

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 3304**  
**103RD GENERAL ASSEMBLY**

7219H.03C

JOSEPH ENGLER, Chief Clerk

---

**AN ACT**

To repeal sections 578.009 and 578.024, RSMo, and to enact in lieu thereof two new sections relating to offenses involving animals, with penalty provisions.

---

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

Section A. Sections 578.009 and 578.024, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 578.009 and 578.024, to read as follows:

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

2 (1) Has custody or ownership of an animal and fails to provide adequate care; ~~[or]~~

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

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

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

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

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

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

16 (4) **Fails to provide adequate care or adequate control that results in serious**  
17 **physical injury, as defined in section 556.061, to a person, in which case it is a class E**  
18 **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.**

          578.024. 1. A person commits the offense of keeping a dangerous dog if he or she  
2 owns or possesses a dog that has previously bitten a person or a domestic animal without  
3 provocation and that dog bites any person on a subsequent occasion.

4           2. The offense of keeping a dangerous dog is a class B misdemeanor, unless such  
5 attack:

6           (1) Results in serious **physical injury, as defined in section 556.061**, to any person,  
7 in which case, it is a class A misdemeanor; or

8           (2) Results in serious **physical injury, as defined in section 556.061**, to any person  
9 and ~~[any previous attack also resulted]~~ **the dog has previously attacked a person resulting**  
10 in serious **physical injury [to any person]**, in which case[5] it is a class E felony; or

11           (3) Results in the death of any person, in which case[5] it is a class D felony.

12           3. In addition to the penalty included in subsection 2 of this section, if any dog that  
13 has previously bitten a person or a domestic animal without provocation bites any person on a  
14 subsequent occasion or if a dog that has not previously bitten a person attacks and causes  
15 serious **physical injury** to or the death of any human, the dog shall be seized immediately by  
16 an animal control authority or by the county sheriff. The dog shall be impounded and held for  
17 ten business days after the owner or possessor is given written notification and thereafter  
18 destroyed.

19           4. The owner or possessor of the dog that has been impounded may file a written  
20 appeal to the circuit court to contest the impoundment and destruction of such dog. The  
21 owner or possessor shall provide notice of the filing of the appeal to the animal control  
22 authority or county sheriff who seized the dog. If the owner or possessor files such an appeal  
23 and provides proper notice, the dog shall remain impounded and shall not be destroyed while  
24 such appeal is pending and until the court issues an order for the destruction of the dog. The  
25 court shall hold a disposition hearing within thirty days of the filing of the appeal to  
26 determine whether such dog shall be humanely destroyed. The court may order the owner or  
27 possessor of the dog to pay the costs associated with the animal's keeping and care during the  
28 pending appeal.

29           5. Notwithstanding any provision of sections 273.033 and 273.036, section 578.022  
30 and this section to the contrary, if a dog attacks or bites a person who is engaged in or  
31 attempting to engage in a criminal activity at the time of the attack, the owner or possessor is  
32 not guilty of any crime specified under this section or section 273.036, and is not civilly liable  
33 under this section or section 273.036, nor shall such dog be destroyed as provided in  
34 subsection 3 of this section, nor shall such person engaged in or attempting to engage in a  
35 criminal activity at the time of the attack be entitled to the defenses set forth in section  
36 273.033. For purposes of this section "criminal activity" shall not include the act of trespass  
37 upon private property under section 569.150 as long as the trespasser does not otherwise  
38 engage in, attempt to engage in, or have intent to engage in other criminal activity nor shall it  
39 include any trespass upon private property by a person under the age of twelve under section  
40 569.140.

✓