

FIRST REGULAR SESSION

# HOUSE BILL NO. 1423

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOK.

2864H.011

JOSEPH ENGLER, Chief Clerk

## AN ACT

To repeal section 578.024, RSMo, and to enact in lieu thereof one new section relating to the offense of keeping a dangerous dog, with penalty provisions.

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

Section A. Section 578.024, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 578.024, to read as follows:

578.024. 1. A person commits the offense of keeping a dangerous dog if he or she owns or possesses a dog that has:

(1) **Bitten any person, domestic animal, or livestock without provocation on one occasion; or**

(2) Previously bitten a person ~~[or]~~, a domestic animal, **or livestock** without provocation and that dog bites any person, **domestic animal, or livestock** on a subsequent occasion.

2. The offense of keeping a dangerous dog is:

(1) **An infraction under subdivision (1) of subsection 1 of this section; or**

(2) A class B misdemeanor **under subdivision (2) of subsection 1 of this section**, unless such attack:

~~(1)~~ (a) Results in serious injury to any person **or death of a domestic animal or livestock**, in which case, it is a class A misdemeanor **under subdivision (2) of subsection 1 of this section; or**

~~(2)~~ (b) Results in serious injury to any person **or death of a domestic animal or livestock** and any previous attack also resulted in serious injury to any person **or death of a**

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.

17 **domestic animal or livestock**, in which case, it is a class E felony **under subdivision (2) of**  
18 **subsection 1 of this section**; or

19 ~~[(3)]~~ (c) Results in the death of any person, in which case, it is a class D felony **under**  
20 **subdivision (2) of subsection 1 of this section**.

21 3. In addition to the penalty included in subsection 2 of this section, if any dog that  
22 has previously bitten a person ~~[or]~~, a domestic animal, **or livestock** without provocation bites  
23 any person, **domestic animal, or livestock** on a subsequent occasion or if a dog that has not  
24 previously bitten a person, **domestic animal, or livestock** attacks and causes serious injury to  
25 or the death of any human, **domestic animal, or livestock**, the dog shall be seized  
26 immediately by an animal control authority or by the county sheriff. The dog shall be  
27 impounded and held for ten business days after the owner or possessor is given written  
28 notification and thereafter destroyed.

29 4. The owner or possessor of the dog that has been impounded may file a written  
30 appeal to the circuit court to contest the impoundment and destruction of such dog. The  
31 owner or possessor shall provide notice of the filing of the appeal to the animal control  
32 authority or county sheriff who seized the dog. If the owner or possessor files such an appeal  
33 and provides proper notice, the dog shall remain impounded and shall not be destroyed while  
34 such appeal is pending and until the court issues an order for the destruction of the dog. The  
35 court shall hold a disposition hearing within thirty days of the filing of the appeal to  
36 determine whether such dog shall be humanely destroyed. The court may order the owner or  
37 possessor of the dog to pay the costs associated with the animal's keeping and care during the  
38 pending appeal.

39 5. Notwithstanding any provision of sections 273.033 and 273.036, section 578.022  
40 and this section to the contrary, if a dog attacks or bites a person who is engaged in or  
41 attempting to engage in a criminal activity at the time of the attack, the owner or possessor is  
42 not guilty of any crime specified under this section or section 273.036, and is not civilly liable  
43 under this section or section 273.036, nor shall such dog be destroyed as provided in  
44 subsection 3 of this section, nor shall such person engaged in or attempting to engage in a  
45 criminal activity at the time of the attack be entitled to the defenses set forth in section  
46 273.033. For purposes of this section "criminal activity" shall not include the act of trespass  
47 upon private property under section 569.150 as long as the trespasser does not otherwise  
48 engage in, attempt to engage in, or have intent to engage in other criminal activity nor shall it  
49 include any trespass upon private property by a person under the age of twelve under section  
50 569.140.

51 **6. The court may order the owner or possessor of the dog to pay:**

52 **(1) Any medical bill of a person, a domestic animal, or livestock resulting from**  
53 **being bitten by the dog; or**

54           **(2) The replacement cost of the domestic animal or livestock if such bite results**  
55 **in the death of the domestic animal or livestock.**

56           **7. A person, property owner, or livestock owner may kill a dog that shows**  
57 **aggression to the person or owner in any manner that puts the person or owner in fear**  
58 **of his or her life, the life of others, or the life of a domestic animal or livestock.**

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