

FIRST REGULAR SESSION

HOUSE BILL NO. 1116

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FALKNER.

2431H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 575.010, 575.353, 578.007, and 578.022, RSMo, and to enact in lieu thereof four new sections relating to law enforcement animals, with penalty provisions.

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

Section A. Sections 575.010, 575.353, 578.007, and 578.022, RSMo, are repealed
2 and four new sections enacted in lieu thereof, to be known as sections 575.010, 575.353,
3 578.007, and 578.022, to read as follows:

575.010. The following definitions shall apply to this chapter and chapter 576:

2 (1) "Affidavit" means any written statement which is authorized or required by law to
3 be made under oath, and which is sworn to before a person authorized to administer oaths;

4 (2) "Government" means any branch or agency of the government of this state or of
5 any political subdivision thereof;

6 (3) "Highway" means any public road or thoroughfare for vehicles, including state
7 roads, county roads and public streets, avenues, boulevards, parkways or alleys in any
8 municipality;

9 (4) "Judicial proceeding" means any official proceeding in court, or any proceeding
10 authorized by or held under the supervision of a court;

11 (5) "Juror" means a grand or petit juror, including a person who has been drawn or
12 summoned to attend as a prospective juror;

13 (6) "Jury" means a grand or petit jury, including any panel which has been drawn or
14 summoned to attend as prospective jurors;

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.

15 (7) "Law enforcement animal" means a dog, horse, or other animal used in law
 16 enforcement or a correctional facility, or by a municipal police department, fire
 17 department, or search and rescue unit or agency, whether the animal is on duty or not
 18 on duty. The term shall include, but not be limited to, accelerant detection dogs, bomb
 19 detection dogs, narcotic detection dogs, search and rescue dogs, and tracking animals;

20 (8) "Official proceeding" means any cause, matter, or proceeding where the laws of
 21 this state require that evidence considered therein be under oath or affirmation;

22 ~~[(8) "Police animal" means a dog, horse or other animal used in law enforcement or a
 23 correctional facility, or by a municipal police department, fire department, search and rescue
 24 unit or agency, whether the animal is on duty or not on duty. The term shall include, but not
 25 be limited to, accelerant detection dogs, bomb detection dogs, narcotic detection dogs, search
 26 and rescue dogs and tracking animals;]~~

27 (9) "Public record" means any document which a public servant is required by law to
 28 keep;

29 (10) "Testimony" means any oral statement under oath or affirmation;

30 (11) "Victim" means any natural person against whom any crime is deemed to have
 31 been perpetrated or attempted;

32 (12) "Witness" means any natural person:

33 (a) Having knowledge of the existence or nonexistence of facts relating to any crime;

34 or

35 (b) Whose declaration under oath is received as evidence for any purpose; or

36 (c) Who has reported any crime to any peace officer or prosecutor; or

37 (d) Who has been served with a subpoena issued under the authority of any court of
 38 this state.

575.353. 1. **This section shall be known and may be cited as "Max's Law".**

2 **2.** A person commits the offense of assault on a ~~[police]~~ **law enforcement** animal if
 3 he or she knowingly attempts to kill or disable or knowingly causes or attempts to cause
 4 serious physical injury to a ~~[police]~~ **law enforcement** animal when that animal is involved in
 5 law enforcement investigation, apprehension, tracking, or search, or the animal is in the
 6 custody of or under the control of a law enforcement officer, department of corrections
 7 officer, municipal police department, fire department or a rescue unit or agency.

8 ~~[2.]~~ **3.** The offense of assault on a ~~[police]~~ **law enforcement** animal is a ~~[class C~~
 9 ~~misdemeanor, unless]~~:

10 (1) **Class A misdemeanor if the law enforcement animal is not injured to the**
 11 **point of requiring veterinary care or treatment;**

12 (2) **Class E felony if the law enforcement animal is seriously injured to the point**
 13 **of requiring veterinary care or treatment; and**

14 **(3) Class D felony** if the assault results in the death of such animal ~~[or disables such~~
15 ~~animal to the extent it is unable to be utilized as a police animal, in which case it is a class E~~
16 ~~felony].~~

 578.007. The provisions of section 574.130~~;~~ **and** sections 578.005 to 578.023 shall
2 not apply to:

3 (1) Care or treatment performed by a licensed veterinarian within the provisions of
4 chapter 340;

5 (2) Bona fide scientific experiments;

6 (3) Hunting, fishing, or trapping as allowed by chapter 252, including all practices
7 and privileges as allowed under the Missouri Wildlife Code;

8 (4) Facilities and publicly funded zoological parks currently in compliance with the
9 federal "Animal Welfare Act" as amended;

10 (5) Rodeo practices currently accepted by the Professional Rodeo Cowboy's
11 Association;

12 (6) The killing of an animal by the owner thereof, the agent of such owner, or by a
13 veterinarian at the request of the owner thereof;

14 (7) The lawful, humane killing of an animal by an animal control officer, the operator
15 of an animal shelter, a veterinarian, or law enforcement or health official;

16 (8) With respect to farm animals, normal or accepted practices of animal husbandry;

17 (9) The killing of an animal by any person at any time if such animal is outside of the
18 owned or rented property of the owner or custodian of such animal and the animal is injuring
19 any person or farm animal, but **this exemption** shall not include ~~[police or guard dogs]~~ **the**
20 **killing or injuring of a law enforcement animal** while working;

21 (10) The killing of house or garden pests; or

22 (11) Field trials, training and hunting practices as accepted by the Professional
23 Houndsmen of Missouri.

 578.022. Any dog that is owned, or the service of which is employed, by a law
2 enforcement agency and that bites **or injures** another animal or human in the course of their
3 official duties is exempt from the provisions of sections 273.033 ~~[and]~~, 273.036 ~~[and section]~~,
4 **578.012, and 578.024.**

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