

HB 589 -- PUBLIC HEALTH (Knight)

COMMITTEE OF ORIGIN: Standing Committee on Agriculture Policy

This bill modifies the provisions relating to public health.

OFFENSES AGAINST ANIMALS (Sections 566.111, 578.005, 578.009, and 578.012, RSMo)

The bill specifies that a court must order a person found guilty of the offense of sex with an animal to submit to and pay for a comprehensive evaluation conducted by a licensed mental health professional prior to the person's sentencing. The court will use the evaluation to determine appropriate sentencing. If the court determines that the defendant is indigent, the state will pay for the evaluation. If the evaluation recommends treatment, the defendant will be ordered to complete an appropriate treatment program, as determined by the court, designed to address the underlying causative factors.

The bill also establishes that a person commits the offense of animal neglect if the person has a hoarding disorder causing the accumulation of custody or ownership of animals. The offense of animal neglect because of a hoarding disorder is a class C misdemeanor, unless the person has previously been found guilty of animal hoarding, in which case it is a class E felony. A court must order a person who has pled guilty or been found guilty of the offense of animal neglect due to having a hoarding disorder to submit to and pay for a comprehensive evaluation conducted by a licensed mental health professional prior to the person's sentencing. The court will use the evaluation to determine appropriate sentencing. If the court determines that the defendant is indigent, the state will pay for the evaluation. If the evaluation recommends treatment, the defendant will be ordered to complete an appropriate treatment program, as determined by the court, designed to address the underlying causative factors.

The bill specifies that a person who is found guilty of the offense of animal abuse must be ordered by the court to submit to and pay for a comprehensive evaluation conducted by a licensed mental health professional prior to the person's sentencing. The court will use the evaluation to determine appropriate sentencing. If the court determines that the defendant is indigent, the state will pay for the evaluation. If the evaluation recommends treatment, the defendant will be ordered to complete an appropriate treatment program, as determined by the court, designed to address the underlying causative factors.

ANIMAL CONFISCATION (Sections 578.018 & 578.030)

This bill changes the laws regarding the confiscation of animals. In its main provisions, the bill:

- (1) Specifies that a warrant issued under the bill must be served in the presence of a law enforcement official;
- (2) Requires a person acting under the authority of a warrant to appear at a disposition hearing before the court through which the warrant was issued within 10 days of the confiscation, instead of being given a disposition hearing within 30 days of the filing of the request, for the purpose of granting immediate disposition of the animals. An animal cannot be sterilized before the completion of the disposition hearing unless it is necessary to save life or relieve suffering;
- (3) Allows a third party approved by the court to care for confiscated animals;
- (4) Specifies that the owner of any animal that has been confiscated cannot be responsible for the animal's care and keeping prior to a disposition hearing if at the hearing, there is no finding of abuse by the court and the court orders the animals returned to the owner;
- (5) Requires a reasonable bond or security to be posted within 72 hours of the disposition hearing in an amount sufficient to provide for the care of the animal and consistent with the fair market cost of boarding the animal in an appropriate retail boarding facility if the owner, custodian, or any person claiming an interest in an animal that has been confiscated because of neglect or abuse would like to prevent disposition of the animal after the disposition hearing and while the criminal case proceeds. Currently, the owner, custodian, or any person claiming an interest in an animal that has been impounded because of neglect or abuse may prevent disposition of the animal by posting bond or security in an amount sufficient to provide for the animal's care for at least 30 days, inclusive of the date on which the animal was taken into custody;
- (6) Specifies that all animals confiscated must receive proper care as determined by state law and regulations. Any facility or organization must be liable to the owner for damages for any negligent act or abuse of the animal which occurs while the animal is in its care, custody, and control;
- (7) Specifies that in the event that an animal owner is not liable for the costs incurred while the charges were pending, the costs of

care and the liability for the life or death of the animal and medical procedures performed are the responsibility of the confiscating agency;

(8) Allows an owner to demand the return of the animal held in custody if he or she posted a sufficient bond and is acquitted or there is a final discharge without a conviction unless there is a settlement agreement, consent judgment, or a suspended imposition of sentence. Any entity with care, custody, and control of the animal must immediately return it to the owner upon demand and proof of the acquittal or final discharge without conviction. The animal owner must not be liable for any costs incurred relating to the placement or care of the animal while the charges were pending unless there is a settlement agreement, consent judgment, or a suspended imposition of sentence;

(9) Specifies that any person or entity that intentionally euthanizes, other than as permissible under the provisions of the bill, or intentionally sterilizes an animal prior to a disposition hearing or during any period for which a reasonable bond was secured for the animal's care will be guilty of a class B misdemeanor and is liable to the owner for damages including the actual value of the animal. Each individual animal for which a violation occurs is a separate offense. Any second or subsequent violation is a class A misdemeanor, and any entity licensed under state law must be subject to licensure sanction by its governing body;

(10) Includes dogs confiscated by any member of the State Highway Patrol or other law enforcement officer that were involved in dog fighting to those animals covered under these provisions; and

(11) Requires, in the event that the animal owner is not liable for the costs incurred, the confiscating agency to be responsible for the usual and customary veterinary costs and fair market boarding fees and be liable for the life or death of the animal and for medical procedures performed while the charges were pending.

This provision is similar to HCS HB 2111 (2020).

VACCINATION DOCUMENTATION (Section 1)

The bill prohibits the following:

(1) Entities in the state from requiring documentation of an individual to having received a vaccination against any disease in order to access transportation systems or services;

(2) A government entity, subdivision , or agent from issuing

vaccine passports, vaccine passes, or other standardized documentation for the purpose of certifying a person's COVID-19 vaccination status or from publishing or sharing anyone's vaccination record or similar health information;

(3) A Missouri based business from requiring patrons, customers, or employees to provide documentation certifying COVID-19 vaccination or post transmission recovery to gain access to, entry upon, or service from the business.

All businesses must comply with these requirements to be eligible for grants or contracts funded through state revenue. The requirements do not restrict businesses from instituting COVID-19 screening protocols in accordance with state and federal laws.

TREATMENT OF RELIGIOUS ORGANIZATIONS (Section 2)

The bills specifies that at all times, including during declared emergencies, religious services and activities of a religious organization are considered essential services and no rule, order, declaration, or direction of the state government can treat a religious organization less favorably or more strictly than any other similarly situated organization.