

By: Representatives Whittington, Stevens

To: Agriculture; Judiciary B

HOUSE BILL NO. 673

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" means every act,
31 omission or neglect whereby unnecessary or unjustifiable pain or
32 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 housing or protection
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, 2004.