

By: Senator(s) Dearing

To: Judiciary, Division B

## SENATE BILL NO. 2074

1 AN ACT TO ESTABLISH LAWS AGAINST THE CRUELTY OF ANY DOG OR  
2 CAT; TO ESTABLISH THE CRITERIA FROM WHICH A PERSON WHO KNOWINGLY  
3 AND WITH CRIMINAL NEGLIGENCE COMMITS THE ACT OF CRUELTY TO ANY DOG  
4 OR CAT SHALL BE CHARGED; TO ESTABLISH THE ACT OF AGGRAVATED  
5 CRUELTY; TO ESTABLISH THAT ANYONE GUILTY OF AN ACT OF AGGRAVATED  
6 CRUELTY SHALL BE CHARGED WITH A FELONY; TO REPEAL SECTIONS  
7 97-41-1, 97-41-5, 97-41-7 AND 97-41-9, MISSISSIPPI CODE OF 1972,  
8 WHICH DEAL WITH ANIMAL CRUELTY; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** (1) If any person shall knowingly or with  
11 criminal negligence torture, torment, unjustifiably injure,  
12 deprive of necessary sustenance, food or drink; or cruelly beat or  
13 mutilate; or cause or procure to be tortured, unjustifiably  
14 injured, tormented, or deprived of necessary sustenance, food or  
15 drink; or to be cruelly beaten or mutilated or killed, any dog or  
16 cat, every such offender shall, for every offense, be guilty of a  
17 misdemeanor, punishable by no less than one (1) year imprisonment  
18 and no more than One Thousand Dollars (\$1,000.00), or both. For  
19 any subsequent offense, every offender shall be guilty of a  
20 felony, and upon conviction, shall be committed to the custody of  
21 the State Department of Corrections for not less than twelve (12)  
22 months nor more than five (5) years, and fined an amount not less  
23 than One Thousand Five Hundred Dollars (\$1,500.00), nor more than  
24 Ten Thousand Dollars (\$10,000.00).

25 (2) If any person shall torture, mutilate, maim, burn or  
26 maliciously starves, disfigures or kills any dog or cat, every  
27 such offender shall, for every offense, be guilty of aggravated  
28 cruelty to animals and may be punishable as a felony with a fine  
29 of not less than twelve (12) months nor more than five (5) years,



and fined an amount not less than One Thousand Five Hundred Dollars (\$1,500.00), nor more than Ten Thousand Dollars (\$10,000.00).

(3) In addition to such fine or imprisonment which may be imposed:

(a) The court shall order that restitution be made to the owner of any such animal. The measure for such restitution in money shall be the current replacement value of such loss and the actual veterinarian fees, special supplies, loss of income and other cost incurred as a result of actions in violation of subsection (1) of this section.

(b) The court may also require:

(i) Psychiatric or psychological evaluation and participation in treatment that the court determines to be appropriate after due consideration of the evaluation. The court may impose the costs of such programs or counseling upon the defendant when appropriate.

(ii) Forfeiture of any future right to own, care for, or reside with any animal for a period which the court deems appropriate.

(iii) Periodic unannounced visits for a period up to one (1) year by a humane officer to inspect the care and condition of any animal permitted by the court to remain in the care, custody or possession of the guilty party. Such period may be extended by the court upon motion made by the state.

(4) Nothing in this section shall be construed to prohibit the following legal activities conducted in accordance with the laws of the State of Mississippi:

- (a) Veterinary medicine;
- (b) Hunting, trapping or fishing;
- (c) Animal research;
- (d) Pest control; and
- (e) Agricultural practices.



63           **SECTION 2.** Section 97-41-1, Mississippi Code of 1972, which  
64 deals with cruelty to animals, Section 97-41-5, Mississippi Code  
65 of 1972, which deals with carrying a creature in a cruel manner,  
66 Section 97-41-7, Mississippi Code of 1972, which deals with  
67 confining animals without food or water, and Section 97-41-9,  
68 Mississippi Code of 1972, which deals with failure to provide  
69 sustenance to animals, are repealed.

70           **SECTION 3.** This act shall take effect and be in force from  
71 and after July 1, 2010.

