

SECOND REGULAR SESSION

HOUSE BILL NO. 2436

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE VAN SCHOIACK.

4194H.02I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 578.018, RSMo, and to enact in lieu thereof one new section relating to the impoundment of animals, with penalty provisions.

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

Section A. Section 578.018, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 578.018, to read as follows:

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

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

(2) Place impounded animals in the care or custody of a veterinarian, the appropriate animal control authority, ~~[or]~~ an animal shelter, **or a third party approved by the court**. If no appropriate veterinarian, animal control authority, ~~[or]~~ animal shelter, **or third party** is available, the animal shall not be impounded unless it is diseased or disabled beyond recovery for any useful purpose;

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.

18 (3) Humanely kill any animal impounded if it is determined by a licensed veterinarian
19 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 impounded under this section shall**
23 **not be responsible for the animal's care and keeping prior to a disposition hearing if, at**
24 **the disposition hearing, there is no finding of neglect or abuse by the court and the court**
25 **orders the animal returned to the owner.**

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

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

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

51 4. **All animals impounded under this section shall receive proper care as**
52 **determined by state law and regulations for each specific animal and facility or**
53 **organization where the animal is placed after such impoundment. Any such facility or**
54 **organization shall be liable to the animal owner for damages for any negligent acts or**

55 abuse of such animal that occurs while the animal is in the care, custody, and control of
56 the facility or organization.

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

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

74 7. Any person or entity that intentionally euthanizes, other than as permissible
75 under this section, or intentionally sterilizes an animal prior to a disposition hearing or
76 during any period for which reasonable bond was secured for the animal's care is guilty
77 of a class B misdemeanor and shall be liable to the owner of the animal for damages
78 including, but not limited to, the actual value of the animal. Each violation against each
79 individual animal is a separate offense. Any second or subsequent violation is a class A
80 misdemeanor and any entity licensed under state law shall be subject to licensure
81 sanction by its governing body.

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