

By: Representative Whittington

To: Agriculture

HOUSE BILL NO. 1177

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

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

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

10 97-41-1. (1) If any person shall override, overdrive,  
11 overload, torture, torment, unjustifiably injure, deprive of  
12 necessary sustenance, food or drink; or cruelly beat or needlessly  
13 mutilate; or cause or procure to be overridden, overdriven,  
14 overloaded, tortured, unjustifiably injured, tormented, or  
15 deprived of necessary sustenance, food or drink or to be cruelly  
16 beaten or needlessly mutilated or killed, any animal, every such  
17 offender shall, for every offense, be guilty 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" means any animal other than man, and  
28 includes birds, reptiles and fish, wild or domestic, living or  
29 dead.



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

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

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

45           (f) "Injury" or "injured" means physical damage or harm  
46 inflicted or suffered.

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

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

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

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



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

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

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

74           **SECTION 3.** This act shall take effect and be in force from  
75 and after July 1, 2002.

