

SECOND REGULAR SESSION

HOUSE BILL NO. 1648

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE VIEBROCK.

Read 1st time January 15, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3714L.01I

AN ACT

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

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Section A. Section 578.018, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 578.018, to read as follows: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

(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;

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.

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

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

18 2. **No farm animal, as defined in section 578.005 and weighing more than fifty**
19 **pounds, shall be impounded until a district state veterinarian of the department of**
20 **agriculture has examined the farm animal and has determined the farm animal to be in**
21 **imminent danger of loss of life, or has determined that the condition or conditions deemed**
22 **to be in violation of section 578.012 cannot reasonably be rectified before the disposition**
23 **hearing described in subsection 1 of this section. Any such animal not impounded shall be**
24 **quarantined by such state veterinarian. The district state veterinarian shall instruct the**
25 **owner or owners of such animal in writing of the step or steps necessary to correct the**
26 **condition or conditions deemed to be in violation of section 578.012. Under the existing**
27 **warrant, the district state veterinarian shall make follow-up visits to verify the**
28 **improvement of the condition or conditions outlined in the quarantine. If reasonable**
29 **attempts to correct the violations have not occurred on or before the disposition hearing**
30 **described in subsection 1 of this section, the court may order the farm animal to be**
31 **impounded and disposed of in accordance with this section.**

32 3. The owner or custodian or any person claiming an interest in any animal that has been
33 impounded because of neglect or abuse may prevent disposition of the animal by posting bond
34 or security in an amount sufficient to provide for the animal's care and keeping for at least thirty
35 days, inclusive of the date on which the animal was taken into custody. Notwithstanding the fact
36 that bond may be posted pursuant to this subsection, the authority having custody of the animal
37 may humanely dispose of the animal at the end of the time for which expenses are covered by
38 the bond or security, unless there is a court order prohibiting such disposition. Such order shall
39 provide for a bond or other security in the amount necessary to protect the authority having
40 custody of the animal from any cost of the care, keeping or disposal of the animal. The authority
41 taking custody of an animal shall give notice **in writing to the owner or owners** of the
42 provisions of this section by posting a copy of this section at the place where the animal was
43 taken into custody [or] **and** by delivering it to a person residing on the property. **Diligent effort**
44 **shall be made to notify in writing the owner or owners of farm animals believed to be**
45 **owned by a person other than the caregiver.**

46 [3.] 4. The owner or custodian of any animal humanely killed pursuant to this section
47 shall not be entitled to recover any damages related to nor the actual value of the animal if the
48 animal was found by a licensed veterinarian to be diseased or disabled, or if the owner or
49 custodian failed to post bond or security for the care, keeping and disposition of the animal after
50 being notified of impoundment.