

SECOND REGULAR SESSION

HOUSE BILL NO. 2374

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COX.

Read 1st time March 6, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5454L.02I

AN ACT

To repeal section 578.009, RSMo, and to enact in lieu thereof two new sections relating to the crime of failure to adequately control an animal, with penalty provisions.

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

Section A. Section 578.009, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 578.009 and 578.017, to read as follows:

578.009. 1. A person is guilty of animal neglect when he has custody or ownership or both of an animal and fails to provide adequate care [or adequate control], which results in substantial harm to the animal.

2. A person is guilty of abandonment when he has knowingly abandoned an animal in any place without making provisions for its adequate care.

3. Animal neglect and abandonment is a class C misdemeanor upon first conviction and for each offense, punishable by imprisonment or a fine not to exceed five hundred dollars, or both, and a class B misdemeanor punishable by imprisonment or a fine not to exceed one thousand dollars, or both upon the second and all subsequent convictions. All fines and penalties for a first conviction of animal neglect or abandonment may be waived by the court provided that the person found guilty of animal neglect or abandonment shows that adequate, permanent remedies for the neglect or abandonment have been made. Reasonable costs incurred for the care and maintenance of neglected or abandoned animals may not be waived. This section shall not apply to the provisions of section 578.007.

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 4. In addition to any other penalty imposed by this section, the court may order a person
16 found guilty of animal neglect or abandonment to pay all reasonable costs and expenses
17 necessary for:

18 (1) The care and maintenance of neglected or abandoned animals within the person's
19 custody or ownership;

20 (2) The disposal of any dead or diseased animals within the person's custody or
21 ownership;

22 (3) The reduction of resulting organic debris affecting the immediate area of the neglect
23 or abandonment; and

24 (4) The avoidance or minimization of any public health risks created by the neglect or
25 abandonment of the animals.

**578.017. The owner of an animal commits the crime of failure to adequately control
2 an animal if an owner intentionally or negligently fails to adequately control or restrain
3 such animal and the animal bites or otherwise causes physical injury to a person or damage
4 to property. Any owner who commits the crime of failure to adequately control an animal
5 is guilty of a class C misdemeanor. For any second or subsequent offense, the owner is
6 guilty of a class A misdemeanor. Any owner who violates the provisions of this section
7 shall be liable to an injured party for all damages done by the animal.**

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