

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1406**  
**100TH GENERAL ASSEMBLY**

3711H.02C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 578.005 and 578.011, RSMo, and to enact in lieu thereof two new sections relating to animal trespass.

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

Section A. Sections 578.005 and 578.011, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 578.005 and 578.011, to read as follows:

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) "Animal shelter", a facility which is used to house or contain animals and which is  
9 owned, operated, or maintained by a duly incorporated humane society, animal welfare society,  
10 society for the prevention of cruelty to animals, or other not-for-profit organization devoted to  
11 the welfare, protection, and humane treatment of animals;
- 12 (5) "Farm animal", an animal raised on a farm or ranch and used or intended for use in  
13 farm or ranch production, or as food or fiber;
- 14 (6) "Farm animal professional", any individual employed at a location where farm  
15 animals are harbored;
- 16 (7) "Harbor", to feed or shelter an animal at the same location for three or more  
17 consecutive days;

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.

18 (8) "Humane killing", the destruction of an animal accomplished by a method approved  
19 by the American Veterinary Medical Association's Panel on Euthanasia (JAVMA 173: 59-72,  
20 1978); or more recent editions, but animals killed during the feeding of pet carnivores shall be  
21 considered humanely killed;

22 (9) "**Livestock**", **the same meaning as given to such term in section 265.300;**

23 (10) "Owner", in addition to its ordinary meaning, any person who keeps or harbors an  
24 animal or professes to be owning, keeping, or harboring an animal;

25 ~~[(10)]~~ (11) "Person", any individual, partnership, firm, joint stock company, corporation,  
26 association, trust, estate, or other legal entity;

27 ~~[(11)]~~ (12) "Pests", birds, rabbits, or rodents which damage property or have an adverse  
28 effect on the public health, but shall not include any endangered species listed by the United  
29 States Department of the Interior nor any endangered species listed in the Wildlife Code of  
30 Missouri.

578.011. 1. A person ~~[is guilty]~~ **commits the offense** of ~~[animal]~~ **livestock** trespass if  
2 a person having ownership or custody of ~~[an animal]~~ **livestock** knowingly fails to provide  
3 adequate control for a period equal to or exceeding ~~[twelve]~~ **twenty-four** hours.

4 2. ~~[Animal]~~ **Livestock** trespass is an infraction upon first conviction and for each offense  
5 punishable by a fine not to exceed two hundred dollars, and a class C misdemeanor punishable  
6 by imprisonment or a fine not to exceed five hundred dollars, or both, upon the second and all  
7 subsequent convictions. All fines for a first conviction of ~~[animal]~~ **livestock** trespass may be  
8 waived by the court provided that the person found guilty of ~~[animal]~~ **livestock** trespass shows  
9 that adequate, permanent remedies for trespass have been made. Reasonable costs incurred for  
10 the care and maintenance of trespassing ~~[animals may]~~ **livestock shall** not be waived. This  
11 section shall not apply to the provisions of section 578.007 or sections 272.010 to 272.370.

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