MISSISSIPPI LEGISLATURE
REGULAR SESSION 2003

By: Representative Whittington
To: Judiciary B

HOUSE BILL NO. 488

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

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

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

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

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

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

(b) "Animal" means any animal other than man, and includes birds, reptiles and fish, wild or domestic, living or dead.
(c) "Cruelty," "torture" or "torment" means every act, omission or neglect whereby unnecessary or unjustifiable pain or suffering is caused.

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

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

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

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

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

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

(j) "Shelter" means appropriate housing or protection from discomfort and the elements suitable for the age, breed and species of an animal to sustain the animal in good health.
(k) "Sustenance" or "care" means the provision of sufficient and appropriate wholesome food and unpolluted water, shelter, sanitary conditions, veterinary medical attention and necessary grooming to maintain the animal's well-being.

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

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

SECTION 3. This act shall take effect and be in force from and after July 1, 2003.