

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 589

101ST GENERAL ASSEMBLY

0513H.02P

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal sections 566.111, 578.005, 578.009, 578.012, 578.018, and 578.030, RSMo, and to enact in lieu thereof eight new sections relating to public health, with penalty provisions.

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

Section A. Sections 566.111, 578.005, 578.009, 578.012, 578.018, and 578.030, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 566.111, 578.005, 578.009, 578.012, 578.018, 578.030, 1, and 2, to read as follows:

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

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

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

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

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

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

4. **(1) In addition to any other penalty imposed by this section, the court shall order a person found guilty under this section to submit to a comprehensive evaluation to be**

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 conducted by a licensed mental health professional prior to sentencing. The court shall use  
17 the evaluation's findings in determining the appropriate sentence.

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

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

28 [5-] 6. For purposes of this section, the following terms mean:

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

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

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

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

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

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

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

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

12 (5) **"Comprehensive evaluation", an evaluation that collects information on**  
13 **cognitive functioning; personality and mental health; social/developmental history;**

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

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

20 ~~[(6)]~~ **(7)** "Farm animal professional", any individual employed at a location where farm  
 21 animals are harbored;

22 ~~[(7)]~~ **(8)** "Harbor", to feed or shelter an animal at the same location for three or more  
 23 consecutive days;

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

28 ~~[(8)]~~ **(10)** "Humane killing", the destruction of an animal accomplished by a method  
 29 approved by the American Veterinary Medical Association's Panel on Euthanasia (JAVMA 173:  
 30 59-72, 1978); or more recent editions, but animals killed during the feeding of pet carnivores  
 31 shall be considered humanely killed;

32 ~~[(9)]~~ **(11)** "Owner", in addition to its ordinary meaning, any person who keeps or harbors  
 33 an animal or professes to be owning, keeping, or harboring an animal;

34 ~~[(10)]~~ **(12)** "Person", any individual, partnership, firm, joint stock company, corporation,  
 35 association, trust, estate, or other legal entity;

36 ~~[(11)]~~ **(13)** "Pests", birds, rabbits, or rodents which damage property or have an adverse  
 37 effect on the public health, but shall not include any endangered species listed by the United  
 38 States Department of the Interior nor any endangered species listed in the Wildlife Code of  
 39 Missouri.

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

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

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

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

7 2. The offense of animal neglect **under subdivision (1) or (2) of subsection 1 of this**  
 8 **section** is a class C misdemeanor unless the person has previously been found guilty of an  
 9 offense under **subdivision (1) or (2) of subsection 1 of this section**, or an offense in another

10 jurisdiction which would constitute an offense under **subdivision (1) or (2) of subsection 1 of**  
11 **this section, in which case it is a class B misdemeanor.**

12 **3. The offense of animal neglect under subdivision (3) of subsection 1 of this section**  
13 **is a class C misdemeanor unless the person has previously been found guilty of an offense**  
14 **under subdivision (3) of subsection 1 of this section, or an offense in another jurisdiction**  
15 **that would constitute an offense under subdivision (3) of subsection 1 of this section, in**  
16 **which case it is a class E felony.**

17 **4.** All fines and penalties for a first finding of guilt under this section may be waived by  
18 the court if the person found guilty of animal neglect shows that adequate, permanent remedies  
19 for the neglect have been made. Reasonable costs incurred for the care and maintenance of  
20 neglected animals may not be waived. This section shall not apply to the provisions of section  
21 578.007 or chapter 272.

22 **5. (1) Any person who pleads guilty to or is convicted of an offense under**  
23 **subsection 3 of this section shall undergo a court-ordered comprehensive evaluation to be**  
24 **conducted by a licensed mental health professional prior to sentencing. The court shall use**  
25 **the evaluation's findings in determining the appropriate sentence.**

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

34 ~~[4-]~~ **6.** In addition to any other penalty imposed by this section, the court may order a  
35 person found guilty of animal neglect to pay all reasonable costs and expenses necessary for:

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

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

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

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

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

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

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

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

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

11 **3. (1) In addition to any other penalty imposed by this section, the court shall order**  
12 **a person found guilty under this section to submit to a comprehensive evaluation to be**  
13 **conducted by a licensed mental health professional prior to sentencing. The court shall use**  
14 **the evaluation's findings in determining the appropriate sentence.**

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

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

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

13 (2) Place ~~[impounded]~~ animals in the care or custody of a veterinarian, the appropriate  
14 animal control authority, ~~[or]~~ an animal shelter, **or a third party approved by the court**. If no  
15 appropriate veterinarian, animal control authority, ~~[or]~~ animal shelter, **or third party** is

16 available, the animal shall not be ~~[impounded]~~ **confiscated** unless it is diseased or disabled  
17 beyond recovery for any useful purpose;

18 (3) Humanely kill any animal ~~[impounded]~~ **confiscated** if it is determined by a licensed  
19 veterinarian 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  
21 under such warrant.

22 2. **(1) The owner of any animal that has been confiscated under this section shall**  
23 **not be responsible for the animal's care and keeping prior to a disposition hearing if, at the**  
24 **disposition hearing, there is no finding of abuse by the court and the court orders the**  
25 **animal returned to the owner.**

26 **(2) If, at the disposition hearing, the court finds that abuse likely occurred and does**  
27 **not order the animal returned to the owner, after completion of the disposition hearing the**  
28 owner or custodian or any person claiming an interest in any animal that has been ~~[impounded]~~  
29 **confiscated** because of neglect or abuse may prevent disposition of the animal **after the**  
30 **disposition hearing and until final judgment, settlement, or dismissal of any criminal**  
31 **charges** by posting **reasonable** bond or security **within seventy-two hours of the disposition**  
32 **hearing** in an amount sufficient to provide for the animal's care and keeping ~~[for at least thirty~~  
33 ~~days, inclusive of the date on which the animal was taken into custody]~~ **and consistent with the**  
34 **fair market cost of boarding such an animal in an appropriate retail boarding facility.**  
35 Notwithstanding the fact that **reasonable** bond may be posted pursuant to this ~~[subsection]~~  
36 **subdivision**, the authority having custody of the animal may humanely dispose of the animal at  
37 the end of the time for which **reasonable** expenses are covered by the bond or security, unless  
38 there is a court order prohibiting such disposition. Such order shall provide for a **reasonable**  
39 bond or other security in the amount necessary to protect the authority having custody of the  
40 animal from any cost of the care, keeping, or disposal of the animal.

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

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

50 4. **All animals confiscated under this section shall receive proper care as determined**  
51 **by state law and regulations for each specific animal and facility or organization where the**

52 animal is placed after such confiscation. Any such facility or organization shall be liable  
53 to the animal owner for damages for any negligent acts or abuse of such animal that occurs  
54 while the animal is in the care, custody, and control of the facility or organization.

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

63 6. If the owner posted a sufficient bond and is acquitted or there is a final discharge  
64 without conviction, unless there is a settlement agreement, consent judgment, or a  
65 suspended imposition of sentence, the owner may demand the return of the animal held in  
66 custody. Any entity with care, custody, and control of such animal shall immediately  
67 return such animal to the owner upon demand and proof of such acquittal or final  
68 discharge without conviction. Upon acquittal or final discharge without conviction, unless  
69 there is a settlement agreement, consent judgment, or a suspended imposition of sentence,  
70 the owner shall not be liable for any costs incurred relating to the placement or care of the  
71 animal during the pendency of the charges.

72 7. Any person or entity that intentionally euthanizes, other than as permissible  
73 under this section, or intentionally sterilizes an animal prior to a disposition hearing or  
74 during any period for which reasonable bond was secured for the animal's care is guilty  
75 of a class B misdemeanor and shall be liable to the owner of the animal for damages,  
76 including the actual value of the animal. Each violation against each individual animal is  
77 a separate offense. Any second or subsequent violation is a class A misdemeanor, and any  
78 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. All requests for such warrants shall be signed, witnessed, and accompanied by  
5 an affidavit stating the probable cause to believe a violation of sections 578.025 to 578.050  
6 has occurred.

7 2. Any member of the state highway patrol or other law enforcement officer making an  
8 arrest under section 578.025 shall lawfully take possession of all dogs or other animals in  
9 accordance with the provisions of section 578.018 and all paraphernalia, implements, or other

10 property or things used or employed, or about to be employed, in the violation of any of the  
11 provisions of section 578.025. Such officer, after taking possession of such dogs, animals,  
12 paraphernalia, implements or other property or things, shall file with the court before whom the  
13 complaint is made against any person so arrested an affidavit stating therein the name of the  
14 person charged in such complaint, a description of the property so taken and the time and place  
15 of the taking thereof together with the name of the person from whom the same was taken and  
16 the name of the person who claims to own such property, if known, and that the affiant has  
17 reason to believe and does believe, stating the ground of such belief, that the property so taken  
18 was used or employed, or was about to be used or employed, in such violation of section  
19 578.025. ~~[He or she]~~ **The officer** shall thereupon deliver the property so taken to the court,  
20 which shall, by order in writing, place the same in the custody of an officer or other proper  
21 person named and designated in such order, to be kept by ~~[him or her]~~ **such officer or other**  
22 **proper person named and designated in such order** until the conviction or final discharge of  
23 such person complained against, and shall send a copy of such order without delay to the  
24 prosecuting attorney of the county. The officer or person so named and designated in such order  
25 shall immediately thereupon assume the custody of such property and shall retain the same,  
26 subject to the order of the court before which such person so complained against may be required  
27 to appear for trial. **If the property includes animals, the placement of the animals shall be**  
28 **handled in accordance with the provisions of section 578.018.** Upon the conviction of the  
29 person so charged, all property so seized shall be adjudged by the court to be forfeited and shall  
30 thereupon be destroyed or otherwise disposed of as the court may order. In the event of the  
31 acquittal or final discharge without conviction of the person so charged, such court shall, on  
32 demand, direct the delivery of such property so held in custody to the owner thereof.

**Section 1. 1. No entity in this state shall require documentation of an individual**  
2 **having received a vaccination against any disease in order for the individual to access**  
3 **transportation systems or services, including but not limited to buses, air travel, rail travel,**  
4 **taxicab or limousine services, prearranged rides as defined in section 387.400, other public**  
5 **transportation, or any public transportation facilities, including but not limited to bus and**  
6 **airport facilities.**

7 **2. No Missouri government entity, subdivision, agency, or agent, is authorized to**  
8 **issue vaccine passports, vaccine passes, or other standardized documentation for the**  
9 **purpose of certifying an individual's COVID-19 vaccination status to a third party, or**  
10 **otherwise publish or share any individual's COVID-19 vaccination record or similar health**  
11 **information.**

12           **3. Missouri business entities are prohibited from requiring patrons, customers, or**  
13 **employees to provide any documentation certifying COVID-19 vaccination or post-**  
14 **transmission recovery to gain access to, entry upon, or service from the business entity.**

15           **4. All businesses must comply with this act to be eligible for grants or contracts**  
16 **funded through state revenue.**

17           **5. The requirements in this act do not otherwise restrict businesses from instituting**  
18 **COVID-19 screening protocols in accordance with state and federal law to protect public**  
19 **health, and nothing herein shall be construed to interfere with individuals' rights to access**  
20 **their own personal health information under federal law.**

**Section 2. At all times, including during declared emergencies, religious services**  
2 **and activities of a religious organization shall be considered essential services and no rule,**  
3 **order, declaration, or direction of the state government shall treat any religious**  
4 **organization less favorably or more strictly than any other similarly situated organization**  
5 **in terms of function, service, assembly, size, or conduct. Any restriction of this right shall**  
6 **be subject to strict scrutiny.**

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