

SECOND REGULAR SESSION

# HOUSE BILL NO. 1425

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BURNETT.

3160H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal section 578.012, RSMo, and to enact in lieu thereof two new sections relating to animal abuse, 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Section A. Section 578.012, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 578.012 and 589.750, to read as follows:

578.012. 1. A person commits the offense of animal abuse if he or she:

(1) Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of sections 578.005 to 578.023 and 273.030;

(2) Purposely or intentionally causes injury or suffering to an animal; or

(3) Having ownership or custody of an animal knowingly fails to provide adequate care which results in substantial harm to the animal.

2. Animal abuse is a class ~~[A misdemeanor]~~ **E felony**, unless the defendant has previously been found guilty of animal abuse or the suffering involved in subdivision (2) of subsection 1 of this section is the result of torture or mutilation consciously inflicted while the animal was alive, in which case it is a class ~~[E]~~ **D felony**.

**589.750. 1. The provisions of this section shall be known and may be cited as the "Missouri Animal Abuser Registration Act".**

**2. As used in this section, the following terms shall mean:**

(1) "Abuser" or "animal abuser", a person who has been convicted in this state of committing an animal abuse offense;

(2) "Animal", a companion animal not including livestock or wildlife;

(3) "Animal abuse offense":

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.

- 8           (a) **Animal abuse under section 578.012;**  
9           (b) **Dogfighting under section 578.025 if the person's act constitutes a felony;**  
10          (c) **Bullbaiting or cockfighting under section 578.050; or**  
11          (d) **Sex with an animal under section 566.111;**  
12          (4) **"Companion animal", any live dog of the species *Canis familiaris* or live cat of**  
13 **the species *Felis catus*;**  
14          (5) **"Conviction", a judgment entered by a Missouri court upon a plea of guilty, a**  
15 **plea of nolo contendere, or a finding of guilt by a jury or the court, notwithstanding any**  
16 **pending appeal or habeas corpus proceeding arising from the judgment.**  
17          3. **Beginning January 1, 2020, the Missouri state highway patrol shall post a**  
18 **publicly accessible list on its website of any person convicted of an animal abuse offense**  
19 **on or after such date. The list shall include a photograph taken of each convicted animal**  
20 **abuser as part of the booking process, the animal abuser's full legal name, and other**  
21 **identifying data as the highway patrol determines is necessary to properly identify the**  
22 **animal abuser and to exclude innocent persons. The list shall not include the animal**  
23 **abuser's Social Security number, driver's license number, or any other state or federal**  
24 **identification number.**  
25          4. **All circuit court clerks shall forward a copy of the judgment and date of birth**  
26 **of all persons convicted of an animal abuse offense to the Missouri state highway patrol**  
27 **within sixty calendar days of the date of judgment.**  
28          5. **Upon a person's first conviction for an animal abuse offense, the Missouri state**  
29 **highway patrol shall maintain the person's name and other identifying information on the**  
30 **list under subsection 3 of this section for two years following the date of conviction, after**  
31 **which time the highway patrol shall remove the person's name and identifying information**  
32 **from the list; provided that, the person is not convicted of another animal abuse offense**  
33 **during such two-year period.**  
34          6. **Upon a person's second or subsequent conviction for an animal abuse offense,**  
35 **the Missouri state highway patrol shall maintain the person's name and other identifying**  
36 **information on the list under subsection 3 of this section for five years following the date**  
37 **of the most recent conviction, after which time the highway patrol shall remove the**  
38 **person's name and identifying information from the list; provided that, the person is not**  
39 **convicted of another animal abuse offense during such five-year period.**  
40          7. **The Missouri state highway patrol shall remove the person's name and**  
41 **identifying information from the registry list if the sole offense that subjected the person**  
42 **to the provisions of this section is expunged.**

43           **8. The Missouri state highway patrol may promulgate rules and regulations to**  
44 **implement the provisions of this section. Any rule or portion of a rule, as that term is**  
45 **defined in section 536.010, that is created under the authority delegated in this section shall**  
46 **become effective only if it complies with and is subject to all of the provisions of chapter**  
47 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and**  
48 **if any of the powers vested with the general assembly pursuant to chapter 536 to review,**  
49 **to delay the effective date, or to disapprove and annul a rule are subsequently held**  
50 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**  
51 **after August 28, 2020, shall be invalid and void.**

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