

The National Agricultural
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An Agricultural Law Research Project

States' Animal Cruelty Statutes
State of Missouri

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States' Animal Cruelty Statutes

STATE OF MISSOURI

Statutes are current with emergency legislation approved through May 27, 2010, of the 2010 Second Regular Session of the 95th General Assembly. Constitution is current through the November 4, 2008 General Election.

578.005. Definitions

As used in sections 578.005 to 578.023, the following terms shall mean:

- (1) "Adequate care", normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care as necessary to maintain good health in a specific species of animal;
- (2) "Adequate control", to reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal, or property;
- (3) "Animal", every living vertebrate except a human being;
- (4) "Animal shelter", a facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other not-for-profit organization devoted to the welfare, protection, and humane treatment of animals;
- (5) "Farm animal", an animal raised on a farm or ranch and used or intended for use in farm or ranch production, or as food or fiber;
- (6) "Harbor", to feed or shelter an animal at the same location for three or more consecutive days;
- (7) "Humane killing", the destruction of an animal accomplished by a method approved by the American Veterinary Medical Association's Panel on Euthanasia (JAVMA 173: 59-72, 1978); or more recent editions, but animals killed during the feeding of pet carnivores shall be considered humanely killed;
- (8) "Owner", in addition to its ordinary meaning, any person who keeps or harbors an animal or professes to be owning, keeping, or harboring an animal;
- (9) "Person", any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity;
- (10) "Pests", birds, rabbits, or rodents which damage property or have an adverse effect on the public health, but shall not include any endangered species listed by the United States Department of the Interior nor any endangered species listed in the Wildlife Code of Missouri.

578.007. Acts and facilities to which sections 578.005 to 578.023 do not apply

The provisions of sections 578.005 to 578.023 shall not apply to:

- (1) Care or treatment performed by a licensed veterinarian within the provisions of chapter 340, RSMo;
- (2) Bona fide scientific experiments;
- (3) Hunting, fishing, or trapping as allowed by chapter 252, RSMo, including all practices and privileges as allowed under the Missouri Wildlife Code;
- (4) Facilities and publicly funded zoological parks currently in compliance with the federal "Animal Welfare Act" as amended;
- (5) Rodeo practices currently accepted by the Professional Rodeo Cowboy's Association;
- (6) The killing of an animal by the owner thereof, the agent of such owner, or by a veterinarian at the request of the owner thereof;
- (7) The lawful, humane killing of an animal by an animal control officer, the operator of an animal shelter, a veterinarian, or law enforcement or health official;
- (8) With respect to farm animals, normal or accepted practices of animal husbandry;
- (9) The killing of an animal by any person at any time if such animal is outside of the owned or rented property of the owner or custodian of such animal and the animal is injuring any person or farm animal but shall not include police or guard dogs while working;
- (10) The killing of house or garden pests; or
- (11) Field trials, training and hunting practices as accepted by the Professional Houndsmen of Missouri.

578.008. Spreading disease to livestock or animals; felony; defense

1. A person commits the crime of agroterrorism if such person purposely spreads any type of contagious, communicable or infectious disease among crops, poultry, livestock as defined in section 267.565, RSMo, or other animals.
2. Agroterrorism is a class D felony unless the damage to crops, poultry, livestock or animals is ten million dollars or more in which case it is a class B felony.
3. It shall be a defense to the crime of agroterrorism if such spreading is consistent with medically recognized therapeutic procedures or done in the course of legitimate, professional scientific research.

578.009. Animal neglect or abandonment--penalties--costs and expenses

1. A person is guilty of animal neglect when he has custody or ownership or both of an animal and fails to provide adequate care or adequate control, which results in substantial harm to the animal.
2. A person is guilty of abandonment when he has knowingly abandoned an animal in any place without making provisions for its adequate care.

3. Animal neglect and abandonment is a class C misdemeanor upon first conviction and for each offense, punishable by imprisonment or a fine not to exceed five hundred dollars, or both, and a class B misdemeanor punishable by imprisonment or a fine not to exceed one thousand dollars, or both upon the second and all subsequent convictions. All fines and penalties for a first conviction of animal neglect or abandonment may be waived by the court provided that the person found guilty of animal neglect or abandonment shows that adequate, permanent remedies for the neglect or abandonment have been made. Reasonable costs incurred for the care and maintenance of neglected or abandoned animals may not be waived. This section shall not apply to the provisions of section 578.007.

4. In addition to any other penalty imposed by this section, the court may order a person found guilty of animal neglect or abandonment to pay all reasonable costs and expenses necessary for:

- (1) The care and maintenance of neglected or abandoned animals within the person's custody or ownership;
- (2) The disposal of any dead or diseased animals within the person's custody or ownership;
- (3) The reduction of resulting organic debris affecting the immediate area of the neglect or abandonment; and
- (4) The avoidance or minimization of any public health risks created by the neglect or abandonment of the animals.

578.012. Animal abuse--penalties

1. A person is guilty of animal abuse when a person:

- (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, RSMo;
- (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 or adequate control.

2. Animal abuse is a class A misdemeanor, unless the defendant has previously plead guilty to or has 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, or both, consciously inflicted while the animal was alive, in which case it is a class D felony.

578.014. Responsibility of parent or guardian of minor owning

The parent or guardian of a minor child is responsible for the adequate care of any animal owned by, in the control of, or harbored by that minor child.

578.016. Impoundment of animal found off property of owner or custodian, disposition, procedure--liability of owner or custodian for costs--lien--rights of owner or custodian

1. Any duly authorized public health official, law enforcement official, or animal control officer may impound any animal found outside of the owned or rented property of the owner or

custodian of such animal when such animal shows evidence of neglect or abuse. Any animal impounded pursuant to this section shall be:

- (1) If the owner can be ascertained and the animal is not diseased or disabled beyond recovery for any useful purpose, held for recovery by the owner. The owner shall be notified within five business days of impoundment by phone or by mail of the animal's location and recovery procedures. The animal shall be held for ten business days. An animal unclaimed after ten business days may be put up for adoption or humanely killed;
- (2) Placed in the care or custody of a veterinarian, the appropriate animal control authority or animal shelter. The animal shall not be disposed of, unless diseased or disabled beyond recovery for any useful purpose, until after expiration of a minimum of five business days, during which time the public shall have clear access to inspect or recover the animal through time periods ordinarily accepted as usual business hours. After five business days, the animal may be put up for adoption or humanely killed; or
- (3) If diseased or disabled beyond recovery for any useful purpose as determined by a public health official, law enforcement official, veterinarian or animal control officer, humanely killed.

2. The owner or custodian of an animal impounded pursuant to this section shall be liable for reasonable costs for the care and maintenance of the animal. Any person incurring reasonable costs for the care and maintenance of such animal shall have a lien against such animal until the reasonable costs have been paid and may put up for adoption or humanely kill any animal if such costs are not paid within ten days after demand. Any moneys received for an animal adopted pursuant to this subsection in excess of costs shall be paid to the owner of such animal.

3. The owner or custodian of any animal killed pursuant to this section shall be entitled to recover the actual value of the animal up to but not to exceed six hundred dollars if the owner or custodian shows that such killing was unwarranted.

578.018. Warrant for entry on private property to inspect--impounded animals--compensation

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

- (1) Be given a disposition hearing before the court through which the warrant was issued, within thirty days of the filing of the request for the purpose of granting immediate disposition of the animals impounded;
- (2) Place impounded animals in the care or custody of a veterinarian, the appropriate animal control authority, or an animal shelter. If no appropriate veterinarian, animal control authority, or animal shelter is available, the animal shall not be impounded unless it is diseased or disabled beyond recovery for any useful purpose;
- (3) Humanely kill any animal impounded if it is determined by a licensed veterinarian that the animal is diseased or disabled beyond recovery for any useful purpose;

(4) Not be liable for any necessary damage to property while acting under such warrant.

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

3. The owner or custodian of any animal humanely killed pursuant to this section shall not be entitled to recover any damages related to nor the actual value of the animal if the animal was found by a licensed veterinarian to be diseased or disabled, or if the owner or custodian failed to post bond or security for the care, keeping and disposition of the animal after being notified of impoundment.

578.021. Neglected or abused animal not to be returned to owner or custodian, when

If a person is adjudicated guilty of the crime of animal neglect or animal abuse and the court having jurisdiction is satisfied that an animal owned or controlled by such person would in the future be subject to such neglect or abuse, such animal shall not be returned to or allowed to remain with such person, but its disposition shall be determined by the court.

578.022. Dog biting in course of official law enforcement duties

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, RSMo, and section 578.024.

578.023. Keeper of dangerous wild animals must register animals, exceptions--penalty

1. No person may keep any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, hyena, wolf, bear, nonhuman primate, coyote, any deadly, dangerous, or poisonous reptile, or any deadly or dangerous reptile over eight feet long, in any place other than a properly maintained zoological park, circus, scientific, or educational institution, research laboratory, veterinary hospital, or animal refuge, unless such person has registered such animals with the local law enforcement agency in the county in which the animal is kept.

2. Any person violating the provisions of this section shall be guilty of a class C misdemeanor.

578.025. Dogs, fighting, training to fight or injuring for amusement or gain, penalty--spectator, penalty

1. Any person who:

- (1) Owns, possesses, keeps, or trains any dog, with the intent that such dog shall be engaged in an exhibition of fighting with another dog;
- (2) For amusement or gain, causes any dog to fight with another dog, or causes any dogs to injure each other; or
- (3) Permits any act as described in subdivision (1) or (2) of this subsection to be done on any premises under his charge or control, or aids or abets any such act is guilty of a class D felony.

2. Any person who is knowingly present, as a spectator, at any place, building, or structure where preparations are being made for an exhibition of the fighting of dogs, with the intent to be present at such preparations, or is knowingly present at such exhibition or at any other fighting or injuring as described in subdivision (2) of subsection 1 of this section, with the intent to be present at such exhibition, fighting, or injuring is guilty of a class A misdemeanor.

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

- (1) The use of dogs in the management of livestock by the owner of such livestock or his employees or agents or other persons in lawful custody of such livestock;
- (2) The use of dogs in hunting; or
- (3) The training of dogs or the use of equipment in the training of dogs for any purpose not prohibited by law.

578.027. Dogs pursuing live animal propelled by device, causing, penalty

1. No person shall tie or attach or fasten any live animal to any machine or device propelled by any power for the purpose of causing such animal to be pursued by a dog or dogs.

2. Any person violating this section is guilty of a class A misdemeanor.

578.029. Knowingly releasing an animal; exceptions; misdemeanor

1. A person commits the crime of knowingly releasing an animal if that person, acting without the consent of the owner or custodian of an animal, intentionally releases any animal that is lawfully confined for the purpose of companionship or protection of persons or property or for recreation, exhibition or educational purposes.

2. As used in this section "animal" means every living creature, domesticated or wild, but not including Homo sapiens.

3. The provisions of this section shall not apply to a public servant acting in the course of such servant's official duties.

4. Intentionally releasing an animal is a class B misdemeanor except that the second or any subsequent offense is a class D felony.

578.030. State highway patrol, powers and duties to enforce animal protection

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

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

578.050. Bullbaiting and cockfighting--penalty

Any person who shall keep or use, or in any way be connected with or interested in the management of, or shall receive money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, cock or other creature, except dogs, and any person who shall encourage, aid or assist or be present thereat, or who shall permit or suffer any place belonging to him or under his control to be so kept or used, shall, on conviction thereof, be guilty of a class A misdemeanor.

578.170. Definitions

As used in sections 578.170 to 578.188, the following terms mean:

- (1) "Animal," every living vertebrate except a human being;
- (2) "Baiting," to attack, provoke, or harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with other animals for the purpose of amusement, entertainment, wagering or gain;
- (3) "Bear wrestling," a contest of fighting or physical altercation between one or more persons and a bear for the purpose of amusement, entertainment, wagering or gain;
- (4) "Person," any individual, partnership, firm, joint stock company, corporation, association, other business unit, society, trust, estate or other legal entity, or any public or private institution.

578.173. Baiting or fighting animals--penalty

1. Any person who commits any of the following acts is guilty of a class D felony:

- (1) Baiting or fighting animals;
- (2) Permitting baiting or animal fighting to be done on any premises under his charge or control;
- (3) Promoting, conducting, or staging a baiting or fight between two or more animals;
- (4) Advertising a baiting or fight between two or more animals;
- (5) Collecting any admission fee for a baiting or fight between two or more animals.

2. Any person who commits any of the following acts is guilty of a class A misdemeanor:

- (1) Knowingly attending the baiting or fighting of animals;
- (2) Knowingly selling, offering for sale, shipping, or transporting any animal which has been bred or trained to bait or fight another animal;
- (3) Owning or possessing any of the cockfighting implements, commonly known as gaffs and slashers, or any other sharp implement designed to be attached to the leg of a gamecock;
- (4) Manufacturing, selling, bartering or exchanging any of the cockfighting implements, commonly known as gaffs and slashers, or any other sharp implement designed to be attached to the leg of a gamecock.

578.176. Bear wrestling--penalty

Any person who commits any of the following acts is guilty of a class A misdemeanor:

- (1) Bear wrestling;
- (2) Permitting bear wrestling to be done on any premises under his charge or control;
- (3) Promoting, conducting, or staging bear wrestling;
- (4) Advertising bear wrestling;
- (5) Collecting any admission fee for bear wrestling;
- (6) Purchasing, selling, or possessing a bear which he knows will be used for bear wrestling;
- (7) Training a bear for bear wrestling;
- (8) Subjecting a bear to surgical alteration for bear wrestling.

578.179. Procedure

Whenever an indictment is returned or a complaint is filed alleging a violation of section 578.173 or 578.176 and, in the case of a complaint, a magistrate finds probable cause that a violation has occurred, the court shall order the animals seized and shall provide for appropriate and humane care or disposition of the animals pursuant to section 578.018. This provision shall not be construed as a limitation on the power to seize animals as evidence at the time of arrest.

578.182. Exemptions

1. The provisions of sections 578.173 and 578.176 shall not apply to:

- (1) Any person simulating a fight for the purpose of using the simulated fight as part of a motion picture production or a motion picture production for television, provided sections 578.009 and 578.012 are not violated;
- (2) Any person selling, offering for sale, shipping, transporting or using any animal, for the sole purpose of tracking, pursuing or taking wildlife, or to participate in any hunting, fishing or any other activity regulated by the Missouri wildlife code;
- (3) Any person using animals to herd, work or identify livestock for agricultural purposes according to recognized animal husbandry.

2. Nothing in the provisions of sections 578.170, 578.173, and 578.176 shall be construed to:

- (1) Prohibit breeding, rearing or slaughtering poultry pursuant to the provisions of chapters 196, 262, 265, 276 and 277, RSMo;
- (2) Prohibit breeding or rearing game fowl when the game fowl are not intended for use in violation of the provisions of sections 578.170, 578.173 or 578.176;
- (3) Prohibit professional or amateur rodeo practices, and skill events when the practices and skill events are not intended for use in violation of the provisions of sections 578.170, 578.173 and 578.176.

578.185. Injunction

A court of competent jurisdiction may enjoin a person from a continuing violation of section 578.173 or 578.176.

578.188. Severability

The provisions of sections 578.170, 578.173, 578.176, 578.179, 578.182, and 578.185 are hereby declared to be severable. If any of these provisions, or the application of any of these provisions to any person or circumstance, is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of these sections.