

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1714
103RD GENERAL ASSEMBLY

5048H.02C

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 578.009, RSMo, and to enact in lieu thereof one new section relating to the offense of animal neglect, with penalty provisions.

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

Section A. Section 578.009, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 578.009, to read as follows:

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

(1) Has custody or ownership of an animal and fails to provide adequate care; ~~or~~
(2) **Has custody or ownership of an animal, excluding livestock as defined in section 265.300, and fails to provide adequate control; or**

(3) Knowingly abandons an animal in any place without making provisions for its adequate care **or adequate control.**

2. The offense of animal neglect is a class C misdemeanor unless the person:

(1) Has previously been found guilty of an offense under this section, or an offense in another jurisdiction which would constitute an offense under this section, in which case it is a class B misdemeanor;

(2) **Fails to provide adequate care or adequate control that results in property damage of another, in which case it is a class B misdemeanor; however, if such damage exceeds seven hundred fifty dollars, it is a class E felony;**

(3) **Fails to provide adequate care or adequate control that results in physical injury, as defined in 556.061, to a person, in which case it is a class A misdemeanor;**

(4) **Fails to provide adequate care or adequate control that results in serious physical injury, as defined in section 556.061, to a person, in which case it is a class E felony; or**

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.

19 **(5) Fails to provide adequate care or adequate control that results in death to a**
20 **person, in which case it is a class D felony.**

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

26 4.] In addition to any other penalty imposed by this section, the court may order a
27 person found guilty of animal neglect to pay all reasonable costs and expenses necessary for:

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

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

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

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

36 **4. Nothing in this section shall be construed to apply to the acts or facilities**
37 **exempted under section 578.007.**

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