

By: Senator(s) Hill, Fillingane, England,
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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



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

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

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

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

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

(b) The court may order that:

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



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

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

(ii) The person convicted:

1. Receives a psychiatric or psychological evaluation and counseling or treatment for a length of time as prescribed by the court. The cost of any evaluation, counseling and treatment shall be paid by the offender upon order of the court, up to a maximum amount that is no more than the jurisdictional limit of the sentencing court.
2. Performs community service for a period not exceeding the applicable maximum term of imprisonment that may be imposed for conviction of the offense.
3. Be enjoined from employment in any position that involves the care of a domesticated dog or cat, or in any place where domesticated dogs or cats are kept or confined, 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



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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

