

By: Representatives Reynolds, Akins,
Beckett, Bondurant, Brown, Martinson, Rogers
(14th), Whittington, Stevens

To: Judiciary B

HOUSE BILL NO. 638

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 TO REQUIRE BOND FOR NEW BUSINESS ESTABLISHMENTS WHICH OFFER
5 ANIMALS FOR SALE TO THE PUBLIC; TO EXCLUDE POULTRY OPERATIONS FROM
6 THE PROVISIONS OF THIS ACT; 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. If any person shall override, overdrive, overload,
11 torture, torment, unjustifiably injure, deprive of necessary
12 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 living creature,
17 every such offender shall, for the first offense, be guilty of a
18 misdemeanor and, upon conviction, shall be fined not less than One
19 Hundred Dollars (\$100.00) nor more than One Thousand Dollars
20 (\$1,000.00) or imprisoned in the county jail for not more than one
21 (1) year, or both. For a second or subsequent offense the
22 offender shall be guilty of a felony and, upon conviction, shall
23 be fined not more than Five Thousand Dollars (\$5,000.00) or
24 imprisoned in the State Penitentiary for not more than five (5)
25 years, or both.

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

28 97-41-5. If any person shall carry, or cause to be carried
29 by hand or in or upon any vehicle or other conveyance, any

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

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

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

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

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

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

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

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

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

73 **SECTION 7.** Every political subdivision shall require all new
74 businesses which offer animals for sale to the public to purchase
75 a bond for such new business. The bond shall be in a sufficient
76 amount as determined by the political subdivision that will cover
77 any liability that such business may incur.

78 **SECTION 8.** The provisions of this act shall not apply to
79 poultry operations.

80 **SECTION 9.** This act shall take effect and be in force from
81 and after July 1, 2004.