

By: Senator(s) Dearing

To: Judiciary, Division B

SENATE BILL NO. 2397

1 AN ACT TO AMEND SECTION 97-41-1, MISSISSIPPI CODE OF 1972, TO
 2 REVISE THE CRIME OF CRUELTY TO ANIMALS, TO INCORPORATE ELEMENTS OF
 3 OFFENSES FOUND ELSEWHERE IN CHAPTER 41, AND TO CREATE SIMPLE AND
 4 AGGRAVATED DEGREES OF THE OFFENSE; TO AMEND SECTION 97-41-11,
 5 MISSISSIPPI CODE OF 1972, TO REENACT AND REVISE THE PENALTY FOR
 6 COCKFIGHTING FOUND IN CHAPTER 41, SECTION 13; TO AMEND SECTION
 7 97-27-7, MISSISSIPPI CODE OF 1972, TO REENACT AND REVISE THE
 8 PENALTY FOUND IN CHAPTER 41, SECTION 13; TO REPEAL SECTION
 9 97-41-7, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT CONFINING
 10 ANY LIVING CREATURE WITHOUT SUFFICIENT FOOD AND WATER IS A
 11 MISDEMEANOR; TO REPEAL SECTION 97-41-9, MISSISSIPPI CODE OF 1972,
 12 WHICH PROVIDES THAT A CUSTODIAN OF ANY LIVING CREATURE WHO FAILS
 13 TO PROVIDE SUFFICIENT FOOD AND DRINK IS GUILTY OF A MISDEMEANOR;
 14 TO REPEAL SECTION 97-41-13, MISSISSIPPI CODE OF 1972, WHICH
 15 PROVIDES PENALTIES FOR CERTAIN ACTS OF CRUELTY TO ANIMALS; AND FOR
 16 RELATED PURPOSES.

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

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

20 97-41-1. (1) (a) Any person who intentionally or with
 21 criminal negligence commits any of the following shall be guilty
 22 of simple cruelty to animals:

23 (i) Overdrives, overloads, drives when overloaded
 24 or overworks a living animal;

25 (ii) Torments, cruelly beats or unjustifiably
 26 injures a living animal;

27 (iii) Having charge, custody or possession of any
 28 animal, either as owner or otherwise, and unjustifiably deprives
 29 of necessary sustenance, food, drink, shelter or veterinary care,
 30 or abandons any living animal.

31 (iv) Impounds or confines or causes to be
 32 impounded or confined in a pound, stable, lot, or other place, a
 33 living animal and fails to supply it during such confinement with
 34 proper food, proper drink, and proper shelter.

35 (v) Carries or causes to be carried, by hand or in
36 or upon any vehicle or other conveyance, any living creature in a
37 cruel or inhumane manner.

38 (vi) Unjustifiably administers any poisonous or
39 noxious drug or substance to any domestic animal or unjustifiably
40 exposes any such drug or substance with intent that the same shall
41 be taken or swallowed by any domestic animal.

42 (vii) Injures any animal belonging to another
43 person without legal privilege or consent of the owner.

44 (viii) Mistreats any living animal by any act or
45 omission whereby unnecessary or unjustifiable physical pain,
46 suffering or death is caused to or permitted upon the animal.

47 (ix) Causes or procures to be done by any person
48 any act enumerated in this subsection (1).

49 (b) (i) A person convicted of the crime of simple
50 cruelty to animals shall be fined not more than One Thousand
51 Dollars (\$1,000.00), imprisoned for not more than six (6) months,
52 or both.

53 (ii) In addition to any other penalty imposed, a
54 person convicted of the crime of cruelty to animals shall be
55 ordered to perform five (5) eight-hour days of court-approved
56 community service, which sentence shall not be suspended.

57 (2) (a) Any person who intentionally or with criminal
58 negligence tortures, maims, mutilates, or maliciously kills any
59 living animal, whether belonging to himself or another, shall be
60 guilty of aggravated cruelty to animals.

61 (b) Any person who causes or procures to be done by any
62 person any act enumerated in this subsection (2) shall also be
63 guilty of aggravated cruelty to animals.

64 (c) A person convicted of the crime of aggravated
65 cruelty to animals shall be fined not less than One Thousand
66 Dollars (\$1,000.00), imprisoned in the custody of the Department
67 of Corrections for not more than ten (10) years, or both.

68 (d) For purposes of this subsection (2), where more
69 than one (1) animal is tortured, maimed, mutilated, or maliciously
70 killed, each act constitutes a separate offense.

71 (3) (a) This section shall not apply to the lawful hunting
72 or trapping of wildlife as provided by law, herding of domestic
73 animals, accepted animal husbandry practices, accepted veterinary
74 practices, and activities carried on for scientific or medical
75 research governed by accepted standards.

76 (b) A person shall not be considered to have abandoned
77 an animal delivered to an animal control center.

78 (4) For the purposes of this chapter, unless otherwise
79 defined, "animal" means any mammal, reptile, bird or amphibian.

80 **SECTION 2.** Section 97-41-11, Mississippi Code of 1972, is
81 amended as follows:

82 97-41-11. (1) Any person who shall keep or use, or in any
83 way be connected with or interested in the management of, or shall
84 receive money for the admission of any person to, any place kept
85 or used for the purpose of fighting any bear, cock or other
86 creature, except a dog, or of tormenting or torturing the same,
87 and every person who shall encourage, aid, or assist therein, or
88 who shall permit or suffer any place to be so kept or used, shall
89 be guilty of a misdemeanor. It shall be the duty of any policeman
90 or other officer of the law, county or municipal, to enter into
91 any such place kept for such purpose, and to arrest each and every
92 person concerned or participating therein.

93 (2) Any person convicted under this section shall be fined
94 not more than One Hundred Dollars (\$100.00), imprisoned in the
95 county jail not more than one hundred (100) days, or both.

96 **SECTION 3.** Section 97-27-7, Mississippi Code of 1972, is
97 amended as follows:

98 97-27-7. (1) (a) If any person, being the owner or having
99 the charge of any animal diseased with the glanders or farcy,
100 shall not deprive the animal of life or closely confine it remote

101 from all other animals liable to contract the disease, he shall be
102 guilty of a misdemeanor and, on conviction, shall be punished as
103 provided in Section 97-41-13.

104 **(b)** Whenever a case of glanders or farcy is reported to
105 the president of the board of supervisors, he may employ a
106 competent veterinary surgeon, if necessary, at the expense of the
107 county. If such veterinary surgeon declare the animal or animals
108 affected with the glanders or farcy the sheriff shall immediately
109 kill the animal or animals, for which service he shall be allowed
110 not more than Two Dollars (\$2.00) for each animal destroyed, to be
111 paid out of the county treasury. * * * The said board of
112 supervisors are hereby authorized and empowered, in the discretion
113 of said board, to allow the owner of said animal or animals, to be
114 paid out of the county treasury, such sum therefor as the board
115 may deem proper. If any owner of stock, having good reason to
116 suspect that his stock is diseased shall fail to report to the
117 president of the board, or if any official named in this section
118 shall fail to perform the duties herein imposed, such offender
119 shall, on conviction, be fined not less than Twenty-five Dollars
120 (\$25.00) or more than Two Hundred Dollars (\$200.00), or shall be
121 imprisoned in the county jail for a term not exceeding two (2)
122 months or both. The board of supervisors, when any animal shall
123 have been exposed to glanders or farcy and not actually infected,
124 may order all such animals to be quarantined until such time as
125 the danger of contagion shall have passed, and the place where
126 such animals are kept shall also be quarantined.

127 (2) Any person who shall violate this section, on
128 conviction, shall be fined not more than One Hundred Dollars
129 (\$100.00), imprisoned in the county jail not more than one hundred
130 (100) days, or both.

131 **SECTION 4.** Section 97-41-5, Mississippi Code of 1972, which
132 provides that carrying any creature in a cruel or inhuman manner
133 is a misdemeanor, is repealed.

134 **SECTION 5.** Section 97-41-7, Mississippi Code of 1972, which
135 provides that confining any living creature without sufficient
136 food and water is a misdemeanor, is repealed.

137 **SECTION 6.** Section 97-41-9, Mississippi Code of 1972, which
138 provides that a custodian of any living creature who fails to
139 provide sufficient food and drink is guilty of a misdemeanor, is
140 repealed.

141 **SECTION 7.** Section 97-41-13, Mississippi Code of 1972, which
142 provides penalties for certain acts of cruelty to animals, is
143 repealed.

144 **SECTION 8.** This act shall take effect and be in force from
145 and after July 1, 2004.