

By: Representatives Barnett, Stevens

To: Judiciary B

HOUSE BILL NO. 478

1 AN ACT TO AMEND SECTIONS 97-41-1, 97-41-5, 97-41-7, 97-41-9,  
2 97-41-11 AND 97-41-13, MISSISSIPPI CODE OF 1972, TO REVISE  
3 PENALTIES FOR CRUELTY TO ANIMALS; TO PROVIDE FOR FELONY OFFENSES;  
4 AND FOR RELATED PURPOSES.

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

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

8 97-41-1. If any person shall override, overdrive, overload,  
9 torture, torment, unjustifiably injure, deprive of necessary  
10 sustenance, food, or drink; or cruelly beat or needlessly  
11 mutilate; or cause or procure to be overridden, overdriven,  
12 overloaded, tortured, unjustifiably injured, tormented, or  
13 deprived of necessary sustenance, food or drink; or to be cruelly  
14 beaten or needlessly mutilated or killed, any living creature,  
15 every such offender shall, for the first offense, be guilty of a  
16 misdemeanor and, upon conviction, shall be fined not less than One  
17 Hundred Dollars (\$100.00) nor more than One Thousand Dollars  
18 (\$1,000.00) or imprisoned in the county jail for not more than one  
19 (1) year, or both. For a second or subsequent offense the  
20 offender shall be guilty of a felony and, upon conviction, shall  
21 be fined not more than Five Thousand Dollars (\$5,000.00) or  
22 imprisoned in the State Penitentiary for not more than five (5)  
23 years, or both.

24 **SECTION 2.** Section 97-41-5, Mississippi Code of 1972, is  
25 amended as follows:

26 97-41-5. If any person shall carry, or cause to be carried  
27 by hand or in or upon any vehicle or other conveyance, any

28 creature in a cruel or inhuman manner, he shall be guilty of a  
29 criminal offense and punished as provided in Section 97-41-13.

30 **SECTION 3.** Section 97-41-7, Mississippi Code of 1972, is  
31 amended as follows:

32 97-41-7. If any person shall confine, or cause to be  
33 confined, in any stable, lot, or other place, any living creature,  
34 without supplying the same during such confinement with a  
35 sufficient quantity of good and wholesome food and water, he shall  
36 be guilty of a criminal offense and punished as provided in  
37 Section 97-41-13.

38 **SECTION 4.** Section 97-41-9, Mississippi Code of 1972, is  
39 amended as follows:

40 97-41-9. If any person be the owner or have the custody of  
41 any living creature and unjustifiably neglect or refuse to furnish  
42 it necessary sustenance, food, or drink, he shall be guilty of a  
43 criminal offense and punished as provided in Section 97-41-13.

44 **SECTION 5.** Section 97-41-11, Mississippi Code of 1972, is  
45 amended as follows:

46 97-41-11. Any person who shall keep or use, or in any way be  
47 connected with or interested in the management of, or shall  
48 receive money for the admission of any person to, any place kept  
49 or used for the purpose of fighting any bear, cock or other  
50 creature, except a dog, or of tormenting or torturing the same,  
51 and every person who shall encourage, aid, or assist therein, or  
52 who shall permit or suffer any place to be so kept or used, shall  
53 be guilty of a criminal offense and punished as provided in  
54 Section 97-41-13. It shall be the duty of any policeman or other  
55 officer of the law, county or municipal, to enter into any such  
56 place kept for such purpose, and to arrest each and every person  
57 concerned or participating therein.

58 **SECTION 6.** Section 97-41-13, Mississippi Code of 1972, is  
59 amended as follows:

60           97-41-13. Any person who shall violate any of Sections  
61 97-41-3 through 97-41-11, or Section 97-27-7 on the subject of  
62 cruelty to animals shall be guilty of a misdemeanor and, on  
63 conviction for a first offense, be fined not less than One Hundred  
64 Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00),  
65 or shall be imprisoned in the county jail not \* \* \* more than one  
66 (1) year, or both. For a second or subsequent violation, such  
67 person shall be guilty of a felony and, upon conviction, shall be  
68 fined not more than Five Thousand Dollars (\$5,000.00) or  
69 imprisoned in the State Penitentiary for not more than five (5)  
70 years, or both.

71           **SECTION 7.** This act shall take effect and be in force from  
72 and after July 1, 2004.