

SENATE BILL NO. 765

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR LUETKEMEYER.

4474S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 575.353, 578.007, and 578.022, RSMo, and to enact in lieu thereof three new sections relating to the offense of assault on a law enforcement animal, with penalty provisions.

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

Section A. Sections 575.353, 578.007, and 578.022, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 575.353, 578.007, and 578.022, to read as follows:

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

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

[2.] 3. The offense of assault on a **[police] law enforcement** animal is a **[class C misdemeanor, unless]:**

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

15 (1) **Class A misdemeanor, if the law enforcement animal**
16 **is not injured to the point of requiring veterinary care or**
17 **treatment;**

18 (2) **Class E felony if the law enforcement animal is**
19 **seriously injured to the point of requiring veterinary care**
20 **or treatment; and**

21 (3) **Class D felony if** the assault results in the death
22 of such animal [or disables such animal to the extent it is
23 unable to be utilized as a police animal, in which case it
24 is a class E felony].

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

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

5 (2) Bona fide scientific experiments;

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

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

12 (5) Rodeo practices currently accepted by the
13 Professional Rodeo Cowboy's Association;

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

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

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

22 (9) The killing of an animal by any person at any time
23 if such animal is outside of the owned or rented property of
24 the owner or custodian of such animal and the animal is
25 injuring any person or farm animal, but **this exemption** shall
26 not include [police or guard dogs] **the killing or injuring**
27 **of a law enforcement animal** while working;

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

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

578.022. Any dog that is owned, or the service of
2 which is employed, by a law enforcement agency and that
3 bites **or injures** another animal or human in the course of
4 their official duties is exempt from the provisions of
5 sections 273.033 [and], 273.036 [and section], **578.012, and**
6 578.024.

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