

By: Senator(s) Hill, Fillingane, England,
Wiggins, McCaughn, Chism, Suber

To: Judiciary, Division B

SENATE BILL NO. 2261

1 AN ACT TO AMEND SECTION 97-41-16, MISSISSIPPI CODE OF 1972,
2 TO RENAME THE SECTION "BUDDY'S LAW"; TO REQUIRE A CHILD
3 ADJUDICATED DELINQUENT UNDER THIS SECTION TO RECEIVE A PSYCHIATRIC
4 OR PSYCHOLOGICAL EVALUATION AND COUNSELING OR TREATMENT FOR A
5 LENGTH OF TIME PRESCRIBED BY THE YOUTH COURT; AND FOR RELATED
6 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 * * * " * * * Buddy's Law * * * ."

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



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

32 (b) (i) If a person with malice shall intentionally
33 torture, mutilate, maim, burn, starve to death, crush, disfigure,
34 drown, suffocate or impale any domesticated dog or cat, or cause
35 any person to do the same, then he or she shall be guilty of the
36 offense of aggravated cruelty to a domesticated dog or cat. Each
37 act of aggravated cruelty that is committed against more than one
38 (1) domesticated dog or cat shall constitute a separate offense.

39 (ii) A person who is convicted of a first offense
40 of aggravated cruelty to a domesticated dog or cat shall be guilty
41 of a felony and fined not more than Five Thousand Dollars
42 (\$5,000.00), or committed to the custody of the Department of
43 Corrections for not more than three (3) years, or both.

44 (iii) A person who is convicted of a second or
45 subsequent offense of aggravated cruelty to a domesticated dog or



46 cat, the offenses being committed within a period of five (5)
47 years, shall be guilty of a felony and fined not more than Ten
48 Thousand Dollars (\$10,000.00) and imprisoned in the custody of the
49 Department of Corrections for not less than one (1) year nor more
50 than ten (10) years.

51 For purposes of calculating previous offenses of aggravated
52 cruelty under this subparagraph (iii), commission of one or more
53 acts of aggravated cruelty against one or more domesticated dogs
54 or cats within a twenty-four-hour period shall be considered one
55 (1) offense.

56 (c) A conviction entered upon a plea of nolo contendere
57 to a charge of aggravated cruelty to a domesticated dog or cat
58 shall be counted as a conviction for the purpose of determining
59 whether a later conviction is a first or subsequent offense.

60 (3) In addition to such fine or imprisonment which may be
61 imposed:

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

68 (b) The court may order that:

69 (i) The reasonable costs of sheltering,
70 transporting and rehabilitating the domesticated dog or cat, and



71 any other costs directly related to the care of the domesticated
72 dog or cat, be reimbursed to:

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

82 (ii) The person convicted:

- 83 1. Receives a psychiatric or psychological
84 evaluation and counseling or treatment for a length of time as
85 prescribed by the court. The cost of any evaluation, counseling
86 and treatment shall be paid by the offender upon order of the
87 court, up to a maximum amount that is no more than the
88 jurisdictional limit of the sentencing court.

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

- 92 3. Be enjoined from employment in any
93 position that involves the care of a domesticated dog or cat, or
94 in any place where domesticated dogs or cats are kept or confined,
95 for a period which the court deems appropriate.



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

102 (c) The youth court shall order that a child
103 adjudicated delinquent receives a psychiatric evaluation and
104 counseling or treatment for a length of time as prescribed by the
105 youth court. The cost of any evaluation, counseling and treatment
106 shall be paid by the offender's parent or guardian, or by the
107 state if the offender is a ward of the state, upon order of the
108 youth court, up to a maximum amount that is no more than the
109 jurisdictional limit of the sentencing court. The youth court
110 shall hold the offender's parent or guardian in contempt under
111 Section 43-21-509 if the parent or guardian willfully does not
112 follow the recommended treatment for the offender.

113 (* * *d) The court shall order that any person
114 convicted of an offense of aggravated cruelty under this section
115 be prohibited from owning or possessing or residing with a
116 domesticated dog or cat for a period not less than five (5) years
117 nor more than fifteen (15) years from the date of sentencing.

118 (* * *e) A person found in violation of a court order
119 incorporating the provisions of paragraph (b) (ii) 4. or (* * *d)
120 of this subsection may, in addition to any other punishment



121 provided by law, be fined in an amount not exceeding One Thousand
122 Dollars (\$1,000.00) for each domesticated dog or cat unlawfully
123 owned or possessed.

124 (* * *f) Any domesticated dog or cat involved in a
125 violation of a court order described in paragraph (* * *e) of
126 this subsection shall be forfeited to the state.

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

129 (i) Defending himself or herself or another person
130 from physical injury being threatened or caused by a domesticated
131 or feral dog or cat.

132 (ii) Injuring or killing an unconfined
133 domesticated or feral dog or cat on the property of the person, if
134 the unconfined dog or cat is believed to constitute a threat of
135 physical injury or damage to any domesticated animal under the
136 care or control of such person.

137 (iii) Acting under the provisions of Section
138 95-5-19 to protect poultry or livestock from a trespassing dog
139 that is in the act of chasing or killing the poultry or livestock,
140 or acting to protect poultry or livestock from a trespassing cat
141 that is in the act of chasing or killing the poultry or livestock.

142 (iv) Engaging in practices that are licensed or
143 lawful under the Mississippi Veterinary Practice Act, Section
144 73-39-51 et seq., or engaging in activities by any licensed
145 veterinarian while following accepted standards of practice of the



146 profession within the State of Mississippi, including the
147 euthanizing of a dog or cat.

148 (v) Rendering emergency care, treatment, or
149 assistance to a dog or cat that is abandoned, ill, injured, or in
150 distress, if the person rendering the care, treatment, or
151 assistance is acting in good faith.

152 (vi) Performing activities associated with
153 accepted agricultural and animal husbandry practices with regard
154 to livestock, poultry or other animals, including those activities
155 which involve:

- 156 1. Using dogs in such practices.
- 157 2. Raising, managing and using animals to
158 provide food, fiber or transportation.
- 159 3. Butchering animals and processing food.

160 (vii) Training for, or participating in, a rodeo,
161 equine activity, dog show, event sponsored by a kennel club or
162 other bona fide organization that promotes the breeding or showing
163 of dogs or cats, or any other competitive event which involves the
164 lawful use of dogs or cats.

165 (viii) Engaging in accepted practices of dog or
166 cat identification.

167 (ix) Engaging in lawful activities that are
168 regulated by the Mississippi Department of Wildlife, Fisheries and
169 Parks or the Mississippi Department of Marine Resources,



170 including, without limitation, hunting, trapping, fishing, and
171 wildlife and seafood management.

172 (x) Performing scientific, research, medical and
173 zoological activities undertaken by research and education
174 facilities or institutions that are:

175 1. Regulated under the provisions of the
176 Animal Welfare Act, 7 USCS 2131 et seq., as in effect on July 1,
177 2011;

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

180 3. Subject to any other applicable state or
181 federal law or regulation governing animal research as in effect
182 on July 1, 2011.

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

188 (xii) Engaging in professional pest control
189 activities, including those activities governed by the Mississippi
190 Pesticide Law of 1975, Section 69-23-1 et seq.; professional
191 services related to entomology, plant pathology, horticulture,
192 tree surgery, weed control or soil classification, as regulated
193 under Section 69-19-1 et seq.; and any other pest control
194 activities conducted in accordance with state law.



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

197 (xiv) Engaging in the training of service dogs
198 used to assist those with physical or mental health conditions.

199 (b) If the owner or person in control of a domesticated
200 dog or cat is precluded, by natural or other causes beyond his
201 reasonable control, from acting to prevent an act or omission that
202 might otherwise constitute an allegation of the offense of simple
203 cruelty to a domesticated dog or cat or the offense of aggravated
204 cruelty to a domesticated dog or cat, then that person shall not
205 be guilty of the offense. Natural or other causes beyond the
206 reasonable control of the person include, without limitation, acts
207 of God, declarations of disaster, emergencies, acts of war,
208 earthquakes, hurricanes, tornadoes, fires, floods or other natural
209 disasters.

210 (5) The provisions of this section shall not be construed
211 to:

212 (a) Apply to any animal other than a domesticated dog
213 or cat.

214 (b) Create any civil or criminal liability on the part
215 of the driver of a motor vehicle if the driver unintentionally
216 injures or kills a domesticated dog or cat as a result of the
217 domesticated dog or cat being accidentally hit by the vehicle.

218 (6) (a) Except as otherwise provided in Section 97-35-47
219 for the false reporting of a crime, a person, who in good faith



220 and acting without malice, reports a suspected incident of simple
221 cruelty to a domesticated dog or cat, or aggravated cruelty to a
222 domesticated dog or cat, to a local animal control, protection or
223 welfare organization, a local law enforcement agency, or the
224 Mississippi Department of Public Safety, shall be immune from
225 civil and criminal liability for reporting the incident.

226 (b) A veterinarian licensed in Mississippi or a person
227 acting at the direction of a veterinarian licensed in Mississippi,
228 who in good faith and acting without malice, participates in the
229 investigation of an alleged offense of simple or aggravated
230 cruelty to a domesticated dog or cat, or makes a decision or
231 renders services regarding the care of a domesticated or feral dog
232 or cat that is involved in the investigation, shall be immune from
233 civil and criminal liability for those acts.

234 (7) Other than an agency or department of a political
235 subdivision that is charged with the control, protection or
236 welfare of dogs or cats within the subdivision, any organization
237 that has the purpose of protecting the welfare of, or preventing
238 cruelty to, domesticated dogs or cats, shall register the
239 organization with the sheriff of the county in which the
240 organization operates a physical facility for the protection,
241 welfare or shelter of dogs or cats, on or before the first day of
242 October each year. The provisions of this subsection (7) shall
243 apply to any organization that has the purpose of protecting the
244 welfare of dogs or cats, or preventing cruelty to dogs or cats,



245 regardless of whether the organization also protects animals other
246 than domesticated dogs or cats.

247 (8) Nothing in this section shall limit the authority of a
248 municipality or board of supervisors to adopt ordinances, rules,
249 regulations or resolutions which may be, in whole or in part, more
250 restrictive than the provisions of this section, and in those
251 cases, the more restrictive ordinances, rules, regulations or
252 resolutions will govern.

253 **SECTION 2.** This act shall take effect and be in force from
254 and after July 1, 2022.

