

FIRST REGULAR SESSION

HOUSE BILL NO. 373

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HANNEGAN.

0949H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 566.111, 578.005, 578.009, and 578.012, RSMo, and to enact in lieu thereof four new sections relating to offenses against animals, with penalty provisions.

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

Section A. Sections 566.111, 578.005, 578.009, and 578.012, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 566.111, 578.005, 578.009, and 578.012, to read as follows: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.**

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