

By: Senator(s) Hill, Boyd, Chism, England

To: Judiciary, Division B;
Accountability, Efficiency,
Transparency

SENATE BILL NO. 2409

1 AN ACT TO CREATE NEW SECTION 45-49-1, MISSISSIPPI CODE OF
2 1972, TO CREATE THE MISSISSIPPI COMPANION ANIMAL ABUSER REGISTRY
3 TO APPLY TO DOMESTICATED DOGS AND CATS; TO CREATE NEW SECTION
4 45-49-3, MISSISSIPPI CODE OF 1972, TO ENACT DEFINITIONS; TO CREATE
5 NEW SECTION 45-49-5, MISSISSIPPI CODE OF 1972, TO REQUIRE CREATION
6 OF AN ONLINE REGISTRY OF OFFENDERS; TO CREATE NEW SECTION 45-49-7,
7 MISSISSIPPI CODE OF 1972, TO ALLOW THE PROMULGATION OF RULES FOR
8 THE IMPLEMENTATION OF THE ACT; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** The following shall be codified as Section
11 45-49-1, Mississippi Code of 1972:

12 45-49-1. This chapter shall be known and may be cited as the
13 "Mississippi Companion Animal Abuser Publication Act."

14 **SECTION 2.** The following shall be codified as Section
15 45-49-3, Mississippi Code of 1972:

16 45-49-3. As used in this chapter:

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

20 (b) "Animal" means a companion animal that is a
21 domesticated dog or cat that comes within the purview of the



22 Mississippi Dog and Cat Pet Protection Law of 2011, Section
23 97-41-16.

24 (c) "Animal abuse offense" means:

25 (i) Cruelty to a domesticated dog or cat under
26 Section 97-41-16 if the defendant's act constitutes a felony, or
27 abuse to an animal under Section 97-29-59;

28 (ii) Animal fighting under either Section
29 97-41-18, which prohibits fighting between canines and hogs, or
30 Section 97-41-19, which prohibits dog fights; and

31 (iii) Injury or killing of a public service animal
32 under Section 97-41-23.

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

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

43 **SECTION 3.** The following shall be codified as Section
44 45-49-5, Mississippi Code of 1972:

45 45-49-5. (1) The Mississippi Criminal Information Center
46 must create an animal abuser registry and post a publicly



47 accessible list on its website of any person convicted in this
48 state of an animal abuse offense on or after January 1, 2021.

49 (2) (a) The registry must include a photograph taken of the
50 convicted animal abuser as part of the booking process, the animal
51 abuser's full legal name, and other identifying data as the
52 Mississippi Criminal Information Center determines is necessary to
53 properly identify the animal abuser and to exclude innocent
54 persons.

55 (b) The registry must not include the abuser's social
56 security number, driver's license number, or any other state or
57 federal identification number.

58 (3) Every clerk of court must forward a copy of the judgment
59 and name, sex and date of birth of every person convicted of an
60 animal abuse offense to the Mississippi Criminal Information
61 Center within sixty (60) calendar days of the date of judgment.

62 (4) (a) Upon a person's first conviction for an animal
63 abuse offense, the Mississippi Criminal Information Center must
64 maintain the person's name and other identifying information,
65 described in subsection (2) of this section, on the Companion
66 Animal Abuser Registry for ten (10) years following the date of
67 conviction, after which time the Mississippi Criminal Information
68 Center must remove the person's name and identifying information
69 from the list if the person is not convicted of another animal
70 abuse offense during that ten-year period.



71 (b) Upon a person's subsequent conviction for an animal
72 abuse offense, the Mississippi Criminal Information Center must
73 maintain the person's name and other identifying information,
74 described in subsection (2) of this section permanently on the
75 registry.

76 (5) The Mississippi Criminal Information Center must remove
77 the person's name and identifying information from the registry if
78 the sole offense for which the person is required to be subject to
79 the mandates of the registry is expunged under Section 99-19-71.

80 **SECTION 4.** The following shall be codified as Section
81 45-49-7, Mississippi Code of 1972:

82 45-49-7. The Mississippi Criminal Information Center may
83 promulgate rules to effectuate the purposes of this chapter. The
84 rules must be promulgated in accordance with the Mississippi
85 Administrative Procedures Law, Chapter 43, Title 25, Mississippi
86 Code of 1972.

87 **SECTION 5.** This act shall take effect and be in force from
88 and after January 1, 2021.

