

FIRST REGULAR SESSION

# HOUSE BILL NO. 360

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROEBER.

0835H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To repeal sections 273.403, 322.140, 578.022, and 578.024, RSMo, and to enact in lieu thereof seven new sections relating to dogs, with penalty provisions.

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

Section A. Sections 273.403, 322.140, 578.022, and 578.024, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 273.403, 273.500, 273.505, 273.510, 322.140, 578.022, and 578.024, to read as follows:

273.403. 1. Provisions shall be made for the sterilization of all dogs and cats sold or released for adoption or purchased from any public or private animal shelter or animal control agency operated by a humane society, or by a county or city, or other political subdivision. Such provisions may be made by:

(1) Providing for sterilization by a licensed veterinarian before relinquishing custody of the animal; or

(2) Entering into a written agreement with the adopter or purchaser guaranteeing that sterilization will be performed by a licensed veterinarian, in compliance with a sterilization agreement which shall contain the following information:

(a) The date of the agreement;

(b) The name, address, and signature of the releasing agency and the adopter;

(c) A description of the animal to be adopted;

(d) A statement printed in conspicuous bold print that sterilization of the animal is required pursuant to sections 273.400 to 273.405;

(e) A sterilization completion date which shall be either:

a. The thirtieth day after the date of adoption in the case of an adult animal; 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.

17           b. The thirtieth day after a specified date estimated to be the date an adopted infant  
18 female or male puppy or kitten becomes six months of age; or

19           c. If the releasing agency has a written policy recommending sterilization of certain  
20 infant animals at an earlier date, the thirtieth day after the date contained in the written policy.

21           2. An adopter that signs a sterilization agreement shall have the adopted animal  
22 sterilized on or before the sterilization date stated in the agreement. If the sterilization  
23 completion date stated in the agreement falls on a Saturday, Sunday, or legal holiday, the  
24 deadline may be extended to the first day that is not a Saturday, Sunday or legal holiday. The  
25 releasing agency may extend the deadline for thirty days on the presentation of a letter or  
26 telephone report from a licensed veterinarian stating that the life or health of the adopted animal  
27 may be jeopardized by sterilization. There shall be no limit to the number of extensions that may  
28 be granted for this reason.

29           **3. Before relinquishing custody of any dog, the releasing agency shall disclose to the**  
30 **adopter the nature and extent of any previous aggressive behavior demonstrated by the**  
31 **dog.**

**273.500. 1. For purposes of this section, dog bites shall be classified under the**  
2 **Dunbar scale, which includes the following levels:**

3           **(1) Level one, which indicates obnoxious or aggressive behavior but no skin contact**  
4 **by teeth;**

5           **(2) Level two, which indicates skin contact by teeth but no skin puncture.**  
6 **However, there may be skin nicks of less than one tenth of an inch deep and slight bleeding**  
7 **caused by forward or lateral movement of teeth against skin, but no vertical punctures;**

8           **(3) Level three, which indicates one to four punctures from a single bite with no**  
9 **puncture deeper than half the length of the dog's canine teeth. There may be lacerations**  
10 **in a single direction caused by the victim pulling his or her hand away, the owner pulling**  
11 **the dog away, or gravity, such as when a little dog jumps, bites, and drops to the floor;**

12           **(4) Level four, which indicates one to four punctures from a single bite with at least**  
13 **one puncture deeper than half the length of the dog's canine teeth. There may also be deep**  
14 **bruising around the wound, such as when a dog held on and bore down, or lacerations in**  
15 **both directions, such as when a dog held on and shook its head from side to side;**

16           **(5) Level five, which indicates a multiple-bite incident with at least two level four**  
17 **bites or multiple-attack incidents with at least one level four bite; and**

18           **(6) Level six, which indicates that the dog's victim died.**

19           **2. A dog that inflicts a level one or level two bite on a human or domestic animal**  
20 **shall be deemed a nuisance. No restrictions shall be imposed on a dog deemed a nuisance.**

21           **3. A dog shall be deemed dangerous and subject to the restrictions in section**  
22 **273.505 if the dog:**

23           **(1) Inflicts a second level one or level two bite on a human or domestic animal; or**

24           **(2) Inflicts a level three bite on a human or domestic animal.**

25           **4. A dog shall be deemed vicious and subject to the provisions of section 273.505**  
26 **if the dog:**

27           **(1) Inflicts a bite above level two on a human or domestic animal after already**  
28 **having been deemed dangerous under this section; or**

29           **(2) Inflicts a level four, level five, or level six bite on a human or domestic animal.**  
**273.505. 1. For purposes of this section, the following terms mean:**

2           **(1) "Animal control authority", any entity having the authority to enforce the**  
3 **animal control laws or regulations of the state or any political subdivision of the state. In**  
4 **areas not served by an animal control authority, local law enforcement shall carry out the**  
5 **duties of the animal control authority under this section;**

6           **(2) "Dangerous dog", a dog deemed dangerous under section 273.500;**

7           **(3) "Vicious dog", a dog deemed vicious under section 273.500.**

8           **2. Any dog that is deemed dangerous or vicious under section 273.500 shall be**  
9 **seized immediately by an animal control authority. The dog shall be impounded and held**  
10 **for ten business days after the owner or possessor is given written notification. If the dog**  
11 **is deemed vicious, the dog shall be thereafter humanely killed. If the dog is deemed**  
12 **dangerous, the dog shall be released to the owner or possessor if the owner or possessor**  
13 **obtains a dangerous dog registration certificate and complies with the restrictions set forth**  
14 **in this section.**

15           **3. The owner or possessor of the dog that has been impounded may file a written**  
16 **appeal to the circuit court of the county of his or her residence to contest the impoundment**  
17 **of the dog and the destruction of the dog or the restrictions on the dog. The owner or**  
18 **possessor shall provide notice of the filing of the appeal to the animal control authority that**  
19 **seized the dog. If the owner or possessor files such an appeal and provides proper notice,**  
20 **the dog shall remain impounded and shall not be destroyed while such appeal is pending**  
21 **and until the court issues an order for the destruction of the dog. The court shall hold a**  
22 **disposition hearing within thirty days of the filing of the appeal to determine whether such**  
23 **dog shall be humanely destroyed or subject to the restrictions for dangerous dogs. The**  
24 **court may order the owner or possessor of the dog to pay the costs associated with the dog's**  
25 **keeping and care during the pending appeal.**

26           **4. The department of agriculture shall provide any information it receives under**  
27 **section 322.140 to the appropriate animal control authority.**

28           **5. Any owner or possessor of a dangerous dog shall:**

29           **(1) Obtain a dangerous dog registration certificate from the animal control**  
30 **authority and renew the registration annually as described under this section;**

31           **(2) Obtain liability insurance of at least two hundred fifty thousand dollars and**  
32 **provide proof of that liability insurance upon initial registration of the dog and each**  
33 **annual renewal;**

34           **(3) Muzzle the dog at all times the dog is not on the property of the owner or**  
35 **possessor;**

36           **(4) Enclose the dog in a six-sided enclosure with a reinforced bottom when the dog**  
37 **is on the property of the owner or possessor;**

38           **(5) Walk the dog on a leash that is two feet or shorter;**

39           **(6) Post a sign on the front of his or her home or residence indicating that a**  
40 **dangerous dog resides there;**

41           **(7) Place a microchip into the dog. The microchip shall allow a person to access the**  
42 **address and telephone number of the owner or possessor of the dog. The owner or**  
43 **possessor of the dog shall notify the animal control authority of any changes to the contact**  
44 **information. If the owner or possessor of the dog has moved out of the jurisdiction of the**  
45 **animal control authority, the animal control authority shall forward that information to**  
46 **the appropriate animal control authority in the new jurisdiction;**

47           **(8) Sterilize the dog; and**

48           **(9) Within three months of receiving the dog following a seizure under subsection**  
49 **2 of this section, train the dog for bite inhibition.**

50           **6. The animal control authority shall issue and annually renew a dangerous dog**  
51 **registration certificate to a person who is the owner or possessor of a dangerous dog and**  
52 **who:**

53           **(1) Provides proof of the liability insurance required under this section;**

54           **(2) Agrees to an inspection of his or her premises and submits proof of the**  
55 **completion of the inspection;**

56           **(3) Supplies photographs of each side and front of the dog;**

57           **(4) Provides his or her address and telephone number; and**

58           **(5) Provides a fee of fifty dollars.**

59           **7. The animal control authority shall inspect the premises of the owner or possessor**  
60 **of a dangerous dog before issuing an initial dangerous dog registration certificate and**  
61 **before renewing any such certificate.**

62           **8. The owner or possessor of a dangerous dog shall not transfer ownership of the**  
63 **dog to any other person or entity.**

64           **9. (1) If the owner or possessor of a dangerous dog violates any of the requirements**  
65 **of this section, the owner or possessor of the dog shall be fined in an amount not to exceed**  
66 **two hundred fifty dollars.**

67           **(2) If the owner or possessor of a dangerous dog violates any of the requirements**  
68 **of this section for a second time, the owner or possessor of the dog shall be fined in an**  
69 **amount not to exceed five hundred dollars, and the dog shall be humanely killed by the**  
70 **animal control authority.**

71           **10. The owner or possessor of a dog deemed vicious under section 273.500 shall pay**  
72 **to the person who was inflicted with the bite that caused the dog to be deemed vicious**  
73 **under section 273.500, or to the owner of the animal who was inflicted with such bite, all**  
74 **medical and veterinary bills and lost wages incurred as a result of the bite, to the extent**  
75 **that they are not paid under section 273.036.**

**273.510. 1. The department of agriculture shall create a map showing the location**  
2 **in the state of each dog whose owner or possessor has obtained a dangerous dog**  
3 **registration certificate under section 273.505 and publish the map on its website. The**  
4 **department of agriculture shall update the map as needed, but at least every year.**

5           **2. Any animal control authority that issues a dangerous dog registration certificate**  
6 **or receives updated contact information from any owner or possessor of a dangerous dog**  
7 **shall notify the department of agriculture and provide the contact information needed by**  
8 **the department to create the map under this section.**

9           **3. The department of agriculture may promulgates rules to implement the**  
10 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**  
11 **536.010, that is created under the authority delegated in this section shall become effective**  
12 **only if it complies with and is subject to all of the provisions of chapter 536 and, if**  
13 **applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of**  
14 **the powers vested with the general assembly pursuant to chapter 536 to review, to delay**  
15 **the effective date, or to disapprove and annul a rule are subsequently held**  
16 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**  
17 **after August 28, 2019, shall be invalid and void.**

**322.140. 1. If a county does not adopt rules and regulations pursuant to sections 322.090**  
2 **to 322.130, whenever an animal bites or otherwise possibly transmits rabies or any zoonotic**  
3 **disease, the incident shall be immediately reported to the county health department. The county**  
4 **health department shall immediately report the incident to the department of health and senior**  
5 **services and shall cooperate fully with the department of health and senior services in its**  
6 **investigation. The county health department shall also immediately report the incident to**  
7 **the department of agriculture and the state veterinarian.**

8           2. Upon receipt of an incident report where an animal bites or otherwise possibly  
9 transmits rabies or any zoonotic disease, the department of health and senior services shall  
10 investigate the incident and shall have discretion to order the animal quarantined, isolated,  
11 impounded, tested, immunized or disposed of to prevent and control rabies or zoonotic disease.

12           3. With regard to exposure to rabies or zoonotic disease the department of health and  
13 senior services shall, in its investigation and issuance of its order, consider the following:

14           (1) Prior vaccinations for rabies or zoonotic disease;

15           (2) The degree of exposure to rabies or zoonotic disease;

16           (3) The history and prior behavior of the animal prior to exposure;

17           (4) The availability and effectiveness of human postexposure immunization for rabies  
18 or zoonotic disease;

19           (5) The willingness of the individual so exposed to submit to postexposure immunization  
20 for rabies or zoonotic disease; and

21           (6) Any other relevant information.

22           4. It shall be unlawful for the owner of an animal that bites or otherwise possibly  
23 transmits rabies or any zoonotic disease to knowingly fail or refuse to comply with a lawful order  
24 of the department of health and senior services declaring a quarantine, isolation, impounding,  
25 testing, immunization or disposal of an animal. It shall also be unlawful for an owner of an  
26 animal that bites or otherwise possibly transmits rabies or any zoonotic disease to sell, give away,  
27 transfer, transport to another area or otherwise dispose of an animal until the animal has been  
28 released by the department of health and senior services. A violation of this subsection shall be  
29 a class A misdemeanor.

30           5. The owner of an animal that bites or otherwise possibly transmits rabies or any  
31 zoonotic disease shall be responsible for all costs associated with the incident, including:

32           (1) The cost to test the animal for rabies or zoonotic disease;

33           (2) The cost to test the exposed person for rabies or zoonotic disease; and

34           (3) The cost to treat the person exposed to rabies or zoonotic disease.

35           6. The department of health and senior services shall have authority to promulgate rules  
36 and regulations concerning the classification of disease as a zoonotic disease. Any rule or  
37 portion of a rule, as that term is defined in section 536.010, that is created under the authority  
38 delegated in this section shall become effective only if it complies with and is subject to all of  
39 the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536  
40 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter  
41 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held  
42 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
43 August 28, 2001, shall be invalid and void.

578.022. Any dog that is owned, or the service of which is employed, by a law enforcement agency and that bites another animal or human in the course of their official duties is exempt from the provisions of sections 273.033 and 273.036, **sections 273.500 to 273.510**, and section 578.024.

578.024. 1. A person commits the offense of keeping a dangerous dog if he or she owns or possesses a dog that:

(1) Has previously bitten a person or a domestic animal without provocation and that dog bites any person on a subsequent occasion; or

(2) **Inflicts a level five or level six bite, as described in section 273.500, on a person or domestic animal.**

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

(1) Results in serious injury to any person, in which case, it is a class A misdemeanor; or

(2) Results in serious injury to any person and any previous attack also resulted in serious injury to any person, in which case, it is a class E felony; or

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

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

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

~~5.]~~ Notwithstanding any provision of sections 273.033 and 273.036, section 578.022, **sections 273.500 to 273.510**, and this section to the contrary, if a dog attacks or bites a person who is engaged in or attempting to engage in a criminal activity at the time of the attack, the owner or possessor is not guilty of any crime specified under this section or section 273.036, and is not civilly liable under this section, **section 273.505**, or section 273.036, nor shall such dog

33 be destroyed as provided in [~~subsection 3 of this~~] section **273.505**, nor shall such person engaged  
34 in or attempting to engage in a criminal activity at the time of the attack be entitled to the  
35 defenses set forth in section 273.033. For purposes of this section "criminal activity" shall not  
36 include the act of trespass upon private property under section 569.150 as long as the trespasser  
37 does not otherwise engage in, attempt to engage in, or have intent to engage in other criminal  
38 activity nor shall it include any trespass upon private property by a person under the age of  
39 twelve under section 569.140.

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