

FIRST REGULAR SESSION

# SENATE BILL NO. 115

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

Pre-filed December 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0486S.011

## AN ACT

To repeal sections 578.018 and 578.030, RSMo, and to enact in lieu thereof two new sections relating to the confiscation of animals, with penalty provisions.

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

Section A. Sections 578.018 and 578.030, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 578.018 and 578.030, to read as follows:

578.018. 1. Any duly authorized [public health official or] law enforcement official may seek a warrant from the appropriate **circuit** court to enable him or her to enter private property in order to inspect, care for, or [impound] **confiscate** neglected or abused animals **as set forth in such warrant**. All requests for such warrants shall be **signed, witnessed, and** accompanied by an affidavit stating the probable cause to believe a violation of sections 578.005 to [578.023] **578.025** has occurred. A person acting under the authority of a warrant shall:

(1) [Be given] **Appear at** a disposition hearing before the court through which the warrant was issued, within [thirty] **ten** days of [the filing of the request] **confiscation** for the purpose of granting immediate disposition of the animals [impounded]. **No animal shall be sterilized prior to the completion of such disposition hearing unless necessary to save life or relieve suffering;**

(2) Place [impounded] animals in the care or custody of a veterinarian, the appropriate animal control authority, [or] an animal shelter, **or third party approved by the court**. If no appropriate veterinarian, animal control authority, [or] animal shelter **or third party** is available, the animal shall not

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 be [impounded] **confiscated** unless it is diseased or disabled beyond recovery for  
20 any useful purpose;

21 (3) Humanely kill any animal [impounded] **confiscated** if it is  
22 determined by a licensed veterinarian that the animal is diseased or disabled  
23 beyond recovery for any useful purpose;

24 (4) Not be liable for any **reasonable and** necessary damage to property  
25 while acting under such warrant.

26 2. (1) **The owner of any animal that has been confiscated under**  
27 **this section shall not be responsible for the animal's care and keeping**  
28 **prior to a disposition hearing if the owner is acquitted or there is a**  
29 **final discharge without conviction.**

30 (2) **After completion of the disposition hearing,** the owner or  
31 custodian or any person claiming an interest in any animal that has been  
32 [impounded] **confiscated** because of neglect or abuse may prevent disposition  
33 of the animal **after the disposition hearing and until final judgment,**  
34 **settlement, or dismissal of the case** by posting **reasonable** bond or security  
35 **within seventy-two hours of the disposition hearing** in an amount  
36 sufficient to provide for the animal's care and keeping [for at least thirty days,  
37 inclusive of the date on which the animal was taken into custody] **and**  
38 **consistent with the fair market cost of boarding such an animal in an**  
39 **appropriate retail boarding facility.** Notwithstanding the fact that  
40 **reasonable** bond may be posted pursuant to this [subsection] **subdivision,** the  
41 authority having custody of the animal may humanely dispose of the animal at  
42 the end of the time for which **reasonable** expenses are covered by the  
43 **reasonable** bond or security, unless there is a court order prohibiting such  
44 disposition. Such order shall provide for a bond or other security in the amount  
45 necessary to protect the authority having custody of the animal from any cost of  
46 the care, keeping or disposal of the animal.

47 (3) The authority taking custody of an animal shall give notice of the  
48 provisions of this section [by posting a copy of this section at the place where the  
49 animal was taken into custody or] by delivering [it] **a copy of this section** to  
50 a person residing on the property.

51 3. The owner or custodian of any animal humanely killed pursuant to this  
52 section shall not be entitled to recover any damages related to nor the actual  
53 value of the animal if the animal was found by a licensed veterinarian to be  
54 diseased or disabled **beyond recovery for any useful purpose,** or if the owner

55 or custodian failed to post bond or security for the care, keeping and disposition  
56 of the animal after being notified of [impoundment] **confiscation and after**  
57 **completion of the disposition hearing.**

58 **4. All animals confiscated under this section shall receive proper**  
59 **care as determined by state law and regulations for each specific**  
60 **animal and facility or organization where the animal is placed after**  
61 **such confiscation. Any such facility or organization shall be liable to**  
62 **the owner for damages for any negligent acts or abuse of such animal**  
63 **that occurs while the animal is in the care, custody, and control of such**  
64 **facility or organization.**

65 **5. In the event that the animal owner is not liable for the costs**  
66 **incurred for the placement and care of an animal or animals while**  
67 **charges were pending, such costs relating to placement and care, as**  
68 **well as liability for the life or death of the animal and for medical**  
69 **procedures performed while charges were pending, shall be the**  
70 **responsibility of and shall be borne and paid by the confiscating**  
71 **agency. Such costs shall be consistent with the fair market value of**  
72 **boarding an animal at a retail establishment and with the usual and**  
73 **customary costs of veterinary medical services provided by a clinic**  
74 **licensed under chapter 340.**

75 **6. If the owner posted a sufficient bond and is acquitted or there**  
76 **is a final discharge without conviction, unless there is a settlement**  
77 **agreement, consent judgment, or a suspended imposition of sentence,**  
78 **the owner may demand the return of the animal held in custody. Any**  
79 **entity with care, custody, and control of such animal shall immediately**  
80 **return such animal to the owner upon demand and proof of such**  
81 **acquittal or final discharge without conviction. Upon acquittal or final**  
82 **discharge without conviction, unless there is a settlement agreement,**  
83 **consent judgment, or a suspended imposition of sentence, the owner**  
84 **shall not be liable for any costs incurred relating to the placement or**  
85 **care of the animal during the pendency of the charges.**

86 **7. Any person or entity that intentionally euthanizes, other than**  
87 **as permissible under this section, or intentionally sterilizes an animal**  
88 **prior to a disposition hearing or during any period for which**  
89 **reasonable bond was secured for the animal's care is guilty of a class**  
90 **B misdemeanor and shall be liable to the owner of the animal for**  
91 **damages, including the actual value of the animal. Each individual**

92 **animal for which a violation occurs is a separate offense. Any second**  
93 **or subsequent violation is a class A misdemeanor, and any entity**  
94 **licensed under state law shall be subject to licensure sanction by its**  
95 **governing body.**

578.030. 1. The provisions of section 43.200 notwithstanding, any member  
2 of the state highway patrol or other law enforcement officer may apply for and  
3 serve a search warrant, and shall have the power of search and seizure in order  
4 to enforce the provisions of sections 578.025 to 578.050. **All requests for such**  
5 **warrants shall be signed, witnessed, and accompanied by an affidavit**  
6 **stating the probable cause to believe a violation of sections 578.025 to**  
7 **578.050 has occurred.**

8 2. Any member of the state highway patrol or other law enforcement  
9 officer making an arrest under section 578.025 shall lawfully take possession of  
10 all dogs or other animals **in accordance with the provisions of section**  
11 **578.018** and all paraphernalia, implements, or other property or things used or  
12 employed, or about to be employed, in the violation of any of the provisions of  
13 section 578.025. Such officer, after taking possession of such dogs, animals,  
14 paraphernalia, implements or other property or things, shall file with the court  
15 before whom the complaint is made against any person so arrested an affidavit  
16 stating therein the name of the person charged in such complaint, a description  
17 of the property so taken and the time and place of the taking thereof together  
18 with the name of the person from whom the same was taken and the name of the  
19 person who claims to own such property, if known, and that the affiant has  
20 reason to believe and does believe, stating the ground of such belief, that the  
21 property so taken was used or employed, or was about to be used or employed, in  
22 such violation of section 578.025. He or she shall thereupon deliver the property  
23 so taken to the court, which shall, by order in writing, place the same in the  
24 custody of an officer or other proper person named and designated in such order,  
25 to be kept by him or her until the conviction or final discharge of such person  
26 complained against, and shall send a copy of such order without delay to the  
27 prosecuting attorney of the county. The officer or person so named and  
28 designated in such order shall immediately thereupon assume the custody of such  
29 property and shall retain the same, subject to the order of the court before which  
30 such person so complained against may be required to appear for trial. **If the**  
31 **property includes animals, the placement of the animals shall be**  
32 **handled in accordance with the provisions of section 578.018.** Upon the

33 conviction of the person so charged, all property so seized shall be adjudged by  
34 the court to be forfeited and shall thereupon be destroyed or otherwise disposed  
35 of as the court may order. In the event of the acquittal or final discharge without  
36 conviction of the person so charged, such court shall, on demand, direct the  
37 delivery of such property so held in custody to the owner thereof.

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