

By: Representative Snowden

To: Agriculture

HOUSE BILL NO. 1055

1 AN ACT TO AMEND SECTION 97-41-16, MISSISSIPPI CODE OF 1972,  
 2 TO CREATE A FIRST-OFFENSE FELONY OF AGGRAVATED CRUELTY TO A DOG OR  
 3 CAT AND TO ENHANCE THE PENALTY FOR SUCH VIOLATIONS; TO DEFINE THE  
 4 TERM "ADEQUATE SHELTER"; TO LIMIT THE NUMBER OF COUNTS THAT CAN BE  
 5 CHARGED ARISING FROM A SINGLE INCIDENT; TO REQUIRE THE REPORTING  
 6 OF ALL OFFENSES AGAINST DOGS OR CATS TO CONFORM TO FBI REPORTING  
 7 GUIDELINES; AND FOR RELATED PURPOSES.

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

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

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

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



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

23 (2) (a) If a person shall intentionally or with criminal  
24 negligence wound, deprive of food, water or adequate shelter \* \* \*  
25 that protects the animal from the elements of wind and water and  
26 allows the animal to remain dry, or carry or confine in a cruel  
27 manner, any domesticated dog or cat, or cause any person to do the  
28 same, then he or she shall be guilty of the offense of simple  
29 cruelty to a dog or cat. A person who is convicted of the offense  
30 of simple cruelty to a dog or cat shall be guilty of a misdemeanor  
31 and fined not more than One Thousand Dollars (\$1,000.00), or  
32 imprisoned not more than six (6) months, or both.

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

42 (c) \* \* \* As used in this section, "adequate shelter"  
43 for dogs and cats predominantly maintained outdoors means a  
44 shelter that is:



45                   (i) Structurally sound and strong enough to block  
46 rain, sun and wind;

47                   (ii) Constructed of materials that are impervious  
48 to moisture, including a floor with a solid surface such as a  
49 resting platform, pad, floor mat or a similar device;

50                   (iii) Constructed with a minimum of three (3)  
51 sides and a waterproof roof allowing the animal to remain dry and  
52 clean;

53                   (iv) Of sufficient space to allow the animal  
54 freedom of movement; and

55                   (v) Properly ventilated and periodically cleaned  
56 to minimize health hazards.

57           (d) For purposes of this section, \* \* \* if more \* \* \*  
58 than one (1) act of the offenses of simple cruelty to a dog or cat  
59 or aggravated cruelty to a dog or cat, committed against one or  
60 more domesticated dogs or cats, or any combination thereof \* \* \*  
61 is alleged, each act shall constitute a \* \* \* separate offense if  
62 the alleged acts occurred at the same time and arose out of the  
63 same set of circumstances, subject to a maximum of ten (10) counts  
64 of simple or aggravated cruelty to a dog or cat.

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

67           (a) The court shall order that:

68                   (i) Restitution be made to the owner of such dog  
69 or cat. The measure for restitution in money shall be the current



70 replacement value of such loss and the actual veterinarian fees,  
71 medicine, special supplies, loss of income and other costs  
72 incurred as a result of actions in violation of subsection (2) of  
73 this section; and

74 (ii) The person convicted receive a psychiatric or  
75 psychological evaluation and counseling or treatment for a length  
76 of time as prescribed by the court. The cost of any evaluation,  
77 counseling or treatment must be paid by the offender upon order of  
78 the court, up to a maximum amount that is no more than the  
79 jurisdictional limit of the sentencing court; and

80 (b) The court may order that:

81 (i) The reasonable costs of sheltering,  
82 transporting and rehabilitating the dog or cat, and any other  
83 costs directly related to the care of the dog or cat, be  
84 reimbursed to:

- 85 1. Any law enforcement agency; or  
86 2. Any agency or department of a political  
87 subdivision that is charged with the control, protection or  
88 welfare of dogs or cats within the subdivision. The agency or  
89 department may reimburse a nongovernmental organization for such  
90 costs, if the organization possesses nonprofit status under the  
91 United States Internal Revenue Code and has the purpose of  
92 protecting the welfare of, or preventing cruelty to, dogs or cats.

93 (ii) The person convicted:

94 \* \* \*



95                   \* \* \*1. Perform community service for a  
96 period not exceeding the applicable maximum term of imprisonment  
97 that may be imposed for conviction of the offense.

98                   \* \* \*2. Be enjoined from employment in any  
99 position that involves the care of a dog or cat, or in any place  
100 where dogs or cats are kept or confined, for a period which the  
101 court deems appropriate.

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

104                   (i) Defending himself or herself or another person  
105 from physical or economic injury being threatened or caused by a  
106 dog or cat.

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

111                   (iii) Acting under the provisions of Section  
112 95-5-19 to protect poultry or livestock from a trespassing dog  
113 that is in the act of chasing or killing the poultry or livestock,  
114 or acting to protect poultry or livestock from a trespassing cat  
115 that is in the act of chasing or killing the poultry or livestock.

116                   (iv) Engaging in practices that are licensed or  
117 lawful under the Mississippi Veterinary Practice Act, Section  
118 73-39-51 et seq., or engaging in activities by any licensed  
119 veterinarian while following accepted standards of practice of the



120 profession within the State of Mississippi, including the  
121 euthanizing of a dog or cat.

122 (v) Rendering emergency care, treatment, or  
123 assistance to a dog or cat that is abandoned, ill, injured, or in  
124 distress, if the person rendering the care, treatment, or  
125 assistance is acting in good faith.

126 (vi) Performing activities associated with  
127 accepted agricultural and animal husbandry practices with regard  
128 to livestock, poultry or other animals, including those activities  
129 which involve:

130 1. Using dogs in such practices.

131 2. Raising, managing and using animals to  
132 provide food, fiber or transportation.

133 3. Butchering animals and processing food.

134 (vii) Training for, or participating in, a rodeo,  
135 equine activity, dog show, event sponsored by a kennel club or  
136 other bona fide organization that promotes the breeding or showing  
137 of dogs or cats, or any other competitive event which involves the  
138 lawful use of dogs or cats.

139 (viii) Engaging in accepted practices of dog or  
140 cat identification.

141 (ix) Engaging in lawful activities that are  
142 regulated by the Mississippi Department of Wildlife, Fisheries and  
143 Parks or the Mississippi Department of Marine Resources, including



144 without limitation, hunting, trapping, fishing, and wildlife and  
145 seafood management.

146 (x) Performing scientific, research, medical and  
147 zoological activities undertaken by research and education  
148 facilities or institutions that are:

149 1. Regulated under the provisions of the  
150 Animal Welfare Act, 7 USCS 2131 et seq., as in effect on July 1,  
151 2011;

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

154 3. Subject to any other applicable state or  
155 federal law or regulation governing animal research as in effect  
156 on July 1, 2011.

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

162 (xii) Engaging in professional pest control  
163 activities, including those activities governed by the Mississippi  
164 Pesticide Law of 1975, Section 69-23-1 et seq.; professional  
165 services related to entomology, plant pathology, horticulture,  
166 tree surgery, weed control or soil classification, as regulated  
167 under Section 69-19-1 et seq.; and any other pest control  
168 activities conducted in accordance with state law.



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

171 (b) If the owner or person in control of a dog or cat  
172 is precluded, by natural or other causes beyond his reasonable  
173 control, from acting to prevent an act or omission that might  
174 otherwise constitute an allegation of the offense of simple  
175 cruelty to a dog or cat or the offense of aggravated cruelty to a  
176 dog or cat, then that person shall not be guilty of the offense.  
177 Natural or other causes beyond the reasonable control of the  
178 person include, without limitation, acts of God, declarations of  
179 disaster, emergencies, acts of war, earthquakes, hurricanes,  
180 tornadoes, fires, floods or other natural disasters.

181 (5) The provisions of this section shall not be construed  
182 to:

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

184 (b) Create any civil or criminal liability on the part  
185 of the driver of a motor vehicle if the driver unintentionally  
186 injures or kills a dog or cat as a result of the dog or cat being  
187 accidentally hit by the vehicle.

188 (6) (a) Except as otherwise provided in Section 97-35-47  
189 for the false reporting of a crime, a person, who in good faith  
190 and acting without malice, reports a suspected incident of simple  
191 cruelty to a dog or cat, or aggravated cruelty to a dog or cat, to  
192 a local animal control, protection or welfare organization, a  
193 local law enforcement agency, or the Mississippi Department of





194 Public Safety, shall be immune from civil and criminal liability  
195 for reporting the incident.

196 (b) A veterinarian licensed in Mississippi or a person  
197 acting at the direction of a veterinarian licensed in Mississippi,  
198 who in good faith and acting without malice, participates in the  
199 investigation of an alleged offense of simple or aggravated  
200 cruelty to a dog or cat, or makes a decision or renders services  
201 regarding the care of a dog or cat that is involved in the  
202 investigation, shall be immune from civil and criminal liability  
203 for those acts.

204 (7) Other than an agency or department of a political  
205 subdivision that is charged with the control, protection or  
206 welfare of dogs or cats within the subdivision, any organization  
207 that has the purpose of protecting the welfare of, or preventing  
208 cruelty to, dogs or cats, shall register the organization with the  
209 sheriff of the county in which the organization operates a  
210 physical facility for the protection, welfare or shelter of dogs  
211 or cats, on or before the first day of October each year. The  
212 provisions of this subsection (7) shall apply to any organization  
213 that has the purpose of protecting the welfare of dogs or cats, or  
214 preventing cruelty to dogs or cats, regardless of whether the  
215 organization also protects animals other than dogs or cats.

216 (8) Nothing in this section shall limit the authority of a  
217 municipality or board of supervisors to adopt ordinances, rules,  
218 regulations or resolutions which may be, in whole or in part, more



219 restrictive than the provisions of this section, and in those  
220 cases, the more restrictive ordinances, rules, regulations or  
221 resolutions will govern.

222 (9) (a) When investigating allegations of a violation of  
223 this section, whether or not an arrest results, law enforcement  
224 officers must utilize the form prescribed for investigation of  
225 simple or aggravated cruelty to a dog or cat by the Attorney  
226 General in consultation with the Mississippi Sheriffs' Association  
227 and the Mississippi Association of Police Chiefs. However,  
228 failure by a law enforcement officer to utilize the uniform  
229 offense report is not a defense to a crime charged under this  
230 section.

231 (b) In any conviction under this section, the  
232 sentencing order must include the designation of "animal cruelty."  
233 The court clerk must enter the disposition of the matter into the  
234 corresponding uniform offense report.

235 (c) The Attorney General, in conjunction with the  
236 Mississippi Sheriffs' Association and the Mississippi Association  
237 of Police Chiefs, shall develop the uniform offense report form in  
238 conformity with the rules of the Federal Bureau of Investigation  
239 in order to facilitate the entry of animal cruelty offenses into  
240 the National Incident-Based Reporting System.

241 **SECTION 2.** This act shall take effect and be in force from  
242 and after July 1, 2018.

