

FIRST REGULAR SESSION

HOUSE BILL NO. 889

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES NIEVES (Sponsor), TILLEY, SCHOELLER, LOW, STILL,
WEBBER, SUTHERLAND AND KIRKTON (Co-sponsors).

1770L.011

D. ADAM CRUMBLISS, Chief Clerk

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Section A. Section 578.030, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 578.028 and 578.030, to read as follows:

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

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

(2) Place impounded dogs 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 dog shall not be impounded unless it is diseased or disabled beyond recovery for any useful purpose;

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

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

2. The owner or custodian or any person claiming an interest in any dog that has been impounded because of being the subject of a violation of section 578.025, may prevent disposition of the dog by posting bond or security in an amount sufficient to provide for the dog's care and keeping for at least thirty days, inclusive of the date on which the animal

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 **was taken into custody. Notwithstanding the fact that bond may be posted under this**
18 **subsection, the authority having custody of the animal may humanely dispose of the dog**
19 **at the end of the time for which expenses are covered by the bond or security, unless there**
20 **is a court order prohibiting such disposition. Such order shall provide for a bond or other**
21 **security in the amount necessary to protect the authority having custody of the dog from**
22 **any cost of the care, keeping, or disposal of the dog. The authority taking custody of a dog**
23 **shall give notice of the provisions of this section by posting a copy of this section at the**
24 **place where the dog was taken into custody or by delivering it to a person residing on the**
25 **property.**

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

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

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

23 to appear for trial. Upon the conviction of the person so charged, all property so seized shall be
24 adjudged by the court to be forfeited and shall thereupon be destroyed or otherwise disposed of
25 as the court may order. In the event of the acquittal or final discharge without conviction of the
26 person so charged, such court shall, on demand, direct the delivery of such property so held in
27 custody to the owner thereof.]

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