

By: Representative Ford (73rd)

To: Judiciary B; Agriculture

HOUSE BILL NO. 1565

1 AN ACT TO AMEND SECTION 97-41-16, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE MEANING OF AGGRAVATED CRUELTY TO A DOG OR CAT AND TO
3 INCREASE PENALTIES FOR VIOLATIONS UNDER THE MISSISSIPPI DOG AND
4 CAT PET PROTECTION LAW OF 2011; AND FOR RELATED PURPOSES.

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

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

8 97-41-16. (1) (a) The provisions of this section shall be
9 known and may be cited as the "Mississippi Dog and Cat Pet
10 Protection Law of 2011."

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



20 (2) (a) If a person shall intentionally or with criminal
21 negligence wound, deprive of adequate shelter, food or water, or
22 carry or confine in a cruel manner, or subject to cruel
23 mistreatment, any domesticated dog or cat, or cause any person to
24 do the same, then he or she shall be guilty of the offense of
25 simple cruelty to a dog or cat. A person who is convicted of the
26 offense of simple cruelty to a dog or cat shall be guilty of a
27 misdemeanor and fined not more than One Thousand Dollars
28 (\$1,000.00), or imprisoned not more than six (6) months, or both.
29 Each act of simple cruelty to a dog or cat constitutes a separate
30 offense.

31 (b) If a person with malice shall
32 intentionally * * *~~torture, mutilate, maim, burn, starve or~~
33 ~~disfigure~~ crush, burn, drown, suffocate, impale or otherwise
34 subject to serious bodily injury any domesticated dog or cat, or
35 cause any person to do the same, then he or she shall be guilty of
36 the offense of aggravated cruelty to a dog or cat. Each act of
37 aggravated cruelty to a dog or cat constitutes a separate offense.

38 (i) A person who is convicted of a first offense
39 of aggravated cruelty to a dog or cat shall be guilty of a
40 * * *~~misdemeanor~~ felony and fined not more than * * *~~Two Thousand~~
41 ~~Five Hundred Dollars~~ (~~\$2,500.00~~) Five Thousand Dollars
42 (~~\$5,000.00~~), or * * *~~imprisoned~~ committed to the custody of the
43 Mississippi Department of Corrections for not more than * * *~~six~~
44 ~~(6) months~~ five (5) years, or both.



45 (ii) A person who is convicted of a second or
46 subsequent offense of aggravated cruelty to a dog or cat, the
47 offenses being committed within a period of five (5) years, shall
48 be guilty of a felony and fined not more than Five Thousand
49 Dollars (\$5,000.00) and * * * ~~imprisoned~~ committed to the
50 Mississippi Department of Corrections for not less than one (1)
51 year nor more than five (5) years.

52 (c) A conviction entered upon a plea of nolo contendere
53 to a charge of aggravated cruelty to a dog or cat shall be counted
54 as a conviction for the purpose of determining whether a later
55 conviction is a first or subsequent offense.

56 * * * ~~(d) For purposes of this section, one or more~~
57 ~~alleged acts of the offenses of simple cruelty to a dog or cat or~~
58 ~~aggravated cruelty to a dog or cat, committed against one or more~~
59 ~~domesticated dogs or cats, or any combination thereof, shall~~
60 ~~constitute a single offense if the alleged acts occurred at the~~
61 ~~same time.~~

62 (3) In addition to such fine or imprisonment which may be
63 imposed:

64 (a) The court shall order that restitution be made to
65 the owner of such dog or cat. The measure for restitution in
66 money shall be the current replacement value of such loss and the
67 actual veterinarian fees, medicine, special supplies, loss of
68 income and other costs incurred as a result of actions in
69 violation of subsection (2) of this section; and



70 (b) The court may order that:

71 (i) The reasonable costs of sheltering,
72 transporting and rehabilitating the domesticated dog or cat, and
73 any other 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 1. Receive a psychiatric or psychological
85 evaluation and counseling or treatment for a length of time as
86 prescribed by the court. The cost of any evaluation, counseling
87 and treatment shall be paid by the offender upon order of the
88 court, up to a maximum amount that is no more than the
89 jurisdictional limit of the sentencing court.

90 2. Perform community service for a period not
91 exceeding the applicable maximum term of imprisonment that may be
92 imposed for conviction of the offense.

93 3. Be enjoined from employment in any
94 position that involves the care of a domesticated dog or cat, or



95 in any place where dogs or cats are kept or confined, for a period
96 which the court deems appropriate.

97 4. If convicted of simple cruelty under
98 subsection (2) (a), be prohibited from owning or possessing or
99 residing with a dog or cat for any period of time not exceeding
100 five (5) years from the date of sentencing, or any period of time
101 not exceeding fifteen (15) years from the date of sentencing if
102 the conviction involved four (4) or more counts of simple cruelty.

103 (c) The court shall order that any person convicted of
104 an offense of aggravated cruelty under subsection (2) (b) be
105 prohibited from owning or possessing or residing with a dog or cat
106 for a period not less than five (5) years nor more than fifteen
107 (15) years from the date of sentencing.

108 (d) Any person found in violation of a court order
109 incorporating the provisions of paragraph (b) (ii) 4. or paragraph
110 (c) of this subsection may be fined, in addition to any other
111 punishment provided by law, an amount not exceeding One Thousand
112 Dollars (\$1,000.00) for each dog or cat unlawfully owned or
113 possessed.

114 (e) A dog or cat involved in a violation of a court
115 order described in paragraph (d) of this subsection must be
116 forfeited to the state.

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



119 (i) Defending himself or herself or another person
120 from physical * * *~~or economic~~ injury being threatened or caused
121 by a dog or cat.

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

126 (iii) Acting under the provisions of Section
127 95-5-19 to protect poultry or livestock from a trespassing dog
128 that is in the act of chasing or killing the poultry or livestock,
129 or acting to protect poultry or livestock from a trespassing cat
130 that is in the act of chasing or killing the poultry or livestock.

131 (iv) Engaging in practices that are licensed or
132 lawful under the Mississippi Veterinary Practice Act, Section
133 73-39-51 et seq., or engaging in activities by any licensed
134 veterinarian while following accepted standards of practice of the
135 profession within the State of Mississippi, including the
136 euthanizing of a dog or cat.

137 (v) Rendering emergency care, treatment, or
138 assistance to a dog or cat that is abandoned, ill, injured, or in
139 distress, if the person rendering the care, treatment, or
140 assistance is acting in good faith.

141 (vi) Performing activities associated with
142 accepted agricultural and animal husbandry practices with regard



143 to livestock, poultry or other animals, including those activities
144 which involve:

145 1. Using dogs in such practices.

146 2. Raising, managing and using animals to
147 provide food, fiber or transportation.

148 3. Butchering animals and processing food.

149 (vii) Training for, or participating in, a rodeo,
150 equine activity, dog show, event sponsored by a kennel club or
151 other bona fide organization that promotes the breeding or showing
152 of dogs or cats, or any other competitive event which involves the
153 lawful use of dogs or cats.

154 (viii) Engaging in accepted practices of dog or
155 cat identification.

156 (ix) Engaging in lawful activities that are
157 regulated by the Mississippi Department of Wildlife, Fisheries and
158 Parks or the Mississippi Department of Marine Resources,
159 including, without limitation, hunting, trapping, fishing, and
160 wildlife and seafood management.

161 (x) Performing scientific, research, medical and
162 zoological activities undertaken by research and education
163 facilities or institutions that are:

164 1. Regulated under the provisions of the
165 Animal Welfare Act, 7 USCS 2131 et seq., as in effect on July 1,
166 2011;



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

169 3. Subject to any other applicable state or
170 federal law or regulation governing animal research as in effect
171 on July 1, 2011.

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

177 (xii) Engaging in professional pest control
178 activities, including those activities governed by the Mississippi
179 Pesticide Law of 1975, Section 69-23-1 et seq.; professional
180 services related to entomology, plant pathology, horticulture,
181 tree surgery, weed control or soil classification, as regulated
182 under Section 69-19-1 et seq.; and any other pest control
183 activities conducted in accordance with state law.

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

186 (b) If the owner or person in control of a domesticated
187 dog or cat is precluded, by natural or other causes beyond his
188 reasonable control, from acting to prevent an act or omission that
189 might otherwise constitute an allegation of the offense of simple
190 cruelty to a dog or cat or the offense of aggravated cruelty to a
191 dog or cat, then that person shall not be guilty of the offense.



192 Natural or other causes beyond the reasonable control of the
193 person include, without limitation, acts of God, declarations of
194 disaster, emergencies, acts of war, earthquakes, hurricanes,
195 tornadoes, fires, floods or other natural disasters.

196 (5) The provisions of this section shall not be construed
197 to:

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

199 (b) Create any civil or criminal liability on the part
200 of the driver of a motor vehicle if the driver unintentionally
201 injures or kills a dog or cat as a result of the dog or cat being
202 accidentally hit by the vehicle.

203 (6) (a) Except as otherwise provided in Section 97-35-47
204 for the false reporting of a crime, a person, who in good faith
205 and acting without malice, reports a suspected incident of simple
206 cruelty to a dog or cat, or aggravated cruelty to a dog or cat, to
207 a local animal control, protection or welfare organization, a
208 local law enforcement agency, or the Mississippi Department of
209 Public Safety, shall be immune from civil and criminal liability
210 for reporting the incident.

211 (b) A veterinarian licensed in Mississippi or a person
212 acting at the direction of a veterinarian licensed in Mississippi,
213 who in good faith and acting without malice, participates in the
214 investigation of an alleged offense of simple or aggravated
215 cruelty to a dog or cat, or makes a decision or renders services
216 regarding the care of a dog or cat that is involved in the



217 investigation, shall be immune from civil and criminal liability
218 for those acts.

219 (7) Other than an agency or department of a political
220 subdivision that is charged with the control, protection or
221 welfare of dogs or cats within the subdivision, any organization
222 that has the purpose of protecting the welfare of, or preventing
223 cruelty to, domesticated dogs or cats, shall register the
224 organization with the sheriff of the county in which the
225 organization operates a physical facility for the protection,
226 welfare or shelter of dogs or cats, on or before the first day of
227 October each year. The provisions of this subsection (7) shall
228 apply to any organization that has the purpose of protecting the
229 welfare of dogs or cats, or preventing cruelty to dogs or cats,
230 regardless of whether the organization also protects animals other
231 than dogs or cats.

232 (8) Nothing in this section shall limit the authority of a
233 municipality or board of supervisors to adopt ordinances, rules,
234 regulations or resolutions which may be, in whole or in part, more
235 restrictive than the provisions of this section, and in those
236 cases, the more restrictive ordinances, rules, regulations or
237 resolutions will govern.

238 **SECTION 2.** This act shall take effect and be in force from
239 and after July 1, 2020.

