tax years beginning on or after January 1,**  
144 **2024, in addition to all other tax credits authorized under**  
145 **this section, a taxpayer shall be allowed to claim a credit**  
146 **against the taxpayer's state tax liability in an amount**

147 equal to five hundred dollars if the taxpayer has rented  
148 residential real estate to a victim of domestic violence, as  
149 that term is defined in section 455.010, in the tax year for  
150 which the credit is sought.

151 11. The department of social services and the  
152 department of revenue may jointly promulgate all necessary  
153 rules and regulations for the administration of subsections  
154 9 and 10 of this section. Any rule or portion of a rule, as  
155 that term is defined in section 536.010, that is created  
156 under the authority delegated in this section shall become  
157 effective only if it complies with and is subject to all of  
158 the provisions of chapter 536 and, if applicable, section  
159 536.028. This section and chapter 536 are nonseverable, and  
160 if any of the powers vested with the general assembly  
161 pursuant to chapter 536 to review, to delay the effective  
162 date, or to disapprove and annul a rule are subsequently  
163 held unconstitutional, then the grant of rulemaking  
164 authority and any rule proposed or adopted after August 28,  
165 2023, shall be invalid and void.

135.790. 1. As used in this section, the following  
2 terms mean:

3 (1) "Animal shelter", the same meaning given to such  
4 term in section 273.325;

5 (2) "Qualified amount", for any qualified pet  
6 adoption, the total amount of moneys paid by a taxpayer to  
7 an animal shelter for such qualified pet adoption, up to one  
8 hundred twenty-five dollars;

9 (3) "Qualified pet adoption", any adoption by a  
10 taxpayer of an animal from an animal shelter;

11 (4) "Tax credit", a credit against the tax otherwise  
12 due in chapter 143, excluding withholding tax imposed in  
13 sections 143.191 to 143.265;

14           (5) "Taxpayer", any individual subject to the state  
15 income tax imposed in chapter 143, excluding withholding tax  
16 imposed in sections 143.191 to 143.265.

17           2. For all tax years beginning on or after January 1,  
18 2024, a taxpayer shall be allowed to claim tax credits  
19 against the taxpayer's state tax liability for qualified pet  
20 adoptions made by the taxpayer during the tax year. The  
21 amount of any tax credit claimed for a qualified pet  
22 adoption shall be equal to the qualified amount for such  
23 qualified pet adoption.

24           3. The cumulative amount of tax credits allowed to all  
25 taxpayers pursuant to this section shall not exceed five  
26 hundred thousand dollars.

27           4. No tax credit claimed pursuant to this section  
28 shall be assigned, transferred, sold, or otherwise  
29 conveyed. No tax credit claimed pursuant to this section  
30 shall be carried forward to any subsequent tax year.

31           5. The department of revenue shall promulgate all  
32 necessary rules and regulations to administer the provisions  
33 of this section. Any rule or portion of a rule, as that  
34 term is defined in section 536.010, that is created under  
35 the authority delegated in this section shall become  
36 effective only if it complies with and is subject to all of  
37 the provisions of chapter 536 and, if applicable, section  
38 536.028. This section and chapter 536 are nonseverable, and  
39 if any of the powers vested with the general assembly  
40 pursuant to chapter 536 to review, to delay the effective  
41 date, or to disapprove and annul a rule are subsequently  
42 held unconstitutional, then the grant of rulemaking  
43 authority and any rule proposed or adopted after August 28,  
44 2023, shall be invalid and void.

45           6. Under section 23.253 of the Missouri sunset act:



46           (1) The provisions of this section shall automatically  
47 sunset on December thirty-first six years after the  
48 effective date of this section unless reauthorized by an act  
49 of the general assembly;

50           (2) If the provisions of this section are  
51 reauthorized, such provisions shall automatically sunset on  
52 December thirty-first twelve years after the effective date  
53 of the reauthorization; and

54           (3) This section shall terminate on September first of  
55 the calendar year immediately following the calendar year in  
56 which the provisions of this section are sunset.

          252.035. 1. This section shall be known and may be  
2 cited as "Max's Law".

3           2. As used in this section, the following terms mean:

4           (1) "Deer feed", any fruits, grains, minerals, plants,  
5 salt licks, vegetables, seeds, nuts, hay, food products, or  
6 any other edible materials that may reasonably be expected  
7 to result in supplemental feeding of deer;

8           (2) "Feeder", any feeder station, broadcast feeder, or  
9 other device that contains, distributes, or makes deer feed  
10 attractive and readily available to deer;

11           (3) "Food products", any material or commercially  
12 produced foods made for consumption by humans or domestic or  
13 wild animals including, but not limited to, scents, lures,  
14 grains, pellet feed, powders, liquids, fruits, vegetables,  
15 grains, or minerals;

16           (4) "Supplemental feeding", the intentional act of  
17 using, placing, giving, exposing, depositing, distributing,  
18 or scattering or permitting to be used, placed, given,  
19 exposed, deposited, distributed, or scattered any deer feed  
20 or a device containing deer feed on the ground or within  
21 five feet of the ground for the sole purpose of feeding deer.

22           3. Beginning August 28, 2023, no person shall  
23 purposely:

24           (1) Engage in the supplemental feeding of deer; or

25           (2) Hang, mount, display, or maintain any feeder.

26           4. (1) A person commits the offense of unlawful  
27 feeding of deer if such person violates subsection 3 of this  
28 section. The first offense of unlawful feeding of deer  
29 shall result in a written warning to such person and the  
30 second and subsequent offenses shall result in a written  
31 notice to such person and shall be punishable as an  
32 infraction.

33           (2) After receipt of a warning or notice pursuant to  
34 subdivision (1) of this subsection, such person shall remove  
35 any deer feed or device for supplemental feeding existing on  
36 such person's real property in violation of this section.  
37 Failure to remove such deer feed or device for supplemental  
38 feeding within twenty-four hours after receipt of such  
39 warning or notice shall constitute a separate violation.

40           (3) Any homeowners association, community improvement  
41 district, or neighborhood association that fails to report  
42 any violation of subsection 3 of this section shall be  
43 subject to the same penalty as such person committing the  
44 offense.

45           5. This section shall not apply to any deer feed or  
46 device containing deer feed that is screened or otherwise  
47 protected from deer.

48           6. This section shall not apply to common agricultural  
49 or horticultural practices such as the planting of  
50 agricultural crops or to wildlife food plots in rural areas.

51           7. This section shall apply to the use and storage of  
52 birdseed in a manner that is accessible to deer.

53           8. This section shall apply only to actions occurring  
54 within counties with a charter form of government.

          273.407. 1. As used in this section, the following  
2 terms mean:

3           (1) "Animal rescue organization", an entity, other  
4 than an animal shelter, operating on a nonprofit basis to  
5 place unwanted, abandoned, abused, or stray dogs or cats in  
6 permanent adopted homes;

7           (2) "Qualified animal research facility", a facility,  
8 including institutions of higher education, that is used for  
9 experimentation on dogs or cats for the purposes of  
10 research, education, testing, or other scientific purposes  
11 and that receives moneys from the state or federal  
12 government. The term "qualified animal research facility"  
13 includes those facilities that collaborate with other  
14 facilities to conduct experimentation on dogs or cats for  
15 the purposes of research, education, testing, or other  
16 scientific purposes;

17           (3) "Retired animal", a dog or cat that was confined  
18 and previously used for research, education, testing, or  
19 other scientific purposes at a qualified animal research  
20 facility, but is no longer required to be confined by the  
21 qualified animal research facility for research, education,  
22 testing, or other scientific purposes.

23           2. All qualified animal research facilities shall  
24 establish an adoption program for retired animals confined  
25 at the qualified animal research facility for placement in a  
26 permanent adoptive home. To be eligible for adoption under  
27 the program, the retired animal shall have no substantial  
28 medical conditions and pose no safety risk to the public  
29 that would prevent the retired animal's successful  
30 integration into a permanent adoptive home.

31           3. Once a dog or cat becomes a retired animal and is  
32 eligible for adoption under the adoption program, the  
33 qualified animal research facility shall:

34           (a) Offer to transfer ownership and custody of the  
35 retired animal to an animal shelter or animal rescue  
36 organization to facilitate the transfer of ownership and  
37 custody of the retired animal to an individual for placement  
38 according to an agreement with one or more animal shelters  
39 or animal rescue organizations electing to participate in  
40 the program; or

41           (b) Offer to transfer ownership and custody of the  
42 retired animal to an individual for private placement in the  
43 individual's permanent adoptive home according to an  
44 arrangement between the qualified animal research facility  
45 and the individual.

          491.725. 1. This section shall be known and may be  
2 cited as the "Child Witness Protection Act".

3           2. As used in this section, the following terms shall  
4 mean:

5           (1) "Certified therapeutic dog", a dog which has  
6 received the requisite training or certification from an  
7 organization that places dogs in hospitals, nursing homes,  
8 and other facilities where the emotional benefits of therapy  
9 through the use of dogs is recognized;

10           (2) "Child", a person fourteen years of age or under,  
11 or at the discretion of the court, a person fifteen to  
12 seventeen years of age, who is a witness in any judicial  
13 proceeding under chapter 452 or 453, [or] the alleged victim  
14 or witness in any judicial proceeding under chapter 455,  
15 565, 566, or 568, or for purposes of subsection 4 of this  
16 section, a witness in any judicial proceeding. The court  
17 shall make written findings on the record when a child

18 fifteen to seventeen years of age is included under this  
19 subdivision. "Victim" or "witness" shall not include any  
20 child accused of committing a felony; however, these terms  
21 may, in the court's discretion, include:

22 (a) A child where such child's participation in a  
23 felony appears to have been induced, coerced, or unwilling;  
24 or

25 (b) A child who has participated in the felony, but  
26 who has subsequently and voluntarily agreed to testify on  
27 behalf of the state;

28 [(2)] (3) "Support person", an adult, designated by  
29 the court to serve as a support person, who is known to the  
30 child victim or witness and who has no direct legal or  
31 pecuniary interest in the outcome of the judicial proceeding;

32 (4) **"Vulnerable person", a person who, as a result of**  
33 **an inadequately developed or impaired intelligence or a**  
34 **psychiatric disorder that materially affects ability to**  
35 **function, lacks the mental capacity to consent, or whose**  
36 **developmental level does not exceed that of an ordinary**  
37 **child of fourteen years of age.**

38 3. In order to facilitate testimony that is fair and  
39 accurate, for the benefit of all parties, and in order to  
40 protect all parties from the risks of a child becoming  
41 confused while testifying in a judicial proceeding, the  
42 following child witness protection act shall apply to all  
43 children testifying in court:

44 (1) Whether at a competency hearing or trial itself,  
45 the judge shall ensure that any oath that is required of a  
46 child shall be administered in such a manner that the child  
47 may fully understand his or her duty to tell the truth;

48 (2) The court shall take care to ensure that questions  
49 are stated in a form which is appropriate to the age of the

50 child. The court shall explain to the child that if he or  
51 she does not understand a question, the child has the right  
52 to say that he or she does not understand the question and  
53 to have the question restated in a form that the child does  
54 understand;

55 (3) In the court's discretion, the taking of testimony  
56 from a child victim or witness may be limited in duration or  
57 limited to normal school hours. The court may order a  
58 recess when the energy, comfort, or attention span of the  
59 child warrants;

60 (4) Upon motion made by the child, his or her  
61 representative, or any party to the judicial proceeding, at  
62 least thirty days in advance of the judicial proceeding, the  
63 court may allow the child to have a toy, blanket, or similar  
64 item in his or her possession while testifying, but such  
65 item shall only be allowed if:

66 (a) All parties agree; or

67 (b) If the movant shows the court by a preponderance  
68 of evidence that:

69 a. The child in question cannot reliably testify  
70 without the item in his or her possession; and

71 b. Allowing the item is not likely to prejudice the  
72 trier of fact in hearing and evaluating the child's  
73 testimony;

74 (5) Upon motion made by the child, his or her  
75 representative, or any party to the judicial proceeding, at  
76 least thirty days in advance of the judicial proceeding, the  
77 court may designate a support person, who shall be present  
78 in the courtroom, in view of the child witness. The court  
79 may allow the support person to remain in close proximity to  
80 the child during the child's testimony, but such action  
81 shall only be allowed if:

82 (a) All parties agree; or

83 (b) If the movant shows the court by a preponderance  
84 of the evidence that:

85 a. The child in question cannot reliably testify  
86 without the support person in close proximity during the  
87 testimony; and

88 b. Allowing the support person to be in close  
89 proximity to the child during testimony is not likely to  
90 prejudice the trier of fact in hearing and evaluating the  
91 child's testimony.

92 The support person shall not obscure the child from the view  
93 of the defendant or the trier of fact. A support person  
94 shall not provide the child with an answer to any question  
95 directed to the child during the course of the child's  
96 testimony or otherwise prompt the child or otherwise  
97 influence the testimony of the child. If the support person  
98 attempts to influence or affect in any manner the testimony  
99 of the child victim or witness during the giving of  
100 testimony or at any other time, the court shall exclude that  
101 support person, refer the matter of misconduct of the  
102 support person to the prosecuting attorney, and designate an  
103 alternative support person;

104 (6) The court shall prevent intimidation or harassment  
105 of the child witness by the parties or their attorneys.

106 Insofar as it is consistent with the constitutional rights  
107 of the parties to confront and cross-examine adverse  
108 witnesses, the judge may rephrase any questions in order to  
109 prevent any such intimidation or harassment; and

110 (7) Upon its own motion or the motion of any party to  
111 the judicial proceeding, at least thirty days in advance of  
112 the judicial proceeding, the court may order such

113 accommodations as are appropriate under the circumstances to  
114 ensure the comfort of the child victim or witness, including  
115 the following measures:

116 (a) Adjusting the layout of the courtroom;

117 (b) Conducting the proceedings outside the normal  
118 courtroom; or

119 (c) Relaxing the formalities of the proceedings;

120 provided that, such measures are consistent with the rights  
121 of all parties under the constitution and laws of the United  
122 States and the state of Missouri.

123 **4. A child or vulnerable person testifying in a**  
124 **judicial proceeding shall be entitled to have in close**  
125 **proximity a certified therapeutic dog accompanied by the**  
126 **certified therapeutic dog's handler in lieu of a support**  
127 **person provided by subdivision (5) of subsection 3 of this**  
128 **section.**

575.010. The following definitions shall apply to this  
2 chapter and chapter 576:

3 (1) "Affidavit" means any written statement which is  
4 authorized or required by law to be made under oath, and  
5 which is sworn to before a person authorized to administer  
6 oaths;

7 (2) "Government" means any branch or agency of the  
8 government of this state or of any political subdivision  
9 thereof;

10 (3) "Highway" means any public road or thoroughfare  
11 for vehicles, including state roads, county roads and public  
12 streets, avenues, boulevards, parkways or alleys in any  
13 municipality;



14           (4) "Judicial proceeding" means any official  
15 proceeding in court, or any proceeding authorized by or held  
16 under the supervision of a court;

17           (5) "Juror" means a grand or petit juror, including a  
18 person who has been drawn or summoned to attend as a  
19 prospective juror;

20           (6) "Jury" means a grand or petit jury, including any  
21 panel which has been drawn or summoned to attend as  
22 prospective jurors;

23           (7) **"Law enforcement animal" means a dog, horse or**  
24 **other animal used in law enforcement or a correctional**  
25 **facility, or by a municipal police department, fire**  
26 **department, search and rescue unit or agency, whether the**  
27 **animal is on duty or not on duty. The term shall include,**  
28 **but not be limited to, accelerant detection dogs, bomb**  
29 **detection dogs, narcotic detection dogs, search and rescue**  
30 **dogs, and tracking animals;**

31           (8) "Official proceeding" means any cause, matter, or  
32 proceeding where the laws of this state require that  
33 evidence considered therein be under oath or affirmation;

34           [(8) "Police animal" means a dog, horse or other  
35 animal used in law enforcement or a correctional facility,  
36 or by a municipal police department, fire department, search  
37 and rescue unit or agency, whether the animal is on duty or  
38 not on duty. The term shall include, but not be limited to,  
39 accelerant detection dogs, bomb detection dogs, narcotic  
40 detection dogs, search and rescue dogs and tracking animals;]

41           (9) "Public record" means any document which a public  
42 servant is required by law to keep;

43           (10) "Testimony" means any oral statement under oath  
44 or affirmation;

45 (11) "Victim" means any natural person against whom  
46 any crime is deemed to have been perpetrated or attempted;

47 (12) "Witness" means any natural person:

48 (a) Having knowledge of the existence or nonexistence  
49 of facts relating to any crime; or

50 (b) Whose declaration under oath is received as  
51 evidence for any purpose; or

52 (c) Who has reported any crime to any peace officer or  
53 prosecutor; or

54 (d) Who has been served with a subpoena issued under  
55 the authority of any court of this state.

**575.352. 1. A person commits the offense of killing a  
2 law enforcement animal if the person intentionally targets  
3 and kills a law enforcement animal while the law enforcement  
4 animal is in the performance of its duties.**

**5 2. The offense of killing a law enforcement animal is  
6 a class A felony.**

575.353. 1. A person commits the offense of assault  
2 on a [police] **law enforcement** animal if he or she knowingly  
3 attempts to kill or disable or knowingly causes or attempts  
4 to cause serious physical injury to a [police] **law  
5 enforcement** animal when that animal is involved in law  
6 enforcement investigation, apprehension, tracking, or  
7 search, or the animal is in the custody of or under the  
8 control of a law enforcement officer, department of  
9 corrections officer, municipal police department, fire  
10 department or a rescue unit or agency.

**11 2. The offense of assault on a [police] law  
12 enforcement** animal is a class [C] **A** misdemeanor, unless the  
13 assault results in the death of such animal or disables such  
14 animal to the extent it is unable to be utilized as a

15 [police] law enforcement animal, in which case it is a class  
16 [E] B felony.

17 3. A person convicted of the offense of assault on a  
18 law enforcement animal shall make restitution for injuries  
19 caused to the law enforcement animal and shall pay the  
20 replacement costs of the law enforcement animal if, as a  
21 result of the offense, the law enforcement animal can no  
22 longer perform its duties.

575.354. A person commits the offense of harassment of  
2 a law enforcement animal if a person intentionally,  
3 knowingly, or maliciously harasses, teases, or interferes  
4 with or attempts to interfere with a law enforcement animal  
5 while the law enforcement animal is in the performance of  
6 its duties.

578.012. 1. A person commits the offense of animal  
2 abuse if he or she:

3 (1) Intentionally or purposely kills an animal in any  
4 manner not allowed by or expressly exempted from the  
5 provisions of sections 578.005 to 578.023 and 273.030;

6 (2) Purposely or intentionally causes injury or  
7 suffering to an animal; or

8 (3) Having ownership or custody of an animal knowingly  
9 fails to provide adequate care which results in substantial  
10 harm to the animal.

11 2. Animal abuse is a class [A misdemeanor] E felony,  
12 unless the defendant has previously been found guilty of  
13 animal abuse or the suffering involved in subdivision (2) of  
14 subsection 1 of this section is the result of torture or  
15 mutilation consciously inflicted while the animal was alive,  
16 in which case it is a class [E] D felony.

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