

SECOND REGULAR SESSION

HOUSE BILL NO. 1444

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SMITH (150) (Sponsor), WELLS, DUGGER, HOUGHTON, REIBOLDT, CRAWFORD, LICHTENEGGER, BRATTIN, DAVIS, COX, LANT, ENTLICHER, JOHNSON, KELLEY (126), REDMON, ROWLAND, LOEHNER, SCHAD, CAUTHORN, FITZWATER, ELMER AND FUNDERBURK (Co-sponsors).

4882L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 261, RSMo, by adding thereto one new section relating to confiscated animals, with a penalty provision.

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

Section A. Chapter 261, RSMo, is amended by adding thereto one new section, to be known as section 261.175, to read as follows:

261.175. 1. Notwithstanding any other provision of law to the contrary, no animal seized and removed or otherwise confiscated from their owners shall be sterilized, adopted, euthanized, or otherwise disposed of by any animal pound, shelter, humane organization, animal control agency, or any other entity, whether public or private, which seizes and removes or otherwise confiscates an animal from its owner or accepts an animal seized and removed or otherwise confiscated from its owner, nor shall such entities direct, authorize, or otherwise permit such sterilization, adoption, euthanasia, or disposal of such animals, unless and until there is a final disposition of any charges against the owner of such animal related to such seizure and removal or confiscation.

2. As used in this section, "animal" means cattle, swine, sheep, horses, dogs, cats, or other domestic or exotic animals, including birds, fish, and reptiles, and all other animals raised or produced for commercial and personal purposes.

3. All animals seized and removed or otherwise confiscated from their owners shall receive proper care as determined by state law and regulations for each specific animal and facility or organization where the animal is placed after seizure and removal or

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 **confiscation. Any such facility or organization shall be liable to the owner for damages for**
17 **any negligent acts or abuse of such animal which occurs while the animal is in the care,**
18 **custody, and control of such facility or organization.**

19 **4. (1) Upon the conviction of the owner charged, the animal or animals seized and**
20 **removed or otherwise confiscated shall be adjudged by the court to be forfeited and may**
21 **thereupon be sterilized, adopted, euthanized, or otherwise disposed of in accordance with**
22 **state law and regulations. Upon conviction, the owner shall be liable for all costs actually**
23 **incurred relating to the placement and care of the animal during the pendency of the**
24 **charges, and the sterilization, adoption, or euthanasia of the animal after conviction.**

25 **(2) If the owner is acquitted or there is a final discharge without conviction, the**
26 **owner may demand the return of the animal held in custody. Any entity with care,**
27 **custody, and control of such animal shall immediately return such animal to the owner**
28 **upon demand and proof of such acquittal or final discharge without conviction. Upon**
29 **acquittal or final discharge without conviction, the owner shall not be liable for any costs**
30 **incurred relating to the placement or care of the animal during the pendency of the**
31 **charges.**

32 **5. No other state laws or regulations regarding the sterilization, adoption,**
33 **euthanasia, or other disposal of animals seized and removed or otherwise confiscated from**
34 **the owners shall supersede or be applicable to the animals so described in this section.**

35 **6. The department of agriculture may promulgate rules only for the strict**
36 **adherence to and implement of the provisions of this section. Any rule or portion of a rule,**
37 **as that term is defined in section 536.010, that is created under the authority delegated in**
38 **this section shall become effective only if it complies with and is subject to all of the**
39 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536**
40 **are nonseverable and if any of the powers vested with the general assembly pursuant to**
41 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**
42 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
43 **proposed or adopted after August 28, 2012, shall be invalid and void.**

44 **7. Any person or entity in violation of this section is guilty of a class B**
45 **misdemeanor. Each individual animal for which a violation of this section occurs is a**
46 **separate offense. Any second or subsequent violation of this section is a class A**
47 **misdemeanor and any entity licensed under state law shall be subject to licensure sanction**
48 **by its governing body.**

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