

By: Senator(s) Carlton

To: Judiciary

SENATE BILL NO. 2349

1 AN ACT TO AMEND SECTION 97-41-1, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE DEFINITIONS FOR THE CHAPTER ON CRUELTY TO ANIMALS; TO  
3 CODIFY SECTION 97-41-20, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
4 NOTHING IN THE CHAPTER SHALL BE CONSTRUED TO PROHIBIT CUSTOMARY  
5 ANIMAL HUSBANDRY AND FARMING PRACTICES; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 SECTION 1. Section 97-41-1, Mississippi Code of 1972, is  
8 amended as follows:

9 97-41-1. (1) If any person shall override, overdrive,  
10 overload, torture, torment, unjustifiably injure, deprive of  
11 necessary sustenance, food, or drink; or cruelty beat or  
12 needlessly mutilate; or cause or procure to be overridden,  
13 overdriven, overloaded, tortured, unjustifiably injured,  
14 tormented, or deprived of necessary sustenance, food or drink or  
15 to be cruelly beaten or needlessly mutilated or killed, any living  
16 creature, every such offender shall, for every offense, be guilty  
17 of a misdemeanor.

18 (2) For the purpose of this chapter, the following words  
19 shall have the meanings ascribed herein unless the context clearly  
20 requires otherwise:

21 (a) "Abandon" or "abandonment" means that an owner or  
22 custodian of an animal has moved leaving an animal behind without  
23 making provisions for its care, has carried an animal away from  
24 his or her property and intentionally deserted the animal, has  
25 forced the animal to leave, or has otherwise neglected or refused  
26 to provide an animal with sustenance and humane care.

27 (b) "Animal" includes every living creature.



28           (c) "Cruelty," "torture" or "torment" includes every  
29 act, omission or neglect whereby unnecessary or unjustifiable pain  
30 or suffering is caused.

31           (d) "Diseased" means deviated from a healthy or normal  
32 condition of any of the functions or tissues of the body; an  
33 alteration in the state of the body or some of its organs;  
34 interrupted or disturbed performance of the vital functions  
35 causing or threatening pain or weakness; suffering from an illness  
36 or an abnormal state having a definite pattern of symptoms.

37           (e) "Euthanize" or "euthanasia" means the humane  
38 killing of an animal by a licensed veterinarian, or by an animal  
39 control officer, a law enforcement officer, or an agent of a  
40 society for the prevention of cruelty, by means of a method  
41 recognized by the American and Mississippi Veterinary Medical  
42 Associations as humane.

43           (f) "Injury" or "injured" means physical damage or harm  
44 inflicted or suffered.

45           (g) "Neglect" means an owner or custodian of an animal  
46 omits, fails, disregards or refuses to provide that which is  
47 necessary sustenance or protection for the well-being of the  
48 animal.

49           (h) "Owner," "person" or "custodian" means any  
50 individual, partnership, firm, joint stock company, corporation,  
51 association, trust, estate or other legal entity, including their  
52 agents and employees in regard to animals transported, owned,  
53 employed by or in the custody of such entity.

54           (i) "Sanitary conditions" means living space free from  
55 health hazards such as accumulated animal excreta, exposure to  
56 disease and overcrowding that endanger an animal's well-being.

57           (j) "Shelter" means appropriate protection or housing  
58 from discomfort and the elements suitable for the age, breed and  
59 species of an animal to sustain the animal in good health.



60           (k) "Sustenance" or "care" means the provision of  
61 sufficient and appropriate wholesome food and unpolluted water,  
62 shelter, sanitary conditions, veterinary medical attention and  
63 necessary grooming to maintain the animal's well-being.

64           SECTION 2. The following provision shall be codified as  
65 Section 97-41-20, Mississippi Code of 1972:

66           97-41-20. Nothing in this chapter shall be construed to  
67 prohibit the lawful killing of livestock, any customary animal  
68 husbandry or farming practice involving livestock, any customary  
69 animal husbandry or farming practice involving livestock, or the  
70 lawful killing and use of an animal pursuant to fish and wildlife  
71 regulations, pest control, or scientific research that is being  
72 conducted in compliance with federal regulations.

73           SECTION 3. This act shall take effect and be in force from  
74 and after July 1, 2001.

