

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 34, Page 21,
2 Section 577.685, Line 15, by inserting after all of said section and line the following:

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4 "578.018. 1. Any duly authorized ~~[public health official or]~~ law enforcement official may
5 seek a warrant from the appropriate circuit court to enable him or her to enter private property in
6 order to inspect, care for, or ~~[impound]~~ confiscate neglected or abused animals as set forth in such
7 warrant. All requests for such warrants shall be signed, witnessed, and accompanied by an affidavit
8 stating the probable cause to believe a violation of sections 578.005 to ~~[578.023]~~ 578.025 has
9 occurred. A person acting under the authority of a warrant shall:

10 (1) ~~[Be given]~~ Appear at a disposition hearing before the court through which the warrant
11 was issued, within ~~[thirty]~~ ten days of ~~[the filing of the request]~~ confiscation for the purpose of
12 granting immediate disposition of the animals ~~[impounded]~~. No animal shall be sterilized prior to
13 the completion of such disposition hearing unless necessary to save life or relieve suffering;

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

19 (3) Humanely kill any animal ~~[impounded]~~ confiscated if it is determined by a licensed
20 veterinarian that the animal is diseased or disabled beyond recovery for any useful purpose;

21 (4) Not be liable for any reasonable and necessary damage to property while acting under
22 such warrant.

23 2. (1) The owner of any animal that has been confiscated under this section shall not be
24 responsible for the animal's care and keeping prior to a disposition hearing if the owner is acquitted
25 or there is a final discharge without conviction.

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

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1 security in the amount necessary to protect the authority having custody of the animal from any cost
2 of the care, keeping or disposal of the animal.

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

6 3. The owner or custodian of any animal humanely killed pursuant to this section shall not
7 be entitled to recover any damages related to nor the actual value of the animal if the animal was
8 found by a licensed veterinarian to be diseased or disabled beyond recovery for any useful purpose,
9 or if the owner or custodian failed to post bond or security for the care, keeping and disposition of
10 the animal after being notified of ~~[impoundment]~~ confiscation and after completion of the
11 disposition hearing.

12 4. All animals confiscated under this section shall receive proper care as determined by state
13 law and regulations for each specific animal and facility or organization where the animal is placed
14 after such confiscation. Any such facility or organization shall be liable to the owner for damages
15 for any negligent acts or abuse of such animal which occurs while the animal is in the care, custody,
16 and control of such facility or organization.

17 5. In the event that the animal owner is not liable for the costs incurred for the placement
18 and care of an animal or animals while charges were pending, such costs relating to placement and
19 care, as well as liability for the life or death of the animal and for medical procedures performed
20 while charges were pending, shall be the responsibility of and shall be borne and paid by the
21 confiscating agency. Such costs shall be consistent with the fair market value of boarding an animal
22 at a retail establishment and with the usual and customary costs of veterinary medical services
23 provided by a clinic licensed under chapter 340.

24 6. If the owner posted a sufficient bond and is acquitted or there is a final discharge without
25 conviction, unless there is a settlement agreement, consent judgment, or a suspended imposition of
26 sentence, the 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 upon demand
28 and proof of such acquittal or final discharge without conviction. Upon acquittal or final discharge
29 without conviction, unless there is a settlement agreement, consent judgment, or a suspended
30 imposition of sentence, the owner shall not be liable for any costs incurred relating to the placement
31 or care of the animal during the pendency of the charges.

32 7. Any person or entity that intentionally euthanizes, other than as permissible under this
33 section, or intentionally sterilizes an animal prior to a disposition hearing or during any period for
34 which reasonable bond was secured for the animal's care is guilty of a class B misdemeanor and
35 shall be liable to the owner of the animal for damages including the actual value of the animal.
36 Each individual animal for which a violation occurs is a separate offense. Any second or
37 subsequent violation is a class A misdemeanor, and any entity licensed under state law shall be
38 subject to licensure sanction by its governing body.

39 578.030. 1. The provisions of section 43.200 notwithstanding, any member of the state
40 highway patrol or other law enforcement officer may apply for and serve a search warrant, and shall
41 have the power of search and seizure in order to enforce the provisions of sections 578.025 to
42 578.050. All requests for such warrants shall be signed, witnessed, and accompanied by an affidavit
43 stating the probable cause to believe a violation of sections 578.025 to 578.050 has occurred.

44 2. Any member of the state highway patrol or other law enforcement officer making an
45 arrest under section 578.025 shall lawfully take possession of all dogs or other animals in
46 accordance with the provisions of section 578.018 and all paraphernalia, implements, or other
47 property or things used or employed, or about to be employed, in the violation of any of the
48 provisions of section 578.025. Such officer, after taking possession of such dogs, animals,

1 paraphernalia, implements or other property or things, shall file with the court before whom the
2 complaint is made against any person so arrested an affidavit stating therein the name of the person
3 charged in such complaint, a description of the property so taken and the time and place of the
4 taking thereof together with the name of the person from whom the same was taken and the name of
5 the person who claims to own such property, if known, and that the affiant has reason to believe and
6 does believe, stating the ground of such belief, that the property so taken was used or employed, or
7 was about to be used or employed, in such violation of section 578.025. He or she shall thereupon
8 deliver the property so taken to the court, which shall, by order in writing, place the same in the
9 custody of an officer or other proper person named and designated in such order, to be kept by him
10 or her until the conviction or final discharge of such person complained against, and shall send a
11 copy of such order without delay to the prosecuting attorney of the county. The officer or person so
12 named and designated in such order shall immediately thereupon assume the custody of such
13 property and shall retain the same, subject to the order of the court before which such person so
14 complained against may be required to appear for trial. If the property includes animals, the
15 placement of the animals shall be handled in accordance with the provisions of section 578.018.
16 Upon the conviction of the person so charged, all property so seized shall be adjudged by the court
17 to be forfeited and shall thereupon be destroyed or otherwise disposed of as the court may order. In
18 the event of the acquittal or final discharge without conviction of the person so charged, such court
19 shall, on demand, direct the delivery of such property so held in custody to the owner thereof."; and
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21 Further amend said bill by amending the title, enacting clause, and intersectional references
22 accordingly.