

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE BILL NO. 2225
95TH GENERAL ASSEMBLY

4943L.08C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 270.260 and 270.400, RSMo, and to enact in lieu thereof three new sections relating to wild or feral swine, with a penalty provision.

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

Section A. Sections 270.260 and 270.400, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 270.260, 270.270, and 270.400, to read as
3 follows:

270.260. **1.** Any person who **recklessly or** knowingly releases any swine to live in a
2 wild or feral state upon any public land or private land not completely enclosed by a fence
3 capable of containing such animals is guilty of a class A misdemeanor. Each swine so released
4 shall be a separate offense.

2. Every person who has previously pled guilty to or been found guilty of violating
6 the provisions of section 270.260 committed on two separate occasions where such offenses
7 occurred within ten years of the date of the occurrence of the present offense and who
8 subsequently pleads guilty to or is found guilty of violating section 270.260 is guilty of a
9 class D felony.

10 **3.** Nothing in this section shall be construed to criminalize the accidental escape of
11 domestic swine.

270.270. 1. Any person possessing or transporting live Russian and European wild
2 boar or wild-caught swine on or through public land without a Missouri department of
3 agriculture permit is guilty of a class A misdemeanor. Each violation of this subsection
4 shall be a separate offense.

2. Any law enforcement officer, any agent of the conservation commission, or the
6 state veterinarian is authorized to enforce the provisions of this section and section 270.400.

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.

270.400. 1. For purposes of this section, the term "feral hog" means any hog, including
2 Russian and European wild boar, that is not conspicuously identified by ear tags or other forms
3 of identification and is roaming freely upon public or private lands without the landowner's
4 permission.

5 2. A person may kill a feral hog roaming freely upon such person's land and shall not be
6 liable to the owner of the hog for the loss of the hog.

7 3. Any person may take or kill a feral hog on public land or private land with the consent
8 of the landowner; except that, during the firearms deer and turkey hunting season the regulations
9 of the Missouri wildlife code shall apply. Such person shall not be liable to the owner of the hog
10 for the loss of such hog.

11 4. No person except a landowner or such landowner's agent on such landowner's property
12 shall take, **attempt to take**, or kill a feral hog with the use of an artificial light.

13 **5. The director of the department of agriculture shall promulgate rules for fencing**
14 **and health standards for Russian and European wild boar and wild-caught swine held**
15 **alive on private land. Any person holding Russian and European wild boar or wild-caught**
16 **swine on private land shall annually submit an application to the department for a permit.**
17 **Any applicant that successfully meets the requirements under this section as determined**
18 **by the department and pays an application fee shall be issued a permit.**

19 **6. Russian and European wild boar and wild-caught swine may move only from a**
20 **farm to a farm or directly to slaughter or to a slaughter-only market. The department**
21 **shall promulgate rules for exemption permits and a fee structure to offset the actual and**
22 **necessary costs incurred to enforce the provisions of this section.**

23 **7. (1) There is hereby created in the state treasury the "Animal Health Fund",**
24 **which shall consist of all fees and administrative penalties collected by the department of**
25 **agriculture under this section and section 270.260. The state treasurer shall be custodian**
26 **of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may**
27 **approve disbursements. Upon appropriation, moneys in the fund shall be used for the**
28 **administration of this section and section 270.260.**

29 **(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
30 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
31 **general revenue fund.**

32 **(3) The state treasurer shall invest moneys in the fund in the same manner as other**
33 **funds are invested. Any interest and moneys earned on such investments shall be credited**
34 **to the fund.**

35 **8. Any person who violates subsection 2 of section 270.260 may, in addition to the**
36 **penalty imposed under section 270.260, be assessed an administrative penalty of up to one**

37 **thousand dollars per violation. Any person who is assessed an administrative penalty**
38 **under this section shall be notified in writing of the right to appeal. Such person may**
39 **request a hearing before the director of the department of agriculture. Such request shall**
40 **be made in writing no later than thirty days after the date on which the person was notified**
41 **of the violation of subsection 2 of section 270.260.**

42 **9. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
43 **created under the authority delegated in this section shall become effective only if it**
44 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
45 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
46 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
47 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
48 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2010,**
49 **shall be invalid and void.**

50 **10. Nothing in this section shall be construed to apply to domestic swine.**

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