

By: Senator(s) Hewes

To: Judiciary, Division B

## SENATE BILL NO. 2623

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

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

11 **SECTION 1.** If any person shall knowingly or with criminal  
12 negligence torment, unjustifiably injure, deprive of necessary  
13 sustenance, food or drink; or cruelly beat or mutilate; or cause  
14 or procure to be tortured, unjustifiably injured, tormented, or  
15 deprived of necessary sustenance, food or drink; or to be cruelly  
16 beaten or mutilated or killed, any living vertebrate creature,  
17 except human beings and fish, every such offender, for each  
18 offense, shall be guilty of cruelty to animals, which is a  
19 misdemeanor punishable by not more than one (1) year in jail, a  
20 fine of not more than One Thousand Dollars (\$1,000.00), or both.

21 **SECTION 2.** (1) If any person shall torture, mutilate, maim,  
22 burn or maliciously starve, disfigure or kill any domesticated dog  
23 or cat, every such offender, for every offense, shall be guilty of  
24 aggravated cruelty to a dog or cat and charged with a felony and  
25 upon conviction shall be committed to the custody of the State  
26 Department of Corrections for not less than twelve (12) months nor  
27 more than five (5) years, and fined an amount not less than One  
28 Thousand Five Hundred Dollars (\$1,500.00), nor more than Ten  
29 Thousand Dollars (\$10,000.00).



30           (2) A person alleged to have committed the offense of  
31 aggravated cruelty to a dog or cat shall not also be alleged to  
32 have committed the offense of cruelty to animals for an alleged  
33 offense that involves the same animal.

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

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

42                 (b) The court shall also order that restitution be made  
43 to all law enforcement agencies, animal control, or humane  
44 societies for the costs of investigation, sheltering,  
45 transporting, rehabilitation and other costs directly related to  
46 the case.

47                 (c) The court may also require:

48                         (i) Psychiatric or psychological evaluation, and  
49 if determined appropriate, psychiatric or psychological counseling  
50 or treatment for a length of time prescribed by the court. The  
51 cost of any psychiatric or psychological evaluation, counseling,  
52 or treatment shall be ordered paid by such person up to the  
53 jurisdictional limit of the court.

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

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

61           (4) The following activities will not be violations of this  
62 chapter: any and all activities associated with or incidental to



63 the lawful hunting or trapping of wildlife, fishing, herding of  
64 domestic animals, accepted animal husbandry practices including  
65 slaughter, agricultural practices, accepted dog handling and  
66 training practices, the practice of veterinary medicine, humane  
67 euthanasia performed at an animal shelter, accepted pest control  
68 practices, livestock shows, accepted equine activities, or  
69 activities carried on for teaching or for scientific or medical  
70 research governed by accepted standards.

71         **SECTION 3.** Sections 97-41-1, 97-41-5, 97-41-7 and 97-41-9,  
72 Mississippi Code of 1972, which deal with cruelty to animals,  
73 carrying a creature in a cruel manner, confining animals without  
74 food or water and failure to provide sustenance to animals, are  
75 repealed.

76         **SECTION 4.** This act shall take effect and be in force from  
77 and after July 1, 2010.

