

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2904
103RD GENERAL ASSEMBLY

5546H.02C

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 578.012, RSMo, and to enact in lieu thereof two new sections relating to animal abuse offenses, with penalty provisions.

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

Section A. Section 578.012, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 578.006 and 578.012, to read as follows:

578.006. 1. A person commits the offense of making a malicious false report of animal abuse if:

(1) The person purposely makes a report to a law enforcement agency or an applicable government agency alleging the abuse of any animal in a manner punishable under section 578.012;

(2) The person knows that such a report is false;

(3) The person makes the report with the purpose of disrupting, harassing, causing a monetary loss to, or disturbing the peace of the owner of the animal; and

(4) Such report causes a disruption, harassment, monetary loss, or disturbance of the owner of the animal.

2. The offense of making a malicious false report of animal abuse is a class C misdemeanor.

3. It shall be an absolute defense for a prosecution of the offense of making a malicious false report of animal abuse if the reporting party reported an incident of animal abuse out of a good faith, reasonable belief that an animal was being abused. The defendant shall have the burden of injecting this defense under this subsection. If a defendant asserts that his or her report of animal abuse was made from a good faith, reasonable belief that an animal was being abused, the state shall have the burden to

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 **prove beyond a reasonable doubt that the defendant did not have a good faith,**
20 **reasonable belief that such a report was true.**

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
3 expressly 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
6 care 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
9 this section is the result of torture [~~or~~], mutilation [~~consciously~~], **or starvation knowingly**
10 inflicted while the animal was alive, in which case it is a class E felony.

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