

**Adopted  
AMENDMENT NO 1 TO COMMITTEE AMENDMENT NO 1 PROPOSED  
TO**

**House Bill No. 1065**

**BY: Senator(s) Hill, Whaley, Parker, Blackwell,  
McLendon**

1           **AMEND by inserting the following after line 102 and**  
2 **renumbering subsequent sections accordingly:**

3           **SECTION \*.** Section 97-41-16, Mississippi Code of 1972, is  
4 amended as follows:

5           97-41-16. (1) (a) The provisions of this section shall be  
6 known and may be cited as \* \* \* " \* \* \*Buddy's Law \* \* \*."

7           (b) The intent of the Legislature in enacting this law  
8 is to provide only for the protection of domesticated dogs and  
9 cats, as these are the animals most often serving as the loyal and  
10 beloved pets of the citizens of this state. Animals other than  
11 domesticated dogs and cats are specifically excluded from the  
12 enhanced protection described in this section for dogs and cats.



13 The provisions of this section do not apply, and shall not be  
14 construed as applying, to any animal other than a domesticated dog  
15 or cat.

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

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

34 (ii) A person who is convicted of a first offense  
35 of aggravated cruelty to a domesticated dog or cat shall be guilty  
36 of a felony and fined not more than Five Thousand Dollars



37 (\$5,000.00), or committed to the custody of the Department of  
38 Corrections for not more than three (3) years, or both.

39 (iii) A person who is convicted of a second or  
40 subsequent offense of aggravated cruelty to a domesticated dog or  
41 cat, the offenses being committed within a period of five (5)  
42 years, shall be guilty of a felony and fined not more than Ten  
43 Thousand Dollars (\$10,000.00) and imprisoned in the custody of the  
44 Department of Corrections for not less than one (1) year nor more  
45 than ten (10) years.

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

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

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

57 (a) The court shall order that restitution be made to  
58 the owner of such domesticated dog or cat. The measure for  
59 restitution in money shall be the current replacement value of  
60 such loss and the actual veterinarian fees, medicine, special



61 supplies, loss of income and other costs incurred as a result of  
62 actions in violation of subsection (2) of this section \* \* \*.

63 (b) The court may order that:

64 (i) The reasonable costs of sheltering,  
65 transporting and rehabilitating the domesticated dog or cat, and  
66 any other costs directly related to the care of the domesticated  
67 dog or cat, be reimbursed to:

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

77 (ii) The person convicted:

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



84                   2. Performs community service for a period  
85 not exceeding the applicable maximum term of imprisonment that may  
86 be imposed for conviction of the offense.

87                   3. Be enjoined from employment in any  
88 position that involves the care of a domesticated dog or cat, or  
89 in any place where domesticated dogs or cats are kept or confined,  
90 for a period which the court deems appropriate.

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

97                   (c) For a child adjudicated delinquent under this  
98 section, the youth court shall order under Section 43-21-603 that  
99 the child adjudicated delinquent receives a psychiatric evaluation  
100 and counseling or treatment for a length of time as prescribed by  
101 the youth court. The cost of any evaluation, counseling and  
102 treatment shall be paid by the offender's parent or guardian, or  
103 by the state if the offender is a ward of the state, upon order of  
104 the youth court, up to a maximum amount that is no more than the  
105 jurisdictional limit of the sentencing court. The youth court  
106 shall hold the offender's parent or guardian in contempt under  
107 Section 43-21-509 if the parent or guardian willfully does not  
108 follow the recommended treatment for the offender.



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

114           ( \* \* \*e) A person found in violation of a court order  
115 incorporating the provisions of paragraph (b)(ii)4. or ( \* \* \*d)  
116 of this subsection may, in addition to any other punishment  
117 provided by law, be fined in an amount not exceeding One Thousand  
118 Dollars (\$1,000.00) for each domesticated dog or cat unlawfully  
119 owned or possessed.

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

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

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

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



133 (iii) Acting under the provisions of Section  
134 95-5-19 to protect poultry or livestock from a trespassing dog  
135 that is in the act of chasing or killing the poultry or livestock,  
136 or acting to protect poultry or livestock from a trespassing cat  
137 that is in the act of chasing or killing the poultry or livestock.

138 (iv) Engaging in practices that are licensed or  
139 lawful under the Mississippi Veterinary Practice Act, Section  
140 73-39-51 et seq., or engaging in activities by any licensed  
141 veterinarian while following accepted standards of practice of the  
142 profession within the State of Mississippi, including the  
143 euthanizing of a dog or cat.

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

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

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

156 (vii) Training for, or participating in, a rodeo,  
157 equine activity, dog show, event sponsored by a kennel club or



158 other bona fide organization that promotes the breeding or showing  
159 of dogs or cats, or any other competitive event which involves the  
160 lawful use of dogs or cats.

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

163 (ix) Engaging in lawful activities that are  
164 regulated by the Mississippi Department of Wildlife, Fisheries and  
165 Parks or the Mississippi Department of Marine Resources,  
166 including, without limitation, hunting, trapping, fishing, and  
167 wildlife and seafood management.

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

171 1. Regulated under the provisions of the  
172 Animal Welfare Act, 7 USCS 2131 et seq., as in effect on July 1,  
173 2011;

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

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

179 (xi) Disposing of or destroying certain dogs under  
180 authority of Sections 19-5-50, 21-19-9 and 41-53-11, which allow  
181 counties, municipalities and certain law enforcement officers to





182 destroy dogs running at large without proper identification  
183 indicating that such dogs have been vaccinated for rabies.

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

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

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

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



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

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

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

214 (6) (a) Except as otherwise provided in Section 97-35-47  
215 for the false reporting of a crime, a person, who in good faith  
216 and acting without malice, reports a suspected incident of simple  
217 cruelty to a domesticated dog or cat, or aggravated cruelty to a  
218 domesticated dog or cat, to a local animal control, protection or  
219 welfare organization, a local law enforcement agency, or the  
220 Mississippi Department of Public Safety, shall be immune from  
221 civil and criminal liability for reporting the incident.

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



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

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

249 **SECTION \*.** Section 43-21-603, Mississippi Code of 1972, is  
250 amended as follows:

251 43-21-603. (1) At the beginning of each disposition  
252 hearing, the judge shall inform the parties of the purpose of the  
253 hearing.



254 (2) All testimony shall be under oath unless waived by all  
255 parties and may be in narrative form. The court may consider any  
256 evidence that is material and relevant to the disposition of the  
257 cause, including hearsay and opinion evidence. At the conclusion  
258 of the evidence, the youth court shall give the parties an  
259 opportunity to present oral argument.

260 (3) If the child has been adjudicated a delinquent child,  
261 before entering a disposition order, the youth court should  
262 consider, among others, the following relevant factors:

263 (a) The nature of the offense;

264 (b) The manner in which the offense was committed;

265 (c) The nature and number of a child's prior  
266 adjudicated offenses;

267 (d) The child's need for care and assistance;

268 (e) The child's current medical history, including  
269 medication and diagnosis;

270 (f) The child's mental health history, which may  
271 include, but not be limited to, the Massachusetts Youth Screening  
272 Instrument version 2 (MAYSI-2);

273 (g) Copies of the child's cumulative record from the  
274 last school of record, including special education records, if  
275 applicable;

276 (h) Recommendation from the school of record based on  
277 areas of remediation needed;

278 (i) Disciplinary records from the school of record; and



279 (j) Records of disciplinary actions outside of the  
280 school setting.

281 (4) If the child has been adjudicated a child in need of  
282 supervision, before entering a disposition order, the youth court  
283 should consider, among others, the following relevant factors:

284 (a) The nature and history of the child's conduct;

285 (b) The family and home situation; and

286 (c) The child's need of care and assistance.

287 (5) If the child has been adjudicated a neglected child or  
288 an abused child, before entering a disposition order, the youth  
289 court shall consider, among others, the following relevant  
290 factors:

291 (a) The child's physical and mental conditions;

292 (b) The child's need of assistance;

293 (c) The manner in which the parent, guardian or  
294 custodian participated in, tolerated or condoned the abuse,  
295 neglect or abandonment of the child;

296 (d) The ability of a child's parent, guardian or  
297 custodian to provide proper supervision and care of a child; and

298 (e) Relevant testimony and recommendations, where  
299 available, from the foster parent of the child, the grandparents  
300 of the child, the guardian ad litem of the child, representatives  
301 of any private care agency that has cared for the child, the  
302 family protection worker or family protection specialist assigned



303 to the case, and any other relevant testimony pertaining to the  
304 case.

305 (6) After consideration of all the evidence and the relevant  
306 factors, the youth court shall enter a disposition order that  
307 shall not recite any of the facts or circumstances upon which the  
308 disposition is based, nor shall it recite that a child has been  
309 found guilty; but it shall recite that a child is found to be a  
310 delinquent child, a child in need of supervision, a neglected  
311 child or an abused child.

312 (7) If the youth court orders that the custody or  
313 supervision of a child who has been adjudicated abused or  
314 neglected be placed with the Department of Human Services or any  
315 other person or public or private agency, other than the child's  
316 parent, guardian or custodian, the youth court shall find and the  
317 disposition order shall recite that:

318 (a) (i) Reasonable efforts have been made to maintain  
319 the child within his own home, but that the circumstances warrant  
320 his removal and there is no reasonable alternative to custody; or

321 (ii) The circumstances are of such an emergency  
322 nature that no reasonable efforts have been made to maintain the  
323 child within his own home, and that there is no reasonable  
324 alternative to custody; and

325 (b) That the effect of the continuation of the child's  
326 residence within his own home would be contrary to the welfare of



327 the child and that the placement of the child in foster care is in  
328 the best interests of the child; or

329 (c) Reasonable efforts to maintain the child within his  
330 home shall not be required if the court determines that:

331 (i) The parent has subjected the child to  
332 aggravated circumstances, including, but not limited to,  
333 abandonment, torture, chronic abuse and sexual abuse; or

334 (ii) The parent has been convicted of murder of  
335 another child of that parent, voluntary manslaughter of another  
336 child of that parent, aided or abetted, attempted, conspired or  
337 solicited to commit that murder or voluntary manslaughter, or a  
338 felony assault that results in the serious bodily injury to the  
339 surviving child or another child of that parent; or

340 (iii) The parental rights of the parent to a  
341 sibling have been terminated involuntarily; and

342 (iv) That the effect of the continuation of the  
343 child's residence within his own home would be contrary to the  
344 welfare of the child and that placement of the child in foster  
345 care is in the best interests of the child.

346 Once the reasonable efforts requirement is bypassed, the  
347 court shall have a permanency hearing under Section 43-21-613  
348 within thirty (30) days of the finding.

349 (8) Upon a written motion by a party, the youth court shall  
350 make written findings of fact and conclusions of law upon which it  
351 relies for the disposition order. If the disposition ordered by



352 the youth court includes placing the child in the custody of a  
353 training school, an admission packet shall be prepared for the  
354 child that contains the following information:

355 (a) The child's current medical history, including  
356 medications and diagnosis;

357 (b) The child's mental health history;

358 (c) Copies of the child's cumulative record from the  
359 last school of record, including special education records, if  
360 reasonably available;

361 (d) Recommendation from the school of record based on  
362 areas of remediation needed;

363 (e) Disciplinary records from the school of record; and

364 (f) Records of disciplinary actions outside of the  
365 school setting, if reasonably available.

366 Only individuals who are permitted under the Health Insurance  
367 Portability and Accountability Act of 1996 (HIPAA) shall have  
368 access to a child's medical records which are contained in an  
369 admission packet. The youth court shall provide the admission  
370 packet to the training school at or before the child's arrival at  
371 the training school. The admittance of any child to a training  
372 school shall take place between the hours of 8:00 a.m. and 3:00  
373 p.m. on designated admission days.

374 (9) When a child in the jurisdiction of the Youth Court is  
375 committed to the custody of the Mississippi Department of Human  
376 Services and is believed to be in need of treatment for a mental





377 or emotional disability or infirmity, the Department of Human  
378 Services shall file an affidavit alleging that the child is in  
379 need of mental health services with the Youth Court. The Youth  
380 Court shall refer the child to the appropriate community mental  
381 health center for evaluation pursuant to Section 41-21-67. If the  
382 prescreening evaluation recommends residential care, the Youth  
383 Court shall proceed with civil commitment pursuant to Sections  
384 41-21-61 et seq., 43-21-315 and 43-21-611, and the Department of  
385 Mental Health, once commitment is ordered, shall provide  
386 appropriate care, treatment and services for at least as many  
387 adolescents as were provided services in fiscal year 2004 in its  
388 facilities.

389 (10) Any screening and assessment examinations ordered by  
390 the court may aid in dispositions related to delinquency, but no  
391 statements or admissions made during the course thereof may be  
392 admitted into evidence against the child on the issue of whether  
393 the child committed a delinquent act.

394 (11) For a child adjudicated delinquent for an offense under  
395 Section 97-41-16, the youth court shall order a psychiatric  
396 evaluation and counseling or treatment pursuant to Section  
397 97-41-16(3) (c).

398 **FURTHER, AMEND the title after the semicolon on line 4 by**  
399 **inserting the following:**

400 TO AMEND SECTION 97-41-16, MISSISSIPPI CODE OF 1972, TO RENAME THE  
401 SECTION "BUDDY'S LAW"; TO REQUIRE A CHILD ADJUDICATED DELINQUENT  
402 UNDER THIS SECTION TO RECEIVE A PSYCHIATRIC EVALUATION AND



403 COUNSELING OR TREATMENT FOR A LENGTH OF TIME PRESCRIBED BY THE  
404 YOUTH COURT; TO AMEND SECTION 43-21-603, MISSISSIPPI CODE OF 1972,  
405 TO CONFORM;

