

SECOND REGULAR SESSION

HOUSE BILL NO. 1686

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CHAPPELLE NADAL (Sponsor),
McGHEE AND BROWN (50) (Co-sponsors).

Read 1st time February 7, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4287L.01I

AN ACT

To amend chapter 273, RSMo, by adding thereto one new section relating to pit bull ownership.

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

Section A. Chapter 273, RSMo, is amended by adding thereto one new section, to be
2 known as section 273.225, to read as follows:

273.225. 1. As used in this section, the following terms mean:

2 (1) "Department", the Missouri department of agriculture;

3 (2) "Household", any single-family home or apartment building inhabited by one
4 or more individuals;

5 (3) "Muzzle", a restraining device that, when fitted over a pit bull's snout, prevents
6 the pit bull from biting;

7 (4) "Owner", any person who acquires or owns a pit bull as a pet or watch dog.
8 Owner shall not include a veterinarian, an animal control officer, an animal shelter
9 worker, or a dog breeder while such persons possess or acquire pit bulls in the ordinary
10 course of business;

11 (5) "Pit bull", any canine, whether purebred or exhibiting the dominant
12 characteristics thereof, of the following breeds: American Staffordshire terrier,
13 Staffordshire bull terrier, and American pit bull terrier.

14 **2. Beginning January 1, 2007, every owner of a pit bull residing in this state shall**
15 **apply for a state pit bull resident owner permit for each pit bull owned by the owner. Each**

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.

16 owner shall not own more than two pit bulls. Any person who owns or acquires a pit bull
17 shall, within ten days of acquisition, be required to apply for such permit. The applicant
18 for a state permit shall submit the following:

19 (1) A fee of five hundred dollars;

20 (2) Proof that the pit bull has been spayed or neutered; and

21 (3) Any other information required by the department.

22 3. A pit bull owner shall be required to:

23 (1) Obtain a separate state permit for each pit bull owned by the owner; and

24 (2) Leash and maintain a muzzle on the pit bull at all times while the pit bull is on
25 public property or any private property not wholly owned by the owner.

26 4. Any pit bull owner who violates the provisions of this section shall be subject to
27 the following penalties:

28 (1) For failure to obtain and maintain a state pit bull resident owner permit:

29 (a) An administrative penalty of one thousand dollars to be collected by the
30 department;

31 (b) The pit bull shall be transferred to an animal control authority or animal
32 shelter for observation for a minimum of ten days and not more than sixty days. The
33 owner shall be assessed a boarding fee of thirty dollars per day for each day of the
34 observation period, with such fee being paid to the animal control authority or animal
35 shelter boarding the pit bull; and

36 (c) If the sixty-day observation period lapses and the owner does not seek to
37 reestablish custody and control of the pit bull or the owner fails to fully pay the boarding
38 fees for the observation period, the owner shall be deemed to have relinquished all
39 ownership rights in the pit bull and the care, custody, and control of the pit bull shall
40 remain with the animal control authority or animal shelter;

41 (2) For failure to maintain a leash or muzzle on a pit bull while the pit bull is on
42 public property or private property not wholly owned by the pit bull owner:

43 (a) For a first offense, the pit bull shall be transferred to an animal control
44 authority or animal shelter for a ten-day observation period, with the owner being assessed
45 a thirty-dollar-a-day boarding fee to be paid to the animal control authority or animal
46 shelter;

47 (b) For a second offense, the pit bull shall be transferred to an animal control
48 authority or animal shelter for a thirty-day observation period, with the owner being
49 assessed a thirty-dollar-a-day boarding fee to be paid to the animal control authority or
50 animal shelter; and

51 (c) For a third offense, the owner shall be deemed to have relinquished all
52 ownership rights in the pit bull and the pit bull shall be transferred to an animal control
53 authority or animal shelter, with a surcharge of eighteen hundred dollars to be imposed,
54 payable to the animal control authority or animal shelter;

55 (3) When a pit bull physically attacks a person or another animal:

56 (a) For a first offense:

57 a. The pit bull shall be transferred to an animal control authority or animal shelter
58 for a thirty-day observation period;

59 b. The owner shall be assessed a thirty-dollar-a-day boarding fee to be paid to the
60 animal control authority or animal shelter;

61 c. The owner shall be subject to a civil action for restitution for damages to person
62 or animal incurred during the physical attack; and

63 d. The owner shall be required to attend and bear the cost of ten hours of
64 evaluation and counseling by a licensed psychologist to assess the capabilities of the owner
65 relative to responsible ownership of a pit bull; and

66 (b) For a second offense:

67 a. The owner shall be deemed to have relinquished all ownership rights in the pit
68 bull and the pit bull shall be transferred to the care, custody, and control of an animal
69 control authority or animal shelter;

70 b. The owner shall be assessed a surcharge of eighteen hundred dollars to be paid
71 to the animal control authority or animal shelter; and

72 c. The owner shall be subject to a civil action for restitution for damages to person
73 or animal incurred during the physical attack.

74 5. The department may promulgate rules to implement the provisions of this
75 section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
76 that is created under the authority delegated in this section shall become effective only if
77 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
78 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
79 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
80 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
81 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
82 adopted after August 28, 2006, shall be invalid and void.

✓