MISSISSIPPI LEGISLATURE

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

To: Judiciary, Division B

REGULAR SESSION 2018

S. B. No. 2474

SENATE BILL NO. 2474

AN ACT TO CREATE NEW SECTION 45-49-1, MISSISSIPPI CODE OF 1972, TO CREATE THE MISSISSIPPI COMPANION ANIMAL ABUSE REGISTRY ACT TO APPLY TO DOMESTICATED DOGS AND CATS; TO CREATE NEW SECTION 45-49-3, MISSISSIPPI CODE OF 1972, TO ENACT DEFINITIONS; TO CREATE NEW SECTION 45-49-5, MISSISSIPPI CODE OF 1972, TO REQUIRE CREATION OF AN ONLINE REGISTRY OF OFFENDERS; TO CREATE NEW SECTION 45-49-7, MISSISSIPPI CODE OF 1972, TO ALLOW THE PROMULGATION OF RULES FOR THE IMPLEMENTATION OF THE ACT; AND FOR RELATED PURPOSES.

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


45-49-1. This chapter shall be known and may be cited as the "Mississippi Companion Animal Abuser Registration Act."

SECTION 2. The following shall be codified as Section 45-49-3, Mississippi Code of 1972:

45-49-3. As used in this chapter:

(a) "Abuser" or "animal abuser" means a person who has been convicted in this state of committing an animal abuse offense against a companion animal;

(b) "Animal" means a companion animal that is a domesticated dog or cat that comes within the purview of the
Mississippi Dog and Cat Pet Protection Law of 2011, Section 97-41-16;

   (c) "Animal abuse offense" means:
       (i) Cruelty to a domesticated dog or cat under Section 97-41-16;
       (ii) Animal fighting under either Section 97-41-18, which prohibits fighting between canines and hogs, or Section 97-41-19, which prohibits dog fights; and
       (iii) Injury or killing of a public service animal under Section 97-41-23;

       (d) "Companion animal" means any dog, defined as any live dog of the species Canis familiaris, or cat, defined as any live cat of the species Felis catus, and does not include any animal other than domesticated dogs and cats;

       (e) "Conviction" means a judgment entered by a Mississippi court upon a plea of guilty, a plea of nolo contendere, or a finding of guilt by a jury or the court, notwithstanding any pending appeal or habeas corpus proceeding arising from the judgment. "Conviction" includes a disposition of pretrial diversion or nonadjudication under Section 99-15-26;

SECTION 3. The following shall be codified as Section 45-49-5, Mississippi Code of 1972:

   45-49-5. (1) The Mississippi Bureau of Investigation shall post a publicly accessible list on its website of any person convicted of an animal abuse offense on or after January 1, 2019.
(2) (a) The list shall include a photograph taken of the convicted animal abuser as part of the booking process, the animal abuser's full legal name, and other identifying data as the Mississippi Bureau of Investigation determines is necessary to properly identify the animal abuser and to exclude innocent persons.

(b) The list shall not include the abuser's social security number, driver's license number, or any other state or federal identification number.

(3) Every clerk of court shall forward a copy of the judgment and date of birth of all persons convicted of an animal abuse offense to the Mississippi Bureau of Investigation within sixty (60) calendar days of the date of judgment.

(4) (a) Upon a person's first conviction for an animal abuse offense, the Mississippi Bureau of Investigation shall maintain the person's name and other identifying information, described in subsection (2) of this section, on the list published under subsection (1) of this section for ten (10) years following the date of conviction, after which time the Mississippi Bureau of Investigation shall remove the person's name and identifying information from the list if the person is not convicted of another animal abuse offense during that ten-year period.

(b) Upon a person's subsequent conviction for an animal abuse offense, the Mississippi Bureau of Investigation shall maintain the person's name and other identifying information,
described in subsection (2) of this section, on the list published under subsection (1) of this section permanently.

(5) The Mississippi Bureau of Investigation shall remove the person's name and identifying information from the registry list if the sole offense for which the person is required to be subject to the mandates of the registry is expunged under Section 99-19-71.

SECTION 4. The following shall be codified as Section 45-49-7, Mississippi Code of 1972:

45-49-7. The Mississippi Bureau of Investigation may promulgate rules to effectuate the purposes of this chapter. The rules shall be promulgated in accordance with the Mississippi Administrative Procedures Law, Chapter 43, Title 25, Mississippi Code of 1972.

SECTION 5. This act shall take effect and be in force from and after January 1, 2019.