

FIRST REGULAR SESSION

HOUSE BILL NO. 1067

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHOELLER.

0740L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 578.012, RSMo, and to enact in lieu thereof one new section relating to animal abuse, with a penalty provision.

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

Section A. Section 578.012, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 578.012, to read as follows:

578.012. 1. A person is guilty of animal abuse when a person:

(1) Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of sections 578.005 to 578.023 and 273.030, RSMo;

(2) Purposely or intentionally causes injury or suffering to an animal; or

(3) Having ownership or custody of an animal knowingly fails to provide adequate care or adequate control.

2. Animal abuse is a class A misdemeanor, unless the defendant has previously plead guilty to or has been found guilty of animal abuse or the suffering involved in subdivision (2) of subsection 1 of this section is the result of torture or mutilation, or both, consciously inflicted while the animal was alive, in which case it is a class D felony.

3. If a defendant is charged under this section with animal abuse based on injury to the real or personal property of another person, it shall be an affirmative defense to all criminal liability that the injury to the property of another is less than thirty-five hundred dollars, or less than the jurisdictional maximum of the small claims court in the county where the criminal charges are pending, whichever is greater.

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.

16 **4. When interpreting this section, the court should consider that it is not the**
17 **purpose of the Missouri legislature to burden the state's criminal justice system with**
18 **matters more appropriately addressed in small claims court.**

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