

SECOND REGULAR SESSION

# SENATE BILL NO. 903

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LAMPING.

Read 1st time March 1, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

6108S.011

## AN ACT

To repeal section 578.030, RSMo, and to enact in lieu thereof two new sections relating to dog fighting.

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

Section A. Section 578.030, RSMo, is repealed and two new sections  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

**578.026. 1. Any law enforcement officer performing a lawful  
2 seizure of any dog that is the subject of a violation of section 578.025,  
3 under the authority of a warrant, 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

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

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 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.]

✓  
Bill

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