

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 46

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES VIEBROCK (Sponsor) AND STEVENSON (Co-sponsor).

Pre-filed December 1, 2006 and copies ordered printed.

Read 1st time January 3, 2007.

Read 2nd time January 4, 2007 and referred to the Committee on Conservation and Natural Resources February 1, 2007.

Reported from the Committee on Conservation and Natural Resources February 12, 2007 with recommendation that the bill Do Pass.  
Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules February 15, 2007 with recommendation that the bill Do Pass.

Taken up for Perfection March 6, 2007. Bill ordered Perfected and printed, as amended.

D. ADAM CRUMBLISS, Chief Clerk

0406L.01P

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## AN ACT

To repeal section 578.018, RSMo, and to enact in lieu thereof one new section relating to impoundment of animals.

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

Section A. Section 578.018, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 578.018, to read as follows:

578.018. 1. Any duly authorized public health official or law enforcement official may seek a warrant from the appropriate court to enable [him] **such official** to enter private property in order to inspect, care for, **quarantine**, or impound **a** neglected or abused [animals] **animal**. All requests for such warrants shall be accompanied by an affidavit stating the probable cause to believe a violation of sections 578.005 to 578.023 has occurred. A person acting under the authority of a warrant shall:

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.

(1) Be given a disposition hearing before the court through which the warrant was issued, within thirty days of the filing of the request for the purpose of granting immediate disposition of the animals impounded;

(2) **Subject to the provisions of subsection 2 of this section**, place impounded animals in the care or custody of a veterinarian, the appropriate animal control authority, or an animal shelter. If no appropriate veterinarian, animal control authority, or animal shelter is available, the animal shall not be impounded unless it is diseased or disabled beyond recovery for any useful purpose;

(3) Humanely kill any animal impounded if it is determined by a licensed veterinarian that the animal is diseased or disabled beyond recovery for any useful purpose;

(4) Not be liable for any necessary damage to property while acting under such warrant.

**2. No farm animal, as defined in section 578.005 and weighing more than fifty pounds, shall be impounded until a district state veterinarian of the department of agriculture, or his or her designee, has examined the farm animal and has determined the farm animal to be in imminent danger of loss of life, or has determined that the condition or conditions deemed to be in violation of section 578.012 cannot reasonably be rectified before the disposition hearing described in subsection 1 of this section. Upon issuance of a court order to enter private property and prior to execution of such order, the executing law enforcement agency shall notify the state veterinarian, as defined in section 267.010, RSMo, who shall accompany, or designate a state licensed veterinarian that shall accompany in his or her place, the law enforcement agency personnel when entering the private property. If after entering the private property the state veterinarian, or his or her designee, determines that further action is necessary to safeguard the health and welfare of the animal on the property, the state veterinarian, or his or her designee, shall advise the issuing court as to the appropriate actions to be taken, including but not limited to quarantine, impoundment, placement, medical treatment, or euthanasia. Any such animal not impounded shall be quarantined by such state veterinarian, or his or her designee. The district state veterinarian, or his or her designee, shall instruct the owner or owners of such animal in writing of the step or steps necessary to correct the condition or conditions deemed to be in violation of section 578.012. Under the existing warrant, the district state veterinarian, or his or her designee, shall make follow-up visits to verify the improvement of the condition or conditions outlined in the quarantine. If reasonable attempts to correct the violations have not occurred on or before the disposition hearing described in subsection 1 of this section, the court may order the farm animal to be impounded and disposed of in accordance with this section.**

**3.** The owner or custodian or any person claiming an interest in any animal that has been impounded because of neglect or abuse may prevent disposition of the animal by posting bond

44 or security in an amount sufficient to provide for the animal's care and keeping for at least thirty  
45 days, inclusive of the date on which the animal was taken into custody. Notwithstanding the fact  
46 that bond may be posted pursuant to this subsection, the authority having custody of the animal  
47 may humanely dispose of the animal at the end of the time for which expenses are covered by  
48 the bond or security, unless there is a court order prohibiting such disposition. Such order shall  
49 provide for a bond or other security in the amount necessary to protect the authority having  
50 custody of the animal from any cost of the care, keeping or disposal of the animal. The authority  
51 taking custody of an animal shall give notice **in writing to the owner or owners** of the  
52 provisions of this section by posting a copy of this section at the place where the animal was  
53 taken into custody [or] **and** by delivering it to a person residing on the property. **Diligent effort**  
54 **shall be made to notify in writing the owner or owners of farm animals believed to be**  
55 **owned by a person other than the caregiver.**

56 [3.] 4. The owner or custodian of any animal humanely killed pursuant to this section  
57 shall not be entitled to recover any damages related to nor the actual value of the animal if the  
58 animal was found by a licensed veterinarian to be diseased or disabled, or if the owner or  
59 custodian failed to post bond or security for the care, keeping and disposition of the animal after  
60 being notified of impoundment.

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