

SECOND REGULAR SESSION

SENATE BILL NO. 632

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CUNNINGHAM.

Pre-filed December 1, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

3637S.011

AN ACT

To repeal sections 578.025 and 578.030, RSMo, and to enact in lieu thereof three new sections relating to dog fighting, with penalty provisions.

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

Section A. Sections 578.025 and 578.030, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 578.025, 578.026,
3 and 578.030, to read as follows:

578.025. 1. Any person who:

2 (1) Owns, possesses, keeps, or trains any dog, with the intent that such
3 dog shall be engaged in an exhibition of fighting with another dog;

4 (2) For amusement or gain, causes any dog to fight with another dog, or
5 causes any dogs to injure each other; or

6 (3) Permits any act as described in subdivision (1) or (2) of this subsection
7 to be done on any premises under his charge or control, or aids or abets any such
8 act is guilty of a class D felony.

9 2. Any person who is knowingly present, as a spectator, at any place,
10 building, or structure where preparations are being made for an exhibition of the
11 fighting of dogs, with the intent to be present at such preparations, or is
12 knowingly present at such exhibition or at any other fighting or injuring as
13 described in subdivision (2) of subsection 1 of this section, with the intent to be
14 present at such exhibition, fighting, or injuring is guilty of a class A misdemeanor
15 **for a first offense and a class D felony for a second or subsequent**
16 **offense.**

17 3. Nothing in this section shall be construed to prohibit:

18 (1) The use of dogs in the management of livestock by the owner of such
19 livestock or his employees or agents or other persons in lawful custody of such

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

20 livestock;

21 (2) The use of dogs in hunting; or

22 (3) The training of dogs or the use of equipment in the training of dogs for
23 any purpose not prohibited by law.

**578.026. 1. A person performing a lawful seizure of any dog that
2 is the subject of a violation of section 578.025, whether under the
3 authority of a warrant or not, shall:**

4 (1) Be given a disposition hearing within thirty days of the filing
5 of the request for the purpose of granting immediate disposition of the
6 dogs impounded;

7 (2) Place impounded dogs in the care or custody of a
8 veterinarian, the appropriate animal control authority, or an animal
9 shelter. If no appropriate veterinarian, animal control authority, or
10 animal shelter is available, the dog shall not be impounded unless it is
11 diseased or disabled beyond recovery for any useful purpose;

12 (3) Humanely kill any dog impounded if it is determined by a
13 licensed veterinarian that the dog is diseased or disabled beyond
14 recovery for any useful purpose;

15 (4) Not be liable for any necessary damage to property if the dog
16 has been lawfully seized.

17 2. The owner or custodian or any person claiming an interest in
18 any dog that has been impounded because of being the subject of a
19 violation of section 578.025 may prevent disposition of the dog by
20 posting bond or security in an amount sufficient to provide for the
21 dog's care and keeping for at least thirty days, inclusive of the date on
22 which the animal was taken into custody. Notwithstanding the fact
23 that bond may be posted pursuant to this subsection, the authority
24 having custody of the animal may humanely dispose of the dog at the
25 end of the time for which expenses are covered by the bond or security,
26 unless there is a court order prohibiting such disposition. Such order
27 shall provide for a bond or other security in the amount necessary to
28 protect the authority having custody of the dog from any cost of the
29 care, keeping or disposal of the dog. The authority taking custody of
30 a dog shall give notice of the provisions of this section by posting a
31 copy of this section at the place where the dog was taken into custody
32 or by delivering it to a person residing on the property.

33 3. The owner or custodian of any dog humanely killed pursuant
34 to this section shall not be entitled to recover any damages related to,
35 nor the actual value of, the dog if the dog was found by a licensed

36 **veterinarian to be diseased or disabled, or if the owner or custodian**
37 **failed to post bond or security for the care, keeping and disposition of**
38 **the dog after being notified of impoundment.**

578.030. 1. The provisions of section 43.200, RSMo, notwithstanding, any
2 member of the state highway patrol or other law enforcement officer may apply
3 for and serve a search warrant, and shall have the power of search and seizure
4 in order to enforce the provisions of sections 578.025 to 578.050.

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

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