

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 258

98TH GENERAL ASSEMBLY

0992H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 272.030, 272.230, 578.005, 578.007, and 578.011, RSMo, and to enact in lieu thereof six new sections relating to agricultural property, with penalty provisions.

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

Section A. Sections 272.030, 272.230, 578.005, 578.007, and 578.011, RSMo, are
2 repealed and six new sections enacted in lieu thereof, to be known as sections 272.030, 272.230,
3 569.098, 578.005, 578.007, and 578.040, to read as follows:

272.030. [If any horses, cattle or other stock shall break over or through any lawful
2 fence, as defined in section 272.020, and by so doing obtain access to, or do trespass upon, the
3 premises of another, the owner of such animal shall, for the first trespass, make reparation to the
4 party injured for the true value of the damages sustained, to be recovered with costs before a
5 circuit or associate circuit judge, and for any subsequent trespass the party injured may put up
6 said animal or animals and take good care of the same and immediately notify the owner, who
7 shall pay to taker-up the amount of the damages sustained, and such compensation as shall be
8 reasonable for the taking up and keeping of such animals, before he shall be allowed to remove
9 the same, and if the owner and taker-up cannot agree upon the amount of the damages and
10 compensation, either party may institute an action in circuit court as in other civil cases. If the
11 owner recover, he shall recover his costs and any damages he may have sustained, and the court
12 shall issue an order requiring the taker-up to deliver to him the animals. If the taker-up recover,
13 the judgment shall be a lien upon the animals taken up, and in addition to a general judgment and
14 execution, he shall have a special execution against such animals to pay the judgment rendered,
15 and costs] **The owner of any livestock that trespasses on the premises of another shall not**
16 **be held strictly liable for any damages.**

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.

272.230. [If any horses, cattle or other stock trespass upon the premises of another, the
2 owner of the animal shall for the first trespass make reparation to the party injured for the true
3 value of the damages sustained, to be recovered with costs before an associate circuit judge, or
4 in any court of competent jurisdiction, and for any subsequent trespass the party injured may put
5 up the animal or animals and take good care of them and immediately notify the owner, who
6 shall pay to the taker-up the amount of the damages sustained, and such compensation as shall
7 be reasonable for the taking up and keeping of the animals, before he shall be allowed to remove
8 them, and if the owner and taker-up cannot agree upon the amount of the damages and
9 compensation either party may make complaint to an associate circuit judge of the county, setting
10 forth the fact of the disagreement, and the associate circuit judge shall be possessed of the cause,
11 and shall issue a summons to the adverse party and proceed with the cause as in other civil cases.
12 If the owner recovers, he shall recover his costs and any damages he may have sustained, and the
13 associate circuit judge shall issue an order requiring the taker-up to deliver to him the animals.
14 If the taker-up recover, the judgment shall be a lien upon the animals taken up, and, in addition
15 to a general judgment and execution, he shall have a special execution against the animals to pay
16 the judgment rendered and costs] **The owner of any livestock that trespasses on the premises
17 of another shall not be held strictly liable for any damages sustained.**

**569.098. 1. A person commits the offense of tampering with farm equipment if he
2 or she knowingly and without authorization or without reasonable grounds to believe that
3 he or she has such authorization:**

- 4 (1) Defaces, marks, disturbs, or vandalizes any farm equipment owned by another;
- 5 (2) Modifies or destroys any component necessary to the operation of any farm
6 equipment owned by another; or
- 7 (3) Accesses and relocates any farm equipment owned by another.

8 **2. The offense of tampering with farm equipment is a class A misdemeanor, unless
9 the offense causes pecuniary loss in excess of one thousand dollars, in which case it is a
10 class D felony if committed prior to January 1, 2017 and a class E felony if committed on
11 or after January 1, 2017.**

12 **3. For the purposes of this section, the term “farm equipment” shall mean
13 equipment including, but not limited to, tractors, trailers, combines, tillage implements,
14 bailers, and other equipment including attachments and repair parts thereof used in the
15 planting, cultivating, irrigation, harvesting, and marketing of agricultural products,
16 excluding self-propelled machines designed primarily for the transportation of persons or
17 property on a street or highway.**

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

- 2 (1) "Adequate care", normal and prudent attention to the needs of an animal, including
3 wholesome food, clean water, shelter and health care as necessary to maintain good health in a
4 specific species of animal;
- 5 (2) ["Adequate control", to reasonably restrain or govern an animal so that the animal
6 does not injure itself, any person, any other animal, or property;
- 7 (3)] "Animal", every living vertebrate except a human being;
- 8 [(4)] (3) "Animal shelter", a facility which is used to house or contain animals and
9 which is owned, operated, or maintained by a duly incorporated humane society, animal welfare
10 society, society for the prevention of cruelty to animals, or other not-for-profit organization
11 devoted to the welfare, protection, and humane treatment of animals;
- 12 [(5)] (4) "Farm animal", an animal raised on a farm or ranch and used or intended for
13 use in farm or ranch production, or as food or fiber;
- 14 [(6)] (5) "Farm animal professional", any individual employed at a location where farm
15 animals are harbored;
- 16 [(7)] (6) "Harbor", to feed or shelter an animal at the same location for three or more
17 consecutive days;
- 18 [(8)] (7) "Humane killing", the destruction of an animal accomplished by a method
19 approved by the American Veterinary Medical Association's Panel on Euthanasia (JAVMA 173:
20 59-72, 1978); or more recent editions, but animals killed during the feeding of pet carnivores
21 shall be considered humanely killed;
- 22 [(9)] (8) "Owner", in addition to its ordinary meaning, any person who keeps or harbors
23 an animal or professes to be owning, keeping, or harboring an animal;
- 24 [(10)] (9) "Person", any individual, partnership, firm, joint stock company, corporation,
25 association, trust, estate, or other legal entity;
- 26 [(11)] (10) "Pests", birds, rabbits, or rodents which damage property or have an adverse
27 effect on the public health, but shall not include any endangered species listed by the United
28 States Department of the Interior nor any endangered species listed in the Wildlife Code of
29 Missouri.

578.007. The provisions of sections 578.005 to 578.023 **and section 578.040** shall not
2 apply to:

- 3 (1) Care or treatment performed by a licensed veterinarian within the provisions of
4 chapter 340;
- 5 (2) Bona fide scientific experiments;
- 6 (3) Hunting, fishing, or trapping as allowed by chapter 252, including all practices and
7 privileges as allowed under the Missouri Wildlife Code;

- 8 (4) Facilities and publicly funded zoological parks currently in compliance with the
9 federal "Animal Welfare Act" as amended;
- 10 (5) Rodeo practices currently accepted by the Professional Rodeo Cowboy's Association;
- 11 (6) The killing of an animal by the owner thereof, the agent of such owner, or by a
12 veterinarian at the request of the owner thereof;
- 13 (7) The lawful, humane killing of an animal by an animal control officer, the operator
14 of an animal shelter, a veterinarian, or law enforcement or health official;
- 15 (8) With respect to farm animals, normal or accepted practices of animal husbandry;
- 16 (9) The killing of an animal by any person at any time if such animal is outside of the
17 owned or rented property of the owner or custodian of such animal and the animal is injuring any
18 person or farm animal but shall not include police or guard dogs while working;
- 19 (10) The killing of house or garden pests; or
- 20 (11) Field trials, training and hunting practices as accepted by the Professional
21 Houndsmen of Missouri.

[578.011.] **578.040. 1. For purposes of this section, the following terms shall mean:**

- 2 (1) **"Adequate control", to reasonably restrain or govern an animal so that the**
3 **animal does not injure itself, any person, any other animal, or property;**
- 4 (2) **"Animal", any living vertebrate except a human being or livestock as the term**
5 **"livestock" is defined under section 265.300.**
- 6 **2. A person [is guilty] commits the offense of animal or livestock trespass if a person:**
- 7 (1) **Having ownership or custody of an animal knowingly fails to provide adequate**
8 **control [for a period equal to or exceeding twelve hours] and the animal trespasses onto**
9 **another person's property; or**
- 10 (2) **Having ownership or custody of livestock as the term "livestock" is defined**
11 **under section 265.300 knowingly fails to provide adequate control of the livestock for a**
12 **period of twelve hours or more, and the livestock trespasses onto another person's**
13 **property.**
- 14 [2.] **3. The offense of animal or livestock trespass is an infraction [upon first conviction**
15 **and for each offense punishable by a fine not to exceed two hundred dollars, and] , unless the**
16 **person has previously been found guilty of a violation of this section in which case it is a**
17 **class C misdemeanor [punishable by imprisonment or a fine not to exceed five hundred dollars,**
18 **or both, upon the second and all subsequent convictions]. All fines for a first [conviction of**
19 **animal trespass] finding of guilt under this section may be waived by the court provided that**
20 **the person found guilty of animal or livestock trespass shows that adequate, permanent remedies**
21 **for the trespass have been made. [Reasonable costs incurred for the care and maintenance of**

22 trespassing animals may not be waived.] This section shall not apply to the provisions of section
23 578.007 or sections 272.010 to 272.370.

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