

By: Senator(s) Hewes

To: Judiciary, Division B

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:

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.

