

SECOND REGULAR SESSION

# HOUSE BILL NO. 2225

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES LOEHNER (Sponsor), WALLACE, WILSON (119), RUZICKA,  
SCHLOTTACH, MUNZLINGER AND WRIGHT (Co-sponsors).

4943L.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 270.260 and 270.400, RSMo, and to enact in lieu thereof two new sections relating to wild or feral swine, with a penalty provision.

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

Section A. Sections 270.260 and 270.400, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 270.260 and 270.400, to read as follows:

270.260. **1. Any person who knowingly releases any swine to live in a wild or feral state**  
2 **upon any public land or private land not completely enclosed by a fence capable of containing**  
3 **such animals is guilty of a class A misdemeanor and shall be subject to the following**  
4 **administrative penalties:**

5 **(1) For a first offense, one thousand dollars for each swine so released;**

6 **(2) For a second offense, two thousand dollars for each swine so released; and**

7 **(3) For a third and any subsequent offense, three thousand dollars for each swine**  
8 **so released.**

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10 Each swine so released shall be a separate offense. **Any person who is assessed an**  
11 **administrative penalty under this subsection shall be notified in writing of his or her right**  
12 **to appeal. Such person may request a hearing before the director of the department of**  
13 **agriculture. Such request shall be made in writing no later than thirty days after the date**  
14 **on which the person was notified of the violation.**

15 **(4) Nothing in this section shall be construed to criminalize the accidental release**  
16 **of domestic swine.**

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.

17           **2. Any law enforcement officer, any agent of the conservation commission within**  
18 **his or her geographical jurisdiction, or the state veterinarian is authorized to enforce the**  
19 **provisions of this section and section 270.400.**

270.400. 1. For purposes of this section, the term "feral hog" means any hog, including  
2 Russian and European wild boar, that is not conspicuously identified by ear tags or other forms  
3 of identification and is roaming freely upon public or private lands without the landowner's  
4 permission.

5           2. A person may kill a feral hog roaming freely upon such person's land and shall not be  
6 liable to the owner of the hog for the loss of the hog.

7           3. Any person may take or kill a feral hog on public land or private land with the consent  
8 of the landowner; except that, during the firearms deer and turkey hunting season the regulations  
9 of the Missouri wildlife code shall apply. Such person shall not be liable to the owner of the hog  
10 for the loss of such hog.

11           4. No person except a landowner or such landowner's agent on such landowner's property  
12 shall take or kill a feral hog with the use of an artificial light.

13           **5. The director of the department of agriculture shall promulgate rules for fencing**  
14 **and health standards for Russian and European wild boar and wild-caught swine held**  
15 **alive on private land. Any person holding Russian and European wild boar or wild-caught**  
16 **swine on private land shall annually submit an application to the department for a permit.**  
17 **Any applicant that successfully meets the requirements under this section as determined**  
18 **by the department and pays an application fee shall be issued a permit.**

19           **6. The capture and possession of feral hogs on public land and transportation of**  
20 **live Russian and European wild boar and wild-caught swine on or through public land is**  
21 **prohibited. Unless issued an exemption permit by the department of agriculture, Russian**  
22 **and European wild boar and wild-caught swine may move only from a farm directly to**  
23 **slaughter or to a slaughter-only market. The department shall promulgate rules for**  
24 **exemption permits, including but not limited to a fee to offset the actual and necessary**  
25 **costs incurred to enforce the provisions of section 270.400.**

26           **7. (1) There is hereby created in the state treasury the "Animal Health Fund",**  
27 **which shall consist of all fees and administrative penalties collected by the department of**  
28 **agriculture under this section and section 270.260. The state treasurer shall be custodian**  
29 **of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may**  
30 **approve disbursements. Upon appropriation, moneys in the fund shall be used for the**  
31 **administration of this section and section 270.260.**

32           (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys  
33 remaining in the fund at the end of the biennium shall not revert to the credit of the  
34 general revenue fund.

35           (3) The state treasurer shall invest moneys in the fund in the same manner as other  
36 funds are invested. Any interest and moneys earned on such investments shall be credited  
37 to the fund.

38           8. Any person holding Russian or European wild boar or wild-caught swine alive  
39 on private land or transporting live Russian and European wild boar or wild-caught swine  
40 without a permit is guilty of a class A misdemeanor and may be assessed an administrative  
41 penalty of up to one thousand dollars per violation. Any person who is assessed an  
42 administrative penalty under this section shall be notified in writing of the right to appeal.  
43 Such person may request a hearing before the director of the department of agriculture.  
44 Such request shall be made in writing no later than thirty days after the date on which the  
45 person was notified of the violation.

46           9. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
47 created under the authority delegated in this section shall become effective only if it  
48 complies with and is subject to all of the provisions of chapter 536 and, if applicable,  
49 section 536.028. This section and chapter 536 are nonseverable and if any of the powers  
50 vested with the general assembly pursuant to chapter 536 to review, to delay the effective  
51 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the  
52 grant of rulemaking authority and any rule proposed or adopted after August 28, 2010,  
53 shall be invalid and void.

54           10. Nothing in this section shall be construed to apply to domestic swine.

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