

FIRST REGULAR SESSION

HOUSE BILL NO. 211

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SUTHERLAND (Sponsor) AND MYERS (Co-sponsor).

Read 1st time January 12, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0385L.011

AN ACT

To amend chapter 578, RSMo, by adding thereto twenty-three new sections relating to the large carnivore act, with penalty provisions.

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

Section A. Chapter 578, RSMo, is amended by adding thereto twenty-three new sections,
2 to be known as sections 578.600, 578.602, 578.604, 578.606, 578.608, 578.610, 578.612,
3 578.614, 578.616, 578.618, 578.620, 578.622, 578.624, 578.626, 578.628, 578.630, 578.632,
4 578.634, 578.636, 578.638, 578.640, 578.642, and, 578.644, to read as follows:

**578.600. Sections 578.600 to 578.644 shall be known and may be cited as the "Large
2 Carnivore Act".**

578.602. 1. As used in sections 578.600 to 578.644, the following terms mean:

2 (1) "Animal control officer", any public health official, law enforcement official,
3 or animal control officer authorized to impound any animal found outside of the owned
4 or rented property of the owner or custodian of such animal;

5 (2) "Animal control shelter":

6 (a) A facility which is used to house or contain animals, which is owned, operated,
7 or maintained by an incorporated humane society, animal welfare society, society for the
8 prevention of cruelty to animals, or other not-for-profit organization devoted to the
9 welfare, protection, and humane treatment of such animals, or a person whose primary
10 purpose is to act as an animal rescue, to collect and care for unwanted animals or to offer
11 them for adoption; or

12 (b) A facility operated by the state or a political subdivision of the state for the

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.

13 **purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted**
14 **animals;**

15 **(3) "Circus", an incorporated, class C licensee that is licensed under Chapter I of**
16 **Title 9 of the Code of Federal Regulations, that is temporarily in this state, and that offers**
17 **skilled performances by live animals, clowns, and acrobats for public entertainment.**
18 **Circus does not include a person, whether or not a class C licensee, who presents a large**
19 **carnivore to the public as part of a carnival or for any of the following purposes:**

20 **(a) Exhibition;**

21 **(b) Education;**

22 **(c) Entertainment that includes wrestling, a photography opportunity with a**
23 **patron, or an activity in which the large carnivore and a patron are in close contact with**
24 **each other;**

25 **(4) "Department", the Missouri department of agriculture;**

26 **(5) "Facility", an indoor or outdoor cage, pen, or similar enclosure where a large**
27 **carnivore is kept;**

28 **(6) "Large carnivore", either of the following:**

29 **(a) Any of the following cats of the *Felidae* family held in captivity, including a**
30 **hybrid cross with such a cat:**

31 **a. A lion;**

32 **b. A leopard, including but not limited to a snow leopard or clouded leopard;**

33 **c. A jaguar;**

34 **d. A tiger;**

35 **e. A cougar;**

36 **f. A panther;**

37 **g. A cheetah;**

38 **(b) A bear of a species that is native or nonnative to this state and held in captivity;**

39 **(7) "Law enforcement officer":**

40 **(a) A sheriff or sheriff's deputy;**

41 **(b) A village or township marshal;**

42 **(c) An officer of the police department of a city, town, or village;**

43 **(d) An officer of the Missouri state highway patrol;**

44 **(e) A peace officer who is trained and certified under chapter 590, RSMo;**

45 **(f) A conservation officer;**

46 **(g) An animal control officer;**

47 **(h) A law enforcement officer of the federal government authorized to enforce any**
48 **federal law regulating animals;**

49 **(8) "Livestock", the same meaning as such term is defined in section 267.565,**

50 **RSMo;**

51 (9) "Local unit", a city, village, township, or county;

52 (10) "Permit", a permit issued under section 578.606;

53 (11) "Permitting agency", the agency of a local unit that issues permits under
54 section 578.606;

55 (12) "Pet shop", any facility where animals are bought, sold, exchanged, or offered
56 for retail sale to the general public;

57 (13) "Veterinarian", a person licensed to practice veterinary medicine under
58 chapter 340, RSMo.

59 **578.604. No person shall:**

60 (1) Own or possess a large carnivore except in compliance with sections 578.600 to
61 578.644;

62 (2) Breed a large carnivore;

63 (3) Transfer ownership or possession of or receive a transfer of ownership or
64 possession of a large carnivore, with or without remuneration. This subdivision shall not
65 apply to a transfer of ownership or possession of a large carnivore expressly authorized or
66 required by sections 578.600 to 578.644.

**578.606. 1. No person shall possess one or more large carnivores unless all of the
2 following apply:**

3 (1) The person owns the large carnivore;

4 (2) The person was in possession of those individual large carnivores on the
5 effective date of this section;

6 (3) The person applies for a permit for those large carnivores within ninety days
7 after the effective date of this section and obtains a permit for those large carnivores. The
8 permit applies only to those individual large carnivores. The permit is not transferable to
9 another person except through testate or intestate succession. The permit is valid in any
10 local unit in which the possession of the large carnivore is not prohibited by ordinance.

11 **2. A person shall file an application for a permit with the person specified by the
12 first of the following that applies:**

13 (1) If the large carnivores are kept in a city or village and the city or village employs
14 an animal control officer, with the city or village agency to which the animal control officer
15 is assigned;

16 (2) If the large carnivores are kept in a township and the township employs an
17 animal control officer, with the township agency to which the animal control officer is
18 assigned;

19 (3) If the county in which the large carnivores are kept employs an animal control
20 officer, with the county agency to which the animal control officer is assigned;

21 (4) If subdivisions (1), (2), and (3) of this subsection do not apply, with the county
22 sheriff of the county where the large carnivores are kept.

23 3. An applicant for a permit shall include with the application the following:

24 (1) An annual permit fee, as established by the governing body of the local unit
25 whose agency issued the permit under subsection 2 of this section and shall be not less than
26 the greater of the following:

27 (a) Twenty-five dollars, or at the option of the local unit if the applicant keeps more
28 than one large carnivore in that local unit, twenty-five dollars for each large carnivore;

29 (b) An amount necessary to cover the local unit's actual and reasonable costs of
30 enforcing sections 578.600 to 578.644;

31 (2) A written statement that does all of the following:

32 (a) Specifies the number of large carnivores owned by the applicant;

33 (b) Describes in detail each large carnivore owned by the applicant, including but
34 not limited to its identification number required under section 578.608;

35 (c) Specifies the name, address, and telephone number of the person from whom
36 the owner obtained the large carnivore, if known;

37 (3) A written statement giving the name and address of the veterinarian who is
38 expected to provide veterinary care to the large carnivore, signed by the veterinarian.

39 4. A local unit shall not issue a permit unless it finds that all of the following apply:

40 (1) The requirements of subsections 1 to 3 of this section are met;

41 (2) The applicant is twenty-one years of age or older;

42 (3) The applicant has not been found guilty of, or pled guilty or nolo contendere to,
43 a violation of a local ordinance or state law prohibiting neglect or mistreatment of an
44 animal and has not within the past ten years been convicted of a felony;

45 (4) The applicant is not subject to a court order requiring the forfeiture of a large
46 carnivore or prohibiting the ownership or possession of a large carnivore;

47 (5) The facility and the conditions in which each large carnivore will be kept
48 comply with sections 578.600 to 578.644;

49 (6) The applicant is knowledgeable about the large carnivore's care requirements.

50 5. A permit shall set forth all of the following:

51 (1) The name and address of the permit holder and the address where each large
52 carnivore will be kept, if different from that of the permit holder;

53 (2) The number of large carnivores owned by the permit holder;

54 (3) The identification number of each large carnivore required under section
55 578.608;

56 (4) The name and address of the veterinarian who is expected to provide veterinary
57 care to the large carnivore;

58 **(5) Any other reasonable information as determined by the local unit, which may**
59 **include but need not be limited to a designation of permits required by a local unit, the**
60 **department, the local department of health, the department of natural resources, the**
61 **United States Department of Agriculture, or the United States Fish and Wildlife Service.**

62 **6. A local unit that issues a permit shall notify the department of the name and**
63 **address of the permit holder and the number of large carnivores owned by the permit**
64 **holder.**

65 **7. The owner of a large carnivore shall annually pay the local unit the annual**
66 **permit fee established in subdivision (1) of subsection 3 of this section.**

578.608. The owner of a large carnivore shall have an identification number placed
2 **in the large carnivore via subcutaneous microchip, at the expense of the owner, by or under**
3 **the supervision of a veterinarian.**

578.610. 1. A large carnivore shall not be tethered outdoors, such as on a leash or
2 **chain, or allowed to run at-large. Except as provided in this section or section 578.612, a**
3 **large carnivore shall be constantly kept in a facility that meets all of the following**
4 **requirements:**

5 **(1) Is sufficiently secure to prevent the large carnivore's escape and protect the**
6 **large carnivore from injury;**

7 **(2) Is constructed of cement blocks, bricks, concrete, chain link fence, wires, or bars**
8 **of a suitable thickness, gauge, or diameter to prevent the large carnivore's escape and to**
9 **protect the large carnivore from injury;**

10 **(3) Has an entrance with a lock that is kept locked at all times when the large**
11 **carnivore is kept in the facility;**

12 **(4) Is well-braced and securely anchored at ground level or, if the facility is located**
13 **in a residence or other building, at floor level and utilizes metal clamps, ties, or braces of**
14 **a strength sufficient for cage construction for that species of large carnivore;**

15 **(5) Is enclosed within a secondary fence that is located at least three feet outside of**
16 **the walls of the facility and is adequate to prevent a human from coming into contact with**
17 **the large carnivore;**

18 **(6) Has a floor area that meets or exceeds the minimum standards for housing as**
19 **prescribed under the Animal Welfare Act, Public Law 89-544, 7 U.S.C. Sections 2131 to**
20 **2147, 2149 and 2151 to 2159, and regulations promulgated under that act.**

21 **2. The owner of a large carnivore may take the large carnivore outdoors if the**
22 **owner of the large carnivore holds the large carnivore under control on a secure leash that**
23 **is not more than six feet long and either or both of the following apply:**

24 **(1) The large carnivore is within a securely fenced area;**

25 **(2) The large carnivore is being moved between any two of the following:**

- 26 (a) **The large carnivore's facility;**
27 (b) **The dwelling of the owner of the large carnivore under subsection 2 of this**
28 **section;**
29 (c) **A shift cage under subsection 4 of this section;**
30 (d) **A vehicle under section 578.612;**
31 (e) **A veterinarian's office or veterinary hospital.**
- 32 **3. A large carnivore may be kept in a shift cage while the large carnivore's facility**
33 **is being cleaned. The shift cage shall be of a size appropriate for the large carnivore and**
34 **of a construction adequate to safely contain the large carnivore.**
- 35 **4. The owner of a large carnivore shall do all of the following:**
- 36 **(1) Present a permit for the large carnivore upon the request of a law enforcement**
37 **officer;**
- 38 **(2) Post and maintain signs on property on which a large carnivore is kept stating**
39 **"A potentially dangerous large carnivore is kept on this property." Each sign shall utilize**
40 **block letters at least one-half inch high. A sign shall be posted as follows:**
- 41 **(a) At each fence gate providing access to:**
- 42 **a. A residence on the property;**
43 **b. A building in which the large carnivore's facility is located; or**
44 **c. The facility;**
- 45 **(b) On the outside of each door providing access to a residence on the property or**
46 **providing access to any building in which the large carnivore's facility is located;**
- 47 **(c) On each side of the large carnivore's facility, unless the facility is located in a**
48 **residence or other building;**
- 49 **(3) Clean any swimming or wading pools for the large carnivore as needed to**
50 **ensure sufficiently sanitary water quality;**
- 51 **(4) Provide adequate drainage of surface water from the facility;**
- 52 **(5) Not place the large carnivore under the supervision of a person less than twenty-**
53 **one years of age;**
- 54 **(6) Not mistreat or neglect the large carnivore or permit it to be mistreated or**
55 **neglected;**
- 56 **(7) Ensure that the conditions in which the large carnivore is kept, including but**
57 **not limited to the following, are safe and conducive to the large carnivore's physical health**
58 **and comfort and promote normal behavior:**
- 59 **(a) Temperature;**
60 **(b) Ventilation;**
61 **(c) Humidity;**
62 **(d) Drainage;**

63 (e) Sanitation;

64 (f) Diet;

65 (g) Exercise;

66 (8) Provide the large carnivore with potable drinking water at least twice daily in
67 a clean accessible container, unless otherwise directed by a veterinarian;

68 (9) Provide the large carnivore with food that meets all of the following
69 requirements:

70 (a) Is nutritious;

71 (b) Is of sufficient quantity to maintain or restore health and normal body weight;

72 (c) Is not spoiled or contaminated with insects, fecal material, or any other
73 substance that may cause the food to be unpalatable, that may decrease the nutritiousness
74 of the food, or that may pose a health risk to the large carnivore;

75 (10) Remove fecal and food wastes from the facility daily and store or dispose of the
76 wastes in a manner that prevents noxious odors, insect pests, or risks to human or animal
77 health or the environment. Hard floors shall be scrubbed and disinfected weekly. Large
78 facilities with dirt floors shall be raked every day and the raked waste removed every day;

79 (11) Ensure that the large carnivore receives from a veterinarian, at the owner's
80 expense, an annual checkup, including scheduled vaccinations, and other necessary
81 medical care. The owner of a large carnivore shall maintain copies of the large carnivore's
82 veterinary records and present the records upon request of a law enforcement officer;

83 (12) When the large carnivore dies, arrange to have the death certified in writing
84 by a veterinarian, law enforcement officer, or the permitting agency. The veterinarian, law
85 enforcement officer, or permitting agency shall submit the certification to the department
86 within twenty business days after the death.

578.612. A person lawfully in possession of a large carnivore under sections 578.600
2 to 578.644 may transport the large carnivore in a vehicle. A person transporting a large
3 carnivore in a vehicle shall comply with the standards in International Air Transport
4 Association, Live Animal Regulations applicable to the large carnivore species. In
5 addition, a person transporting a large carnivore in a vehicle shall comply with all of the
6 following requirements:

7 (1) The large carnivore shall be individually and securely caged, even while inside
8 a passenger vehicle or in the bed of a truck. However, a female large carnivore and each
9 of her unweaned offspring, if any, shall be transported in the same cage;

10 (2) The vehicle shall provide fresh air without injurious drafts and provide
11 adequate protection from the elements to the large carnivore;

12 (3) The large carnivore's cargo area shall be as free as possible of engine exhaust
13 fumes;

14 **(4) Fecal and food wastes shall be removed from the large carnivore's transport**
15 **cage on at least a daily basis;**

16 **(5) The temperature within the large carnivore's cage shall not be harmful to the**
17 **large carnivore's health;**

18 **(6) The large carnivore's cage shall be large enough to ensure that the large**
19 **carnivore has sufficient space to stand erect, turn around, and lie naturally;**

20 **(7) The large carnivore shall not be placed in a cage over or next to another animal**
21 **unless each enclosure has a fitted floor or lateral partition that prevents excreta from**
22 **entering lower or adjacent enclosures;**

23 **(8) The large carnivore shall be given potable water at least twice daily and fed at**
24 **least once daily, unless otherwise directed by a veterinarian.**

578.614. A person shall not export or attempt to export a large carnivore to another
2 **state or country unless all of the following requirements are met:**

3 **(1) The import and possession of the large carnivore are lawful in the other state**
4 **or country;**

5 **(2) The destination and proposed new owner of the large carnivore have been**
6 **approved by the regulatory agency in the other state or country having authority to do so,**
7 **if any.**

578.616. 1. If a large carnivore potentially exposes a human to rabies by any
2 **penetration of the skin by teeth, any scratch that causes penetration of the skin, any**
3 **abrasion that causes penetration of the skin, or contamination of open wounds or mucous**
4 **membranes with saliva or other infectious material, the owner of the large carnivore shall**
5 **report the potential exposure to the local health department within twenty-four hours.**

6 **2. If a large carnivore potentially exposes livestock or a mammalian pet to rabies**
7 **by any penetration of the skin by teeth, any scratch that causes penetration of the skin, any**
8 **abrasion that causes penetration of the skin, or contamination of open wounds or mucous**
9 **membranes with saliva or other infectious material, the owner of the large carnivore shall**
10 **report the potential exposure to the permitting agency within twenty-four hours.**

578.618. If a large carnivore potentially exposes a human, livestock, or a
2 **mammalian pet to rabies by any means identified in this section, the large carnivore shall**
3 **be humanely euthanized by a veterinarian. The large carnivore shall be immediately**
4 **examined for rabies in accordance with chapter 322, RSMo.**

578.620. 1. A law enforcement officer or other person may kill a large carnivore
2 **if the person sees the large carnivore chasing, attacking, injuring, or killing either of the**
3 **following:**

4 **(1) A human;**

5 **(2) Livestock, poultry, or a mammalian pet.**

6 **2. A law enforcement officer may kill a large carnivore if the law enforcement**
7 **officer sees the large carnivore chasing, attacking, injuring, or killing wildlife.**

8 **3. A person is not liable in damages or otherwise for killing or attempting to kill a**
9 **large carnivore under subsection 1 or 2 of this section.**

10 **4. Sections 578.600 to 578.644 do not prohibit the owner of a large carnivore, for**
11 **which a permit has been issued if required under sections 578.600 to 578.644, from**
12 **recovering by legal action against a law enforcement officer or other person the value of**
13 **a large carnivore illegally killed by that law enforcement officer or other person.**

14 **5. A large carnivore's entry onto a field or enclosure that is owned by or leased by**
15 **a person producing livestock or poultry constitutes a trespass, and the owner of the large**
16 **carnivore is liable in damages.**

578.622. 1. The owner of a large carnivore is liable in a civil action for the death
2 **or injury of a human and for property damage, including but not limited to the death or**
3 **injury of another animal, caused by the large carnivore. Sections 578.600 to 578.644 do not**
4 **limit the common law liability of the owner of a large carnivore for the death or injury of**
5 **a human or for property damage caused by the large carnivore.**

6 **2. If a large carnivore escapes or is released, intentionally or unintentionally, the**
7 **owner of the large carnivore shall immediately contact a law enforcement officer of the**
8 **local unit where the escape or release occurred to report the loss, escape, or release. The**
9 **owner of the large carnivore is liable for all expenses associated with efforts to recapture**
10 **the large carnivore that is released or escapes.**

11 **3. The owner of the large carnivore may bring against a person who is responsible**
12 **in whole or part for the escape or release of the large carnivore a civil action for damages,**
13 **including but not limited to damages and expenses under subsections 1 and 2 of this**
14 **section.**

578.624. 1. A facility is subject to inspection at reasonable hours by a law
2 **enforcement officer to ensure compliance with sections 578.600 to 578.644.**

3 **2. If there is probable cause to believe that sections 578.600 to 578.644 are being**
4 **violated, a law enforcement officer shall do one of the following:**

5 **(1) Issue to the owner of the large carnivore a notice of the violation under section**
6 **578.626;**

7 **(2) Arrest the owner of the large carnivore or seek a warrant for his or her arrest;**

8 **(3) File a sworn complaint under subsection 3 of section 578.630.**

578.626. 1. If there is probable cause to believe sections 578.600 to 578.644 are
2 **being violated, a law enforcement officer may give notice of the violation in writing to the**
3 **owner of the large carnivore. The notice shall identify the violation and include a copy of**
4 **sections 578.600 to 578.644.**

5 **2. Not more than thirty days after the notice is delivered, the owner of the large**
6 **carnivore shall transfer ownership and possession of the large carnivore or, subject to**
7 **subsection 3 of this section, correct the violation and shall notify the law enforcement**
8 **officer of the action taken.**

9 **3. If the violation was failure to obtain a permit and the violation was committed**
10 **knowingly, not more than fourteen days after the notice is delivered, the owner of the large**
11 **carnivore shall transfer ownership and possession of the large carnivore and notify the law**
12 **enforcement officer of the action taken.**

13 **4. A large carnivore transferred under subsection 2 or 3 of this section shall be**
14 **transferred to a person described in subdivision (1), (2), (3), or (4) of subsection 1 of section**
15 **578.642. Notice that the large carnivore was transferred under this subsection shall**
16 **include evidence of the transfer satisfactory to the law enforcement officer.**

17 **5. Unless the owner of the large carnivore notifies the law enforcement officer that**
18 **the large carnivore was transferred under subsection 2 or 3 of this section, the law**
19 **enforcement officer shall conduct an inspection at a reasonable time not less than thirty**
20 **days after notice of the violation was delivered. When the second inspection is conducted,**
21 **the owner of the large carnivore shall pay an inspection fee of twenty-five dollars or actual**
22 **reasonable costs of the inspection, whichever is greater, to the law enforcement officer.**

23 **6. If the law enforcement officer finds that the owner of the large carnivore has not**
24 **complied with subsection 2 or 3 of this section, the law enforcement officer shall seek**
25 **forfeiture of the large carnivore under section 578.630.**

578.628. 1. Subject to subsection 2 of this section, a person who violates sections
2 **578.600 to 578.644 is guilty of a misdemeanor. The person shall be punished by a fine of**
3 **not less than two hundred fifty dollars or more than one thousand dollars, plus costs of**
4 **prosecution. However, a person who fails to obtain a permit as required by sections**
5 **578.600 to 578.644 shall be punished by a fine, for each large carnivore for which the**
6 **permit was required, of not less than five hundred dollars or more than two thousand**
7 **dollars, plus costs of prosecution. In addition, a person who violates sections 578.600 to**
8 **578.644 may be punished by one or more of the following:**

- 9 **(1) Imprisonment for not more than ninety-three days;**
10 **(2) Community service work for not more than five hundred hours;**
11 **(3) The loss of privileges to own or possess any animal.**

12 **2. Subsection 1 of this section does not apply to a law enforcement officer,**
13 **veterinarian, or permitting agency with respect to the performance of the duties of a law**
14 **enforcement officer, veterinarian, or permitting agency under sections 578.600 to 578.644.**

578.630. 1. If a person who owns or possesses a large carnivore violates sections
2 **578.600 to 578.644, that large carnivore and any other large carnivore owned by that**

3 person are subject to civil forfeiture.

4 2. The prosecuting attorney in an action under section 578.628 may file a petition
5 requesting that the court issue an order for civil forfeiture of all of the large carnivores
6 owned by the person violating sections 578.600 to 578.644.

7 3. Any person may file with a court having jurisdiction a complaint alleging that
8 a person is violating sections 578.600 to 578.644 and requesting the court to order the civil
9 forfeiture of all of the large carnivores owned by that person.

 578.632. 1. A law enforcement officer shall seize a large carnivore pursuant to an
2 order of seizure issued by the court having jurisdiction over the large carnivore upon a
3 showing of probable cause that the large carnivore is subject to forfeiture under subsection
4 1 of section 578.630.

5 2. A large carnivore subject to forfeiture under subsection 1 of section 578.630 may
6 be seized under any of the following circumstances:

7 (1) The seizure is incident to a lawful arrest for a violation of sections 578.600 to
8 578.644;

9 (2) The seizure is pursuant to a valid search warrant;

10 (3) The seizure is pursuant to an inspection under a valid administrative inspection
11 warrant;

12 (4) There is probable cause to believe that the conditions under which the large
13 carnivore or any other large carnivore owned by the same person is kept are directly or
14 indirectly dangerous to human or animal health or safety;

15 (5) Exigent circumstances exist that preclude obtaining a court order, and there is
16 probable cause to believe that sections 578.600 to 578.644 have been violated;

17 (6) The large carnivore or any other large carnivore owned by the same person is
18 the subject of a prior judgment in favor of this state in a forfeiture proceeding.

19 3. If a seizure is to be accomplished by capture, tranquilization or other humane
20 methods shall be used for the capture.

21 4. A large carnivore seized under sections 578.600 to 578.644 is not subject to any
22 other action to recover personal property, but is considered to be in the custody of the
23 seizing agency subject only to subsection 5 of this section and sections 578.634 and 578.636,
24 or to an order and judgment of the court having jurisdiction over the forfeiture
25 proceedings. When a large carnivore is seized under sections 578.600 to 578.644, the law
26 enforcement officer may remove the large carnivore to a place designated by the court.

27 5. A large carnivore that belongs to the victim of a crime shall promptly be
28 returned to the victim, except in the following circumstances:

29 (1) When the crime victim last possessed the large carnivore, he or she was in
30 violation of section 578.606;

31 **(2) If the ownership of the large carnivore is disputed, until the dispute is resolved;**

32 **(3) If the property is required to be retained as evidence for the prosecution of the**
33 **criminal case.**

578.634. 1. A law enforcement officer may return a seized large carnivore to the
2 **owner of the large carnivore if the law enforcement officer is satisfied that the conditions**
3 **resulting in the seizure have been corrected. If the large carnivore was seized pursuant to**
4 **process issued by a court, the law enforcement officer shall obtain approval of the court**
5 **before returning the large carnivore.**

6 **2. Unless the large carnivore has been returned, the law enforcement officer shall,**
7 **within ten days after the large carnivore is seized, give written notice of the seizure and**
8 **intent to forfeit the large carnivore to the owner of the large carnivore, and any person who**
9 **was injured or whose property was damaged by the large carnivore.**

10 **3. The notice required under subsection 2 of this section shall be delivered in**
11 **person or sent by certified mail. If the name and address of the person are not reasonably**
12 **ascertainable or personal delivery of the notice cannot reasonably be accomplished, the**
13 **notice shall be published in a newspaper of general circulation in the county in which the**
14 **large carnivore was seized for ten successive publishing days. Proof of written notice or**
15 **publication shall be filed with the court having jurisdiction over the seizure or forfeiture.**

16 **4. The law enforcement officer shall immediately after seizure of the large**
17 **carnivore notify the prosecuting attorney for the county in which the large carnivore was**
18 **seized or, if the attorney general is actively handling a case involving or relating to the**
19 **large carnivore, the attorney general of the seizure of the large carnivore and any intent**
20 **to forfeit the large carnivore under sections 578.600 to 578.644.**

578.636. 1. The owner of a large carnivore may file a motion with the court having
2 **jurisdiction to return the large carnivore on the grounds that the large carnivore was**
3 **illegally seized or that the large carnivore is not subject to forfeiture under sections 578.600**
4 **to 578.644. The court shall hear the motion within thirty days after the motion is filed.**

5 **2. At the hearing on the motion filed under subsection 1 of this section, the attorney**
6 **general or the attorney for the local unit in which the large carnivore was seized shall**
7 **establish probable cause to believe that the large carnivore is subject to forfeiture under**
8 **sections 578.600 to 578.644 and if the owner claims the large carnivore was illegally seized,**
9 **that the large carnivore was properly seized.**

10 **3. If the attorney general or the attorney for the local unit in which the large**
11 **carnivore was seized fails to sustain his or her burden of proof under subsection 2 of this**
12 **section, the court shall order the return of the large carnivore.**

13 **4. The testimony of a person at a hearing held under this section is not admissible**
14 **against him or her in any criminal proceeding except in a criminal prosecution for perjury.**

15 The testimony of a person at a hearing held under this section does not waive the person's
16 constitutional right against self-incrimination.

578.638. 1. A law enforcement officer shall return a seized large carnivore to the
2 owner of the large carnivore within seven days after the occurrence of any of the following:

3 (1) The failure to issue a warrant against the owner of the large carnivore for
4 committing a misdemeanor under section 578.628 or to file a complaint under subsection
5 3 of section 578.630 within ten days after the large carnivore is seized;

6 (2) The dismissal of charges against the owner of the large carnivore under section
7 578.628 or of a complaint under subsection 3 of section 578.630, as applicable;

8 (3) The court's determination that an order for the large carnivore to be forfeited
9 shall not be entered;

10 (4) The acquittal of the owner of the large carnivore of any violations under section
11 578.626;

12 (5) Entry of a court order under sections 578.600 to 578.644 for the return of the
13 large carnivore.

14 2. If a large carnivore is returned under subsection 1 of this section, the law
15 enforcement officer shall give written notice to the persons who received notice under
16 section 578.634 that the large carnivore has been returned. The notice under this
17 subsection shall be delivered in person or sent by certified mail. If the name and address
18 of the person are not reasonably ascertainable or personal delivery of the notice cannot
19 reasonably be accomplished, the notice shall be published in a newspaper of general
20 circulation in the county in which the large carnivore was seized for ten successive
21 publishing days.

22 3. If the court orders a large carnivore to be forfeited, the order of civil forfeiture
23 shall direct that each large carnivore be transferred to a wildlife sanctuary approved by
24 the Association of Sanctuaries, an animal protection shelter, or a zoo accredited by the
25 American Zoo and Aquarium Association, where the large carnivore will be safely and
26 humanely cared for. However, subject to section 578.618, if the large carnivore killed or
27 injured a human or an animal, the order of civil forfeiture may direct that the large
28 carnivore be humanely euthanized by a veterinarian. An order of civil forfeiture shall also
29 revoke any permit that may have been issued for the large carnivore under section 578.606
30 and order payment of costs under subsection 4 of this section.

31 4. If a large carnivore is seized, the owner of the large carnivore is liable for the
32 costs of placement and care for the large carnivore from the time of seizure until the time
33 of return or forfeiture and, if a large carnivore is ordered to be forfeited and euthanized,
34 for the costs of humanely euthanizing and disposing of the large carnivore. This subsection
35 does not apply if the large carnivore is returned under subsection 1 of this section or

36 section 578.636.

2 578.640. 1. A local unit may adopt an ordinance governing large carnivores that
is more restrictive than sections 578.600 to 578.644.

3 2. The requirements of sections 578.600 to 578.644 are in addition to any other
4 requirements governing a large carnivore under state and federal law.

2 578.642. 1. Sections 578.606, 578.608, and 578.610 do not apply to any of the
following:

3 (1) An animal control shelter or animal protection shelter;

4 (2) A person licensed or approved by the department of natural resources of this
5 state or by the United States Fish and Wildlife Service of the United States Department of
6 the Interior;

7 (3) A zoological park approved or accredited by the American Zoo and Aquarium
8 Association;

9 (4) A person approved by the Association of Sanctuaries or the American
10 Sanctuary Association;

11 (5) A law enforcement officer acting under the authority of sections 578.600 to
12 578.644;

13 (6) A veterinarian temporarily in possession of a large carnivore to provide
14 veterinary care for or humanely euthanize the large carnivore.

15 2. Sections 578.606, 578.608, subdivision (4) of subsection 1 of section 578.610 to
16 subdivision (4) of subsection 5 of section 578.610, 578.614, and subsection 3 of section
17 578.626 do not apply to a person who is not a resident of this state and who is in this state
18 only for the purpose of travel between locations outside of this state.

19 3. Subject to subsection 2 of this section, sections 578.600 to 578.644 do not apply
20 to a person who meets all of the following requirements:

21 (1) Is conducting a for-profit or nonprofit business that meets both of the following
22 requirements:

23 (a) The primary purpose of the business is the presentation of animals including
24 large carnivores to the public for education or exhibition purposes; and

25 (b) The business is not conducted in connection with another business as a means
26 of attracting customers to that other business;

27 (2) Is a class C licensee that possesses and maintains a class C license under 9
28 C.F.R. 1.1;

29 (3) Meets or exceeds all standards, including but not limited to standards for
30 training, housing, care, and transport of large carnivores, required of a class C licensee
31 under 9 C.F.R. 1.;

32 (4) Does not allow a patron to do any of the following:

33 **(a) Come into direct contact with a large carnivore;**

34 **(b) Come into close enough contact with a large carnivore over twenty weeks of age**
35 **so as to place the patron in jeopardy of being harmed by the large carnivore;**

36 **(5) Does not sell large carnivores, except to another person that meets the**
37 **requirements of this subsection;**

38 **(6) Does not breed large carnivores.**

39 **4. Sections 578.600 to 578.644 do not apply to a circus or the University of**
40 **Missouri-Columbia College of Veterinary medicine.**

578.644. The department shall provide each pet shop, animal control shelter, and
2 **animal protection shelter with information on the requirements of sections 578.600 to**
3 **578.644.**