

By: Senator(s) Hill, Parker, Blackwell,
Tindell

To: Agriculture; Judiciary,
Division A

SENATE BILL NO. 2600

1 AN ACT TO AMEND SECTION 97-41-16, MISSISSIPPI CODE OF 1972,
2 TO CREATE A FIRST-OFFENSE FELONY OF AGGRAVATED ABUSE OF A DOG OR
3 CAT; TO ENACT DEFINITIONS; TO LIMIT THE NUMBER OF COUNTS THAT CAN
4 BE CHARGED ARISING FROM A SINGLE INCIDENT; TO REQUIRE THAT
5 REPORTING OF ALL OFFENSES AGAINST DOGS OR CATS WILL CONFORM TO FBI
6 REPORTING GUIDELINES; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 97-41-16, Mississippi Code of 1972, is
9 amended as follows:

10 97-41-16. (1) (a) The provisions of this section shall be
11 known and may be cited as the "Mississippi Dog and Cat Pet
12 Protection Law of 2011."

13 (b) The intent of the Legislature in enacting this law
14 is to provide only for the protection of domesticated dogs and
15 cats, as these are the animals most often serving as the loyal and
16 beloved pets of the citizens of this state. Animals other than
17 domesticated dogs and cats are specifically excluded from the
18 enhanced protection described in this section for dogs and cats.
19 The provisions of this section do not apply, and shall not be



20 construed as applying, to any animal other than a domesticated dog
21 or cat.

22 (2) (a) If a person shall intentionally or with criminal
23 negligence wound, deprive of food or water, or adequate
24 shelter * * * that protects the animal from the elements of wind
25 and water and allows the animal to remain dry, or carry or confine
26 in a cruel or unsanitary manner, any domesticated dog or cat, or
27 cause any person to do the same, then he or she shall be guilty of
28 the offense of simple cruelty to a dog or cat. A person who is
29 convicted of the offense of simple cruelty to a dog or cat shall
30 be guilty of a misdemeanor and fined not less than Three Hundred
31 Dollars (\$300.00) nor more than One Thousand Dollars (\$1,000.00),
32 or imprisoned not more than six (6) months, or both, for each
33 count of which convicted.

34 (b) If a person with malice shall intentionally
35 torture, mutilate, maim, burn, scald, suffocate, drown, starve to
36 death or disfigure any domesticated dog or cat, or cause any
37 person to do the same, then he or she shall be guilty of the
38 offense of aggravated cruelty to a dog or cat. * * * A person who
39 is convicted of * * * aggravated cruelty to a dog or cat * * *
40 shall be guilty of a felony and fined not more than Five Thousand
41 Dollars (\$5,000.00) and imprisoned for not less than one (1) year
42 nor more than five (5) years.

43 (* * *c) For purposes of this section, * * * if
44 more * * * than one (1) act of the offenses of simple cruelty to a



45 dog or cat or aggravated cruelty to a dog or cat, committed
46 against one or more domesticated dogs or cats, or any combination
47 thereof * * * is alleged, each act shall constitute a * * *
48 separate offense if the alleged acts occurred at the same time and
49 arose out of the same set of circumstances, but not to exceed ten
50 (10) counts of simple or aggravated cruelty to a dog or cat;
51 conviction upon a plea of nolo contendere counts as a conviction.

52 (3) In addition to such fine or imprisonment which may be
53 imposed or any conditions placed upon a youth adjudicated
54 delinquent:

55 (a) The court shall order that:

56 (i) Restitution be made to the owner of such dog
57 or cat. The measure for restitution in money shall be the current
58 replacement value of such loss and the actual veterinarian fees,
59 medicine, special supplies, loss of income and other costs
60 incurred as a result of actions in violation of subsection (2) of
61 this section; and

62 (ii) The person convicted of or adjudicated
63 delinquent for aggravated cruelty to a dog or cat shall receive a
64 psychiatric or psychological evaluation and counseling or
65 treatment for a length of time as prescribed by the court. The
66 cost of any evaluation, counseling and treatment shall be paid by
67 the offender upon order of the court, up to a maximum amount that
68 is no more than the jurisdictional limit of the sentencing court;
69 and



70 (b) The court may order that:

71 (i) The reasonable costs of sheltering,
72 transporting and rehabilitating the dog or cat, and any other
73 costs directly related to the care of the dog or cat, be
74 reimbursed to:

75 1. Any law enforcement agency; or

76 2. Any agency or department of a political
77 subdivision that is charged with the control, protection or
78 welfare of dogs or cats within the subdivision. The agency or
79 department may reimburse a nongovernmental organization for such
80 costs, if the organization possesses nonprofit status under the
81 United States Internal Revenue Code and has the purpose of
82 protecting the welfare of, or preventing cruelty to, dogs or cats.

83 (ii) The person convicted:

84 * * *

85 * * *1. Perform community service for a
86 period not exceeding the applicable maximum term of imprisonment
87 that may be imposed for conviction of the offense.

88 * * *2. Be enjoined from employment in any
89 position that involves the care of a dog or cat, or in any place
90 where dogs or cats are kept or confined, for a period which the
91 court deems appropriate.

92 (4) (a) Nothing in this section shall be construed as
93 prohibiting a person from:



94 (i) Defending himself or herself or another person
95 from physical or economic injury being threatened or caused by a
96 dog or cat.

97 (ii) Injuring or killing an unconfined dog or cat
98 on the property of the person, if the unconfined dog or cat is
99 believed to constitute a threat of physical injury or damage to
100 any domesticated animal under the care or control of such person.

101 (iii) Acting under the provisions of Section
102 95-5-19 to protect poultry or livestock from a trespassing dog
103 that is in the act of chasing or killing the poultry or livestock,
104 or acting to protect poultry or livestock from a trespassing cat
105 that is in the act of chasing or killing the poultry or livestock.

106 (iv) Engaging in practices that are licensed or
107 lawful under the Mississippi Veterinary Practice Act, Section
108 73-39-51 et seq., or engaging in activities by any licensed
109 veterinarian while following accepted standards of practice of the
110 profession within the State of Mississippi, including the
111 euthanizing of a dog or cat.

112 (v) Rendering emergency care, treatment, or
113 assistance to a dog or cat that is abandoned, ill, injured, or in
114 distress, if the person rendering the care, treatment, or
115 assistance is acting in good faith.

116 (vi) Performing activities associated with
117 accepted agricultural and animal husbandry practices with regard



118 to livestock, poultry or other animals, including those activities
119 which involve:

120 1. Using dogs in such practices.

121 2. Raising, managing and using animals to
122 provide food, fiber or transportation.

123 3. Butchering animals and processing food.

124 (vii) Training for, or participating in, a rodeo,
125 equine activity, dog show, event sponsored by a kennel club or
126 other bona fide organization that promotes the breeding or showing
127 of dogs or cats, or any other competitive event which involves the
128 lawful use of dogs or cats.

129 (viii) Engaging in accepted practices of dog or
130 cat identification.

131 (ix) Engaging in lawful activities that are
132 regulated by the Mississippi Department of Wildlife, Fisheries and
133 Parks or the Mississippi Department of Marine Resources, including
134 without limitation, hunting, trapping, fishing, and wildlife and
135 seafood management.

136 (x) Performing scientific, research, medical and
137 zoological activities undertaken by research and education
138 facilities or institutions that are:

139 1. Regulated under the provisions of the
140 Animal Welfare Act, 7 USCS 2131 et seq., as in effect on July 1,
141 2011;



142 2. Regulated under the provisions of the
143 Health Research Extension Act of 1985, Public Law No. 99-158; or

144 3. Subject to any other applicable state or
145 federal law or regulation governing animal research as in effect
146 on July 1, 2011.

147 (xi) Disposing of or destroying certain dogs under
148 authority of Sections 19-5-50, 21-19-9 and 41-53-11, which allow
149 counties, municipalities and certain law enforcement officers to
150 destroy dogs running at large without proper identification
151 indicating that such dogs have been vaccinated for rabies.

152 (xii) Engaging in professional pest control
153 activities, including those activities governed by the Mississippi
154 Pesticide Law of 1975, Section 69-23-1 et seq.; professional
155 services related to entomology, plant pathology, horticulture,
156 tree surgery, weed control or soil classification, as regulated
157 under Section 69-19-1 et seq.; and any other pest control
158 activities conducted in accordance with state law.

159 (xiii) Performing the humane euthanization of a
160 dog or cat pursuant to Section 97-41-3.

161 (b) If the owner or person in control of a dog or cat
162 is precluded, by natural or other causes beyond his reasonable
163 control, from acting to prevent an act or omission that might
164 otherwise constitute an allegation of the offense of simple
165 cruelty to a dog or cat or the offense of aggravated cruelty to a
166 dog or cat, then that person shall not be guilty of the offense.



167 Natural or other causes beyond the reasonable control of the
168 person include, without limitation, acts of God, declarations of
169 disaster, emergencies, acts of war, earthquakes, hurricanes,
170 tornadoes, fires, floods or other natural disasters.

171 (5) The provisions of this section shall not be construed
172 to:

173 (a) Apply to any animal other than a dog or cat.

174 (b) Create any civil or criminal liability on the part
175 of the driver of a motor vehicle if the driver unintentionally
176 injures or kills a dog or cat as a result of the dog or cat being
177 accidentally hit by the vehicle.

178 (6) (a) Except as otherwise provided in Section 97-35-47
179 for the false reporting of a crime, a person, who in good faith
180 and acting without malice, reports a suspected incident of simple
181 cruelty to a dog or cat, or aggravated cruelty to a dog or cat, to
182 a local animal control, protection or welfare organization, a
183 local law enforcement agency, or the Mississippi Department of
184 Public Safety, shall be immune from civil and criminal liability
185 for reporting the incident.

186 (b) A veterinarian licensed in Mississippi or a person
187 acting at the direction of a veterinarian licensed in Mississippi,
188 who in good faith and acting without malice, participates in the
189 investigation of an alleged offense of simple or aggravated
190 cruelty to a dog or cat, or makes a decision or renders services
191 regarding the care of a dog or cat that is involved in the



192 investigation, shall be immune from civil and criminal liability
193 for those acts.

194 (7) Other than an agency or department of a political
195 subdivision that is charged with the control, protection or
196 welfare of dogs or cats within the subdivision, any organization
197 that has the purpose of protecting the welfare of, or preventing
198 cruelty to, dogs or cats, shall register the organization with the
199 sheriff of the county in which the organization operates a
200 physical facility for the protection, welfare or shelter of dogs
201 or cats, on or before the first day of October each year. The
202 provisions of this subsection (7) shall apply to any organization
203 that has the purpose of protecting the welfare of dogs or cats, or
204 preventing cruelty to dogs or cats, regardless of whether the
205 organization also protects animals other than dogs or cats.

206 (8) Nothing in this section shall limit the authority of a
207 municipality or board of supervisors to adopt ordinances, rules,
208 regulations or resolutions which may be, in whole or in part, more
209 restrictive than the provisions of this section, and in those
210 cases, the more restrictive ordinances, rules, regulations or
211 resolutions will govern.

212 (9) (a) When investigating allegations of a violation of
213 this section, whether or not an arrest results, law enforcement
214 officers must utilize the form prescribed for investigation of
215 simple or aggravated abuse of a dog or cat by the Attorney General
216 in consultation with the sheriffs' and police chiefs'



217 associations. Failure by a law enforcement officer to utilize the
218 uniform offense report is not a defense to a crime charged under
219 this section.

220 (b) In any conviction under this section, the
221 sentencing order shall include the designation of "animal abuse."
222 The court clerk must enter the disposition of the matter into the
223 corresponding uniform offense report.

224 (c) The Attorney General, sheriffs' association, and
225 police chiefs' association are responsible in devising the uniform
226 report form to conform to the rules of the Federal Bureau of
227 Investigation to facilitate entry of animal abuse offenses into
228 the National Incident-Based Reporting System.

229 **SECTION 2.** This act shall take effect and be in force from
230 and after July 1, 2017.

