

HOUSE AMENDMENT NO. ____
TO
HOUSE AMENDMENT NO. ____

Offered By _____

1 AMEND House Amendment No. ____ to House Committee Substitute for House Bill No. 589,
2 Page 1, Line 1, by inserting after the number "589," the following:

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4 "Page 1, Section A, Line 2, by inserting after all of the said section and line the following:

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6 "566.111. 1. A person commits the offense of sex with an animal if he or she engages in
7 sexual conduct with an animal.

8 2. The offense of sex with an animal is a class A misdemeanor unless the person has
9 previously been found guilty of an offense under this section or has previously been found guilty of
10 an offense in another jurisdiction which would constitute an offense under this section, in which
11 case the offense is a class E felony.

12 3. In addition to any penalty imposed or as a condition of probation the court may:

13 (1) Prohibit the offender from harboring animals or residing in any household where
14 animals are present during the period of probation; or

15 (2) Order all animals in the offender's possession subject to a civil forfeiture action under
16 chapter 513; or

17 (3) Order psychological evaluation and counseling of the offender at the offender's expense.

18 4. (1) In addition to any other penalty imposed by this section, the court shall order a person
19 found guilty under this section to submit to a comprehensive evaluation to be conducted by a
20 licensed mental health professional prior to sentencing. The court shall use the evaluation's findings
21 in determining the appropriate sentence.

22 (2) The costs of the comprehensive evaluation shall be paid by the defendant. If the court
23 determines that the defendant is indigent, the cost of such evaluation shall be paid by the state. If
24 the evaluation results in a recommendation of treatment and if the court so finds, the defendant shall
25 be ordered to complete, as a condition of any jail or prison sentence, deferred judgment, suspended
26 execution of sentence, suspended imposition of sentence, or probation, an appropriate treatment
27 program designed to address the underlying causative factors for a violation under this section, as
28 determined by the court after reviewing the comprehensive evaluation.

29 5. Nothing in this section shall be construed to prohibit generally accepted animal
30 husbandry, farming and ranching practices or generally accepted veterinary medical practices.

31 [5.] 6. For purposes of this section, the following terms mean:

32 (1) "Animal", every creature, either alive or dead, other than a human being;

33 (2) "Comprehensive evaluation", an evaluation that collects information on cognitive
34 functioning; personality and mental health; social/developmental history; individual

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functioning/developmental competence; current family functioning; sexual and deviance issues; employment/academic functioning, delinquency, and behavioral issues; protective and risk factors; empathy and awareness of victim impact; substance abuse; offense and abuse characteristics; supervision and legal issues; and risk assessment;

(3) "Sexual conduct with an animal", any touching of an animal with the genitals or any touching of the genitals or anus of an animal for the purpose of arousing or gratifying the person's sexual desire.

578.005. As used in sections 578.005 to 578.023, the following terms shall mean:

(1) "Adequate care", normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care as necessary to maintain good health in a specific species of animal;

(2) "Adequate control", to reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal, or property;

(3) "Animal", every living vertebrate except a human being;

(4) "Animal shelter", a facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other not-for-profit organization devoted to the welfare, protection, and humane treatment of animals;

(5) "Comprehensive evaluation", an evaluation that collects information on cognitive functioning; personality and mental health; social/developmental history; individual functioning/developmental competence; current family functioning; sexual and deviance issues; employment/academic functioning, delinquency, and behavioral issues; protective and risk factors; empathy and awareness of victim impact; substance abuse; offense and abuse characteristics; supervision and legal issues; and risk assessment;

(6) "Farm animal", an animal raised on a farm or ranch and used or intended for use in farm or ranch production, or as food or fiber;

~~[(6)]~~ (7) "Farm animal professional", any individual employed at a location where farm animals are harbored;

~~[(7)]~~ (8) "Harbor", to feed or shelter an animal at the same location for three or more consecutive days;

(9) "Hoarding disorder", a behavioral pattern characterized by excessive acquisition of and an inability or unwillingness to discard large numbers of animals that results in inadequate care of the animals, has a negative impact on the animals' health and well-being, and often impacts the health and well-being of the collector;

~~[(8)]~~ (10) "Humane killing", the destruction of an animal accomplished by a method approved by the American Veterinary Medical Association's Panel on Euthanasia (JAVMA 173: 59-72, 1978); or more recent editions, but animals killed during the feeding of pet carnivores shall be considered humanely killed;

~~[(9)]~~ (11) "Owner", in addition to its ordinary meaning, any person who keeps or harbors an animal or professes to be owning, keeping, or harboring an animal;

~~[(10)]~~ (12) "Person", any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity;

~~[(11)]~~ (13) "Pests", birds, rabbits, or rodents which damage property or have an adverse effect on the public health, but shall not include any endangered species listed by the United States Department of the Interior nor any endangered species listed in the Wildlife Code of Missouri.

578.009. 1. A person commits the offense of animal neglect if he or she:

(1) Has custody or ownership of an animal and fails to provide adequate care; ~~or~~

(2) Knowingly abandons an animal in any place without making provisions for its adequate care; or

1 (3) Has a hoarding disorder causing the accumulation of custody or ownership of animals.

2 2. The offense of animal neglect under subdivision (1) or (2) of subsection 1 of this section
3 is a class C misdemeanor unless the person has previously been found guilty of an offense under
4 subdivision (1) or (2) of subsection 1 of this section, or an offense in another jurisdiction which
5 would constitute an offense under subdivision (1) or (2) of subsection 1 of this section, in which
6 case it is a class B misdemeanor.

7 3. The offense of animal neglect under subdivision (3) of subsection 1 of this section is a
8 class C misdemeanor unless the person has previously been found guilty of an offense under
9 subdivision (3) of subsection 1 of this section, or an offense in another jurisdiction that would
10 constitute an offense under subdivision (3) of subsection 1 of this section, in which case it is a class
11 E felony.

12 4. All fines and penalties for a first finding of guilt under this section may be waived by the
13 court if the person found guilty of animal neglect shows that adequate, permanent remedies for the
14 neglect have been made. Reasonable costs incurred for the care and maintenance of neglected
15 animals may not be waived. This section shall not apply to the provisions of section 578.007 or
16 chapter 272.

17 5. (1) Any person who pleads guilty to or is convicted of an offense under subsection 3 of
18 this section shall undergo a court-ordered comprehensive evaluation to be conducted by a licensed
19 mental health professional prior to sentencing. The court shall use the evaluation's findings in
20 determining the appropriate sentence.

21 (2) The costs of the comprehensive evaluation shall be paid by the defendant. If the court
22 determines that the defendant is indigent, the cost of such evaluation shall be paid by the state. If
23 the evaluation results in a recommendation of treatment and if the court so finds, the defendant shall
24 be ordered to complete, as a condition of any jail or prison sentence, deferred judgment, suspended
25 execution of sentence, suspended imposition of sentence, or probation, an appropriate treatment
26 program designed to address the underlying causative factors for a violation under this section, as
27 determined by the court after reviewing the comprehensive evaluation.

28 [4.] 6. In addition to any other penalty imposed by this section, the court may order a person
29 found guilty of animal neglect to pay all reasonable costs and expenses necessary for:

30 (1) The care and maintenance of neglected animals within the person's custody or
31 ownership;

32 (2) The disposal of any dead or diseased animals within the person's custody or ownership;

33 (3) The reduction of resulting organic debris affecting the immediate area of the neglect;
34 and

35 (4) The avoidance or minimization of any public health risks created by the neglect of the
36 animals.

37 578.012. 1. A person commits the offense of animal abuse if he or she:

38 (1) Intentionally or purposely kills an animal in any manner not allowed by or expressly
39 exempted from the provisions of sections 578.005 to 578.023 and 273.030;

40 (2) Purposely or intentionally causes injury or suffering to an animal; or

41 (3) Having ownership or custody of an animal knowingly fails to provide adequate care
42 which results in substantial harm to the animal.

43 2. Animal abuse is a class A misdemeanor, unless the defendant has previously been found
44 guilty of animal abuse or the suffering involved in subdivision (2) of subsection 1 of this section is
45 the result of torture or mutilation consciously inflicted while the animal was alive, in which case it is
46 a class E felony.

47 3. (1) In addition to any other penalty imposed by this section, the court shall order a person
48 found guilty under this section to submit to a comprehensive evaluation to be conducted by a
49 licensed mental health professional prior to sentencing. The court shall use the evaluation's findings

1 in determining the appropriate sentence.

2 (2) The costs of the comprehensive evaluation shall be paid by the defendant. If the court
3 determines that the defendant is indigent, the cost of such evaluation shall be paid by the state. If
4 the evaluation results in a recommendation of treatment and if the court so finds, the defendant shall
5 be ordered to complete, as a condition of any jail or prison sentence, deferred judgment, suspended
6 execution of sentence, suspended imposition of sentence, or probation, an appropriate treatment
7 program designed to address the underlying causative factors for a violation under this section, as
8 determined by the court after reviewing the comprehensive evaluation."; and

9
10 Further amend said bill,"; and

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12 Further amend said bill by amending the title, enacting clause, and intersectional references
13 accordingly.

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15 THIS AMENDS 0512H02.03H.