

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1444

96TH GENERAL ASSEMBLY

4882L.04P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 578.018 and 578.030, RSMo, and to enact in lieu thereof two new sections relating to confiscated animals, with a penalty provision.

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

Section A. Section 578.018 and 578.030, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 578.018 and 578.030, to read as follows: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 to enter private property in order to inspect, care for, or impound neglected or abused animals. 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] **578.025** 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. **No animal shall be sterilized prior to the completion of such disposition hearing unless necessary to save life or relieve suffering;**

(2) Place impounded animals in the care or custody of a veterinarian, the appropriate animal control authority, [or] an animal shelter, **or third party approved by the court.** If no appropriate veterinarian, animal control authority, [or] animal shelter, **or third party** is available, the animal shall not be impounded unless it is diseased or disabled beyond recovery for any useful purpose;

(3) Humanely kill any animal impounded if it is determined by a licensed veterinarian that the animal 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.

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

19 2. **(1) The owner of any animal that has been impounded under this section shall**
20 **not be responsible for the animal's care and keeping prior to a disposition hearing if the**
21 **court determines that the animal was taken unlawfully.**

22 **(2) After completion of the disposition hearing,** the owner or custodian or any person
23 claiming an interest in any animal that has been impounded because of neglect or abuse may
24 prevent disposition of the animal **after the disposition hearing and until final judgment,**
25 **settlement, or dismissal or the case** by posting **reasonable** bond or security **within 72 hours**
26 **of the disposition hearing** in an amount sufficient to provide for the animal's care and keeping
27 [for at least thirty days, inclusive of the date on which the animal was taken into custody].
28 Notwithstanding the fact that **reasonable** bond may be posted pursuant to this [subsection]
29 **subdivision,** the authority having custody of the animal may humanely dispose of the animal at
30 the end of the time for which **reasonable** expenses are covered by the bond or security, unless
31 there is a court order prohibiting such disposition. Such order shall provide for a **reasonable**
32 bond or other security in the amount necessary to protect the authority having custody of the
33 animal from any cost of the care, keeping or disposal of the animal.

34 **(3)** The authority taking custody of an animal shall give notice of the provisions of this
35 section by posting a copy of this section at the place where the animal was taken into custody or
36 by delivering it to a person residing on the property.

37 3. The owner or custodian of any animal humanely killed pursuant to this section shall
38 not be entitled to recover any damages related to nor the actual value of the animal if the animal
39 was found by a licensed veterinarian to be diseased or disabled **beyond recovery for any useful**
40 **purpose,** or if the owner or custodian failed to post bond or security for the care, keeping and
41 disposition of the animal after being notified of impoundment **and after completion of the**
42 **disposition hearing.**

43 4. All animals impounded under this section shall receive proper care as
44 determined by state law and regulations for each specific animal and facility or
45 organization where the animal is placed after such impoundment. Any such facility or
46 organization shall be liable to the owner for damages for any negligent acts or abuse of
47 such animal which occurs while the animal is in the care, custody, and control of such
48 facility or organization.

49 5. If the owner posted a sufficient bond and is acquitted or there is a final discharge
50 without conviction, unless there is a settlement agreement, consent judgment, or a
51 suspended imposition of sentence, the owner may demand the return of the animal held in
52 custody. Any entity with care, custody, and control of such animal shall immediately
53 return such animal to the owner upon demand and proof of such acquittal or final

54 **discharge without conviction. Upon acquittal or final discharge without conviction unless**
55 **there is a settlement agreement, consent judgment, or a suspended imposition of sentence,**
56 **the owner shall not be liable for any costs incurred relating to the placement or care of the**
57 **animal during the pendency of the charges.**

58 **6. Any person or entity that intentionally euthanizes, other than as permissible**
59 **under this section, or intentionally sterilizes an animal prior to a disposition hearing or**
60 **during any period for which reasonable bond was secured for the animal's care is guilty**
61 **of a class B misdemeanor. Each individual animal for which a violation occurs is a**
62 **separate offense. Any second or subsequent violation is a class A misdemeanor and any**
63 **entity licensed under state law shall be subject to licensure sanction by its governing body.**

578.030. 1. The provisions of section 43.200 notwithstanding, any member of the state
2 highway patrol or other law enforcement officer may apply for and serve a search warrant, and
3 shall have the power of search and seizure in order to enforce the provisions of sections 578.025
4 to 578.050.

5 2. Any member of the state highway patrol or other law enforcement officer making an
6 arrest under section 578.025 shall lawfully take possession of all dogs or other animals **in**
7 **accordance with the provisions of 578.018** and all paraphernalia, implements, or other property
8 or things used or employed, or about to be employed, in the violation of any of the provisions
9 of section 578.025. Such officer, after taking possession of such dogs, animals, paraphernalia,
10 implements or other property or things, shall file with the court before whom the complaint is
11 made against any person so arrested an affidavit stating therein the name of the person charged
12 in such complaint, a description of the property so taken and the time and place of the taking
13 thereof together with the name of the person from whom the same was taken and the name of
14 the person who claims to own such property, if known, and that the affiant has reason to believe
15 and does believe, stating the ground of such belief, that the property so taken was used or
16 employed, or was about to be used or employed, in such violation of section 578.025. He shall
17 thereupon deliver the property so taken to the court, which shall, by order in writing, place the
18 same in the custody of an officer or other proper person named and designated in such order, to
19 be kept by him until the conviction or final discharge of such person complained against, and
20 shall send a copy of such order without delay to the prosecuting attorney of the county. The
21 officer or person so named and designated in such order shall immediately thereupon assume the
22 custody of such property and shall retain the same, subject to the order of the court before which
23 such person so complained against may be required to appear for trial. **If the property includes**
24 **animals or dogs, the placement of the animals or dogs shall be in handled accordance with**
25 **the provision of 578.018.** Upon the conviction of the person so charged, all property so seized
26 shall be adjudged by the court to be forfeited and shall thereupon be destroyed or otherwise

27 disposed of as the court may order. In the event of the acquittal or final discharge without
28 conviction of the person so charged, such court shall, on demand, direct the delivery of such
29 property so held in custody to the owner thereof.

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