

By: Representative Zuber

To: Judiciary B

HOUSE BILL NO. 272

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 REPORTING OF  
 5 ALL OFFENSES AGAINST DOGS OR CATS TO CONFORM TO FBI REPORTING  
 6 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 carry or  
24 confine in a cruel manner, any domesticated dog or cat, or cause  
25 any person to do the same, then he or she shall be guilty of the  
26 offense of simple cruelty to a dog or cat. A person who is  
27 convicted of the offense of simple cruelty to a dog or cat shall  
28 be guilty of a misdemeanor and fined not less than Three Hundred  
29 Dollars (\$300.00) nor more than One Thousand Dollars (\$1,000.00),  
30 or imprisoned not more than six (6) months, or both, for each  
31 violation of this paragraph.

32 (b) If a person with malice shall intentionally  
33 torture, mutilate, maim, burn, scald, suffocate, drown, starve to  
34 death, or disfigure any domesticated dog or cat, or cause any  
35 person to do the same, then he or she shall be guilty of the  
36 offense of aggravated cruelty to a dog or cat.

37 \* \* \* A person who is convicted \* \* \* of aggravated cruelty to a  
38 dog or cat shall be guilty of a \* \* \* felony and fined not \* \* \*  
39 less than \* \* \* One Thousand Dollars (\$1,000.00) nor more  
40 than \* \* \* Five Thousand Dollars (\$5,000.00) and imprisoned for  
41 not less than one (1) year nor more than five (5) years. A second  
42 or subsequent conviction under this paragraph (b) shall be  
43 punished by imprisonment for not less than three (3) years, nor



44 more than five (5) years in the custody of the Department of  
45 Corrections.

46 \* \* \*

47 ( \* \* \*c) For purposes of this section, \* \* \* if more  
48 than one (1) act \* \* \* of the offenses of simple cruelty to a dog  
49 or cat or aggravated cruelty to a dog or cat, committed against  
50 one or more domesticated dogs or cats, or any combination thereof  
51 is alleged, each act shall constitute a \* \* \* separate offense if  
52 the alleged acts occurred at the same time and arose out of the  
53 same set of circumstances, but such shall not exceed five (5)  
54 counts of simple or aggravated cruelty to a dog or cat; conviction  
55 upon a plea of nolo contendere counts as a conviction.

56 (3) In addition to such fine or imprisonment which may be  
57 imposed or any conditions placed upon a youth adjudicated  
58 delinquent:

59 (a) The court shall order that :

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

66 (b) The court may order that:

67 (i) The reasonable costs of sheltering,  
68 transporting and rehabilitating the dog or cat, and any other



69 costs directly related to the care of the dog or cat, be  
70 reimbursed to:

- 71 1. Any law enforcement agency; or
- 72 2. Any agency or department of a political  
73 subdivision that is charged with the control, protection or  
74 welfare of dogs or cats within the subdivision. The agency or  
75 department may reimburse a nongovernmental organization for such  
76 costs, if the organization possesses nonprofit status under the  
77 United States Internal Revenue Code and has the purpose of  
78 protecting the welfare of, or preventing cruelty to, dogs or cats.

79 (ii) The person convicted:

80 \* \* \*

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

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

88 3. Be enjoined from owning a dog or cat for a  
89 period which the court deems appropriate.

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



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

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

99 (iii) Acting under the provisions of Section  
100 95-5-19 to protect poultry or livestock from a trespassing dog  
101 that is in the act of chasing or killing the poultry or livestock,  
102 or acting to protect poultry or livestock from a trespassing cat  
103 that is in the act of chasing or killing the poultry or livestock.

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

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

114 (vi) Performing activities associated with  
115 accepted agricultural and animal husbandry practices with regard



116 to livestock, poultry or other animals, including those activities  
117 which involve:

118 1. Using dogs in such practices.

119 2. Raising, managing and using animals to  
120 provide food, fiber or transportation.

121 3. Butchering animals and processing food.

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

127 (viii) Engaging in accepted practices of dog or  
128 cat identification.

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

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

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



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

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

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

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

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

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



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

169 (5) The provisions of this section shall not be construed  
170 to:

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

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

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

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





190 investigation, shall be immune from civil and criminal liability  
191 for those acts.

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

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

210 (9) (a) (i) When investigating allegations of a violation  
211 under this section, whether or not an arrest results, law  
212 enforcement officers must utilize the form prescribed by the  
213 Mississippi Bureau of Investigation in consultation with the  
214 sheriffs' and police chiefs' associations for investigation of



215 simple or aggravated abuse of a dog or cat. Failure by a law  
216 enforcement officer to utilize the uniform offense report is not a  
217 defense to a crime charged under this section.

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

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

228 (b) The Mississippi Bureau of Investigation must create  
229 and provide searchable, online public access to the animal-abuse  
230 registry no later than January 1, 2023.

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

