

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill  
2 No. 918, Page 5, Section 262.760, Line 19, by inserting after all of said section and line the following:

3  
4 "578.018. 1. Any duly authorized [~~public health official or~~] law enforcement official may seek a  
5 warrant from the appropriate circuit court to enable him or her to enter private property in order to inspect,  
6 care for, or [~~impound~~] confiscate neglected or abused animals as set forth in such warrant. All requests for  
7 such warrants shall be signed, witnessed, and accompanied by an affidavit stating the probable cause to  
8 believe a violation of sections 578.005 to [~~578.023~~] 578.025 has occurred. A person acting under the  
9 authority of a warrant shall:

10 (1) [~~Be given~~] Appear at a disposition hearing before the court through which the warrant was  
11 issued, within [~~thirty~~] ten days of [~~the filing of the request~~] confiscation for the purpose of granting  
12 immediate disposition of the animals [~~impounded~~]. No animal shall be sterilized prior to the completion of  
13 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 animal  
15 control authority, [~~or~~] an animal shelter, or third party approved by the court. If no appropriate veterinarian,  
16 animal control authority, [~~or~~] animal shelter, or third party is available, the animal shall not be [~~impounded~~]  
17 confiscated unless it is diseased or disabled beyond recovery for any useful purpose;

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

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

22 2. (1) The owner of any animal that has been confiscated under this section shall not be responsible  
23 for the animal's care and keeping prior to a disposition hearing if the owner is acquitted or there is a final  
24 discharge without conviction.

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

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

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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

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

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

17           6. If the owner posted a sufficient bond and is acquitted or there is a final discharge without  
18 conviction, unless there is a settlement agreement, consent judgment, or a suspended imposition of sentence,  
19 the owner may demand the return of the animal held in custody. Any entity with care, custody, and control  
20 of such animal shall immediately return such animal to the owner upon demand and proof of such acquittal  
21 or final discharge without conviction. Upon acquittal or final discharge without conviction, unless there is a  
22 settlement agreement, consent judgment, or a suspended imposition of sentence, the owner shall not be liable  
23 for any costs incurred relating to the placement or care of the animal during the pendency of the charges.

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

30           578.030. 1. The provisions of section 43.200 notwithstanding, any member of the state highway  
31 patrol or other law enforcement officer may apply for and serve a search warrant, and shall have the power of  
32 search and seizure in order to enforce the provisions of sections 578.025 to 578.050. All requests for such  
33 warrants shall be signed, witnessed, and accompanied by an affidavit stating the probable cause to believe a  
34 violation of sections 578.025 to 578.050 has occurred.

35           2. Any member of the state highway patrol or other law enforcement officer making an arrest under  
36 section 578.025 shall lawfully take possession of all dogs or other animals in accordance with the provisions  
37 of section 578.018 and all paraphernalia, implements, or other property or things used or employed, or about  
38 to be employed, in the violation of any of the provisions of section 578.025. Such officer, after taking  
39 possession of such dogs, animals, paraphernalia, implements or other property or things, shall file with the  
40 court before whom the complaint is made against any person so arrested an affidavit stating therein the name  
41 of the person charged in such complaint, a description of the property so taken and the time and place of the  
42 taking thereof together with the name of the person from whom the same was taken and the name of the  
43 person who claims to own such property, if known, and that the affiant has reason to believe and does  
44 believe, stating the ground of such belief, that the property so taken was used or employed, or was about to  
45 be used or employed, in such violation of section 578.025. He or she shall thereupon deliver the property so  
46 taken to the court, which shall, by order in writing, place the same in the custody of an officer or other proper  
47 person named and designated in such order, to be kept by him or her until the conviction or final discharge of  
48 such person complained against, and shall send a copy of such order without delay to the prosecuting  
49 attorney of the county. The officer or person so named and designated in such order shall immediately  
50 thereupon assume the custody of such property and shall retain the same, subject to the order of the court  
51 before which such person so complained against may be required to appear for trial. If the property includes  
52 animals, the placement of the animals shall be handled in accordance with the provisions of section 578.018.  
53 Upon the conviction of the person so charged, all property so seized shall be adjudged by the court to be

- 1 forfeited and shall thereupon be destroyed or otherwise disposed of as the court may order. In the event of
- 2 the acquittal or final discharge without conviction of the person so charged, such court shall, on demand,
- 3 direct the delivery of such property so held in custody to the owner thereof."; and
- 4
- 5 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.