

SECOND REGULAR SESSION

HOUSE BILL NO. 1954

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DAKE (Sponsor), KUESSNER, HENKE, ROBINSON, WALSH, LAMPE, SHOEMYER, BRINGER, WITTE, SWINGER, HARRIS (110), AULL, McGHEE, BAKER (25), WHORTON AND SATER (Co-sponsors).

Read 1st time March 6, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5278L.011

AN ACT

To repeal section 578.409, RSMo, and to enact in lieu thereof one new section relating to the punishment for damage to an animal facility, with penalty provisions.

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

Section A. Section 578.409, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 578.409, to read as follows:

578.409. 1. Any person who violates section 578.407:

(1) Shall be guilty of a misdemeanor for each such violation unless the loss, theft, or damage to the animal facility exceeds [three] **two** hundred dollars in value;

(2) Shall be guilty of a class D felony if the loss, theft, or damage to the animal facility property exceeds [three] **two** hundred dollars in value but does not exceed [ten] **five** thousand dollars in value;

(3) Shall be guilty of a class C felony if the loss, theft, or damage to the animal facility property exceeds [ten] **five** thousand dollars in value but does not exceed [one hundred] **seventy-five** thousand dollars in value;

(4) Shall be guilty of a class B felony if the loss, theft, or damage to the animal facility exceeds [one hundred] **seventy-five** thousand dollars in value.

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.

12 2. Any person who intentionally agrees with another person to violate section 578.407
13 and commits an act in furtherance of such violation shall be guilty of the same class of violation
14 as provided in subsection 1 of this section.

15 3. In the determination of the value of the loss, theft, or damage to an animal facility, the
16 court shall conduct a hearing to determine the reasonable cost of replacement of materials, data,
17 equipment, animals, and records that were damaged, destroyed, lost, or cannot be returned, as
18 well as the reasonable cost of lost production funds and repeating experimentation that may have
19 been disrupted or invalidated as a result of the violation of section 578.407.

20 4. Any persons found guilty of a violation of section 578.407 shall be ordered by the
21 court to make restitution, jointly and severally, to the owner, operator, or both, of the animal
22 facility, in the full amount of the reasonable cost as determined under subsection 3 of this
23 section.

24 5. Any person who has been damaged by a violation of section 578.407 may recover all
25 actual and consequential damages, punitive damages, and court costs, including reasonable
26 attorneys' fees, from the person causing such damage.

27 6. Nothing in sections 578.405 to 578.412 shall preclude any animal facility injured in
28 its business or property by a violation of section 578.407 from seeking appropriate relief under
29 any other provision of law or remedy including the issuance of an injunction against any person
30 who violates section 578.407. The owner or operator of the animal facility may petition the court
31 to permanently enjoin such persons from violating sections 578.405 to 578.412 and the court
32 shall provide such relief.

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