

By: Senator(s) Hewes, Flowers

To: Judiciary, Division B

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2127

1 AN ACT TO CREATE SECTION 97-41-25, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT CRUELTY TO VERTEBRATE ANIMALS; TO CREATE SECTION
3 97-41-27, MISSISSIPPI CODE OF 1972, TO ESTABLISH THE CRIME OF
4 AGGRAVATED CRUELTY TO ANY DOMESTICATED DOG OR CAT; TO CREATE
5 SECTION 97-41-29, MISSISSIPPI CODE OF 1972, TO PROVIDE EXEMPTIONS
6 FROM CRIMINAL LIABILITY UNDER THE CHAPTER; TO CREATE SECTION
7 97-41-31, MISSISSIPPI CODE OF 1972, TO ENACT DEFINITIONS; TO
8 REPEAL SECTIONS 97-41-1, 97-41-5, 97-41-7, 97-41-9 AND 97-41-16,
9 MISSISSIPPI CODE OF 1972, WHICH DEAL WITH ANIMAL CRUELTY; AND FOR
10 RELATED PURPOSES.

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

12 **SECTION 1.** The following shall be codified as Section
13 97-41-25, Mississippi Code of 1972:

14 97-41-25. If any person shall knowingly or with criminal
15 negligence torment, unjustifiably injure, deprive of necessary
16 sustenance, food or drink; or cruelly beat or mutilate; or cause
17 or procure to be tortured, unjustifiably injured, tormented, or
18 deprived of necessary sustenance, food or drink; or to be cruelly
19 beaten or mutilated or killed, any living vertebrate creature,
20 except human beings and fish, every such offender, for each
21 offense, shall be guilty of cruelty to animals, which is a
22 misdemeanor punishable by not more than one (1) year in jail, a
23 fine of not more than One Thousand Dollars (\$1,000.00), or both.

24 **SECTION 2.** The following shall be codified as Section
25 97-41-27, Mississippi Code of 1972:

26 97-41-27. (1) If any person with malice shall torture,
27 mutilate, maim, burn, starve, disfigure or kill any domesticated
28 dog or cat, every such offender, for every offense, shall be
29 guilty of aggravated cruelty to a dog or cat, which is a felony,
30 and upon conviction shall be committed to the custody of the State



31 Department of Corrections for not less than twelve (12) months nor
32 more than five (5) years, and fined an amount not less than One
33 Thousand Five Hundred Dollars (\$1,500.00), nor more than Ten
34 Thousand Dollars (\$10,000.00).

35 (2) A person alleged to have committed the offense of
36 aggravated cruelty to a dog or cat shall not also be alleged to
37 have committed the offense of cruelty to animals for an alleged
38 offense that involves the same animal.

39 (3) In addition to such fine or imprisonment which may be
40 imposed for a felony offense under this section:

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

47 (b) The court shall also order that restitution be made
48 to all law enforcement agencies, animal control, or humane
49 societies for the costs of investigation, sheltering,
50 transporting, rehabilitation and other costs directly related to
51 the case.

52 (c) The court may also require:

53 (i) Psychiatric or psychological evaluation, and
54 if determined appropriate, psychiatric or psychological counseling
55 or treatment for a length of time prescribed by the court. The
56 cost of any psychiatric or psychological evaluation, counseling,
57 or treatment shall be ordered paid by such person up to the
58 jurisdictional limit of the court.

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

61 (iii) Periodic unannounced visits for a period up
62 to one (1) year by a humane officer to inspect the care and
63 condition of any animal permitted by the court to remain in the



64 care, custody or possession of the guilty party. Such period may
65 be extended by the court upon motion made by the state.

66 **SECTION 3.** The following shall be codified as Section
67 97-41-29, Mississippi Code of 1972:

68 97-41-29. (1) Nothing in this chapter shall be construed as
69 prohibiting a person from:

70 (a) Defending himself or herself or another person from
71 physical or economic injury being threatened or caused by an
72 animal;

73 (b) Injuring or killing of an unconfined animal on the
74 person's property if the unconfined animal is reasonably believed
75 to constitute a threat of physical injury or damage to any animal
76 under the care or control of the person;

77 (c) Acting in accordance with the provisions of Section
78 95-5-19;

79 (d) Engaging in practices lawful under the Mississippi
80 Veterinary Practice Act, Section 73-39-51 et seq., or engaging in
81 activities by any licensed veterinarian while following accepted
82 standards of practice of the profession, including, but not
83 limited to, the euthanizing, spaying or neutering, earcropping,
84 taildocking, declawing, or debarking of an animal;

85 (e) Humanely killing an animal that is suffering from
86 an incurable or untreatable illness or condition or if there
87 appears to be no reasonable probability that the life or
88 usefulness of the animal can be saved;

89 (f) Rendering emergency care, treatment or assistance
90 to an animal that is abandoned, ill, injured or in distress
91 related to an accident or disaster if the person rendering the
92 care, treatment or assistance is:

93 (i) Acting in good faith; and

94 (ii) Not receiving compensation;

95 (g) Performing accepted agricultural and animal
96 husbandry practices on livestock or poultry, including, but not



97 limited to, slaughter, butchering, food processing and marketing
98 practices;

99 (h) Performing professional pest control activities in
100 a lawful manner;

101 (i) Training for or participating in a rodeo, equine
102 activity, or competitive event, any lawful animal exhibition or
103 competition practice, or any lawful zoological practice;

104 (j) Engaging in normal or accepted practices of animal
105 identification, including, but not limited to, use of microchips,
106 tatoos, eartags, branding, ear notching, or any similar practice
107 to identify ownership of an animal;

108 (k) Engaging in lawful hunting, trapping, fishing,
109 wildlife management, or any activity regulated by the Mississippi
110 Department of Wildlife, Fisheries and Parks;

111 (l) Any lawful scientific research or medical practice,
112 or activities undertaken by research and education facilities or
113 institutions that are:

114 (i) Regulated under the provisions of the Animal
115 Welfare Act, 7 USC 2131 et seq., as in effect on July 1, 2011;

116 (ii) Regulated under the provisions of the Health
117 Research Extension Act of 1985, Public Law No. 99-158; or

118 (iii) Subject to any other applicable state or
119 federal law or regulation governing animal research as in effect
120 on July 1, 2011;

121 (m) Activities involving the training and deployment of
122 dogs for the purpose of hunting and pursuit of game;

123 (n) Any conduct which is otherwise permitted under the
124 laws of this state or of the United States.

125 (2) An owner of an animal or a person in control of an
126 animal shall not be guilty for either the offense of cruelty to
127 animals or the offense of aggravated cruelty to a dog or cat if
128 the person, as the result of causes beyond the person's reasonable
129 control, including, without limitation, acts of God, declarations



130 of disaster, emergencies, acts of war, earthquakes, fires, floods
131 or other natural disasters, reasonably engaged in an act or
132 omission that might otherwise constitute an allegation of the
133 offense of cruelty to animals or the offense of aggravated cruelty
134 to a dog or cat.

135 **SECTION 4.** The following shall be codified as Section
136 97-41-31, Mississippi Code of 1972:

137 97-41-31. For purposes of this chapter, the following words
138 shall have the meanings ascribed unless the context clearly
139 requires otherwise:

140 (a) "Maim" means to injure so severely as to cause
141 lasting damage.

142 (b) "Mutilate" means to seriously wound, injure, maim
143 or disfigure an animal by irreparably damaging the body parts of
144 the animal or to render useless any part of the body of the
145 animal.

146 (c) "Torment" means the infliction of extreme pain or
147 agony.

148 (d) "Torture" means the infliction of inhumane
149 treatment or gross physical abuse to a dog or cat meant to cause
150 the dog or cat intense or prolonged pain or serious physical
151 injury, or thereby causing death to the dog or cat, with the
152 intent of increasing or prolonging the pain of the dog or cat.

153 **SECTION 5.** Section 97-41-1, Mississippi Code of 1972, which
154 deals with cruelty to animals, Section 97-41-5, Mississippi Code
155 of 1972, which deals with carrying a creature in a cruel manner,
156 Section 97-41-7, Mississippi Code of 1972, which deals with
157 confining animals without food or water, Section 97-41-9,
158 Mississippi Code of 1972, which deals with failure to provide
159 sustenance to animals, and Section 97-41-16, Mississippi Code of
160 1972, which deals with malicious or mischievous injury to cats and
161 dogs, are repealed.



162 **SECTION 6.** This act shall take effect and be in force from
163 and after July 1, 2011.

