

By: Senator(s) Dearing

To: Judiciary, Division B

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2097

1 AN ACT TO AMEND SECTION 97-41-1, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE CRIME OF CRUELTY TO ANIMALS, TO INCORPORATE ELEMENTS OF
3 OFFENSES FOUND ELSEWHERE IN CHAPTER 41, AND TO DISTINGUISH BETWEEN
4 MISDEMEANOR AND FELONY DEGREES OF THE OFFENSE; TO AMEND SECTION
5 97-41-3, MISSISSIPPI CODE OF 1972, TO REVISE THE PROCESS BY WHICH
6 AN ANIMAL MAY BE LAWFULLY DESTROYED, AND TO GRANT IMMUNITY TO
7 THOSE ACTING UNDER THE SECTION IN GOOD FAITH; TO ENACT
8 DEFINITIONS; TO PROVIDE EXEMPTIONS FROM THE APPLICATION OF THE
9 CHAPTER; TO REPEAL SECTION 97-41-5, MISSISSIPPI CODE OF 1972,
10 WHICH PROVIDES THAT CARRYING ANY CREATURE IN A CRUEL OR INHUMAN
11 MANNER IS A MISDEMEANOR; TO REPEAL SECTION 97-41-7, MISSISSIPPI
12 CODE OF 1972, WHICH PROVIDES THAT CONFINING ANY LIVING CREATURE
13 WITHOUT SUFFICIENT FOOD AND WATER IS A MISDEMEANOR; TO REPEAL
14 SECTION 97-41-9, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT A
15 CUSTODIAN OF ANY LIVING CREATURE WHO FAILS TO PROVIDE SUFFICIENT
16 FOOD AND DRINK IS GUILTY OF A MISDEMEANOR; TO REPEAL SECTION
17 97-41-13, MISSISSIPPI CODE OF 1972, WHICH PROVIDES PENALTIES FOR
18 CERTAIN ACTS OF CRUELTY TO ANIMALS; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** Section 97-41-1, Mississippi Code of 1972, is
21 amended as follows:

22 97-41-1. (1) (a) A person shall be guilty of simple animal
23 cruelty who knowingly, intentionally or recklessly:

24 (i) Abandons or leaves an animal at a location
25 without providing for or arranging for the animal's continued
26 sustenance;

27 (ii) Fails to provide minimum care for or cruelly
28 and unnecessarily causes substantial physical pain or injury to an
29 animal; or

30 (iii) Causes any act listed in item (i) or (ii) of
31 this paragraph (a) to be done.

32 (b) It shall not be a violation of this section to
33 cause physical pain or injury to an animal if done for the good of
34 the animal or to kill an animal for humane reasons if the animal
35 is injured or diseased past reasonable recovery or by age has

36 become useless, or if the animal is a danger to life, property or
37 other animals.

38 (2) A person shall be guilty of aggravated animal cruelty
39 who knowingly, intentionally or recklessly tortures, maims or
40 mutilates an animal; aggravated animal cruelty is a felony.

41 (3) (a) (i) A first conviction of simple animal cruelty
42 shall be a misdemeanor punishable by a fine of not more than One
43 Thousand Dollars (\$1,000.00), imprisonment in jail not to exceed
44 six (6) months, or both.

45 (ii) A second conviction of simple animal cruelty
46 shall be a misdemeanor punishable by a fine of not less than Two
47 Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars
48 (\$1,000.00), imprisonment in jail not less than one (1) nor more
49 than six (6) months, or both.

50 (iii) A third or subsequent conviction of simple
51 animal cruelty shall constitute a felony.

52 (b) A conviction of a felony under this section shall
53 be punishable by a fine of not more than Five Thousand Dollars
54 (\$5,000.00), imprisonment in the custody of the Department of
55 Corrections not to exceed five (5) years, or both.

56 (c) For any conviction under this section, the court
57 may order restitution to the animal's owner as well as to law
58 enforcement agencies or animal control or humane societies for the
59 costs of investigation, sheltering, rehabilitation and other costs
60 related to securing the conviction.

61 (d) A person convicted under this section may be
62 enjoined from possessing an animal or animals or residing or
63 working where animals are kept.

64 (e) A person convicted under this section may be
65 ordered to perform community service, to participate in
66 professional counseling, or both.

67 **SECTION 2.** Section 97-41-3, Mississippi Code of 1972, is
68 amended as follows:

69 97-41-3. Any law enforcement officer, animal control
70 officer, veterinarian or agent of a society for the prevention of
71 cruelty to animals may kill, or cause to be killed, in a humane
72 manner, any animal found neglected, injured or abandoned if * * *
73 it is injured or diseased past reasonable recovery, or by age has
74 become useless. Anyone acting in good faith pursuant to this
75 section shall not be held liable either criminally or civilly for
76 that action.

77 **SECTION 3.** For the purposes of this chapter, the following
78 words and phrases shall have the meanings ascribed unless the
79 context clearly requires otherwise:

80 (a) "Minimum care" means the provision of necessary
81 sustenance to maintain the health of an animal, including an
82 adequate quality and quantity of food, potable water, shelter
83 which provides protection from the elements of adverse weather
84 such as heat, cold, rain and wind, which is species appropriate,
85 and veterinary care to prevent suffering.

86 (b) "Physical injury" means physical trauma, impairment
87 of condition, or inflicted pain, except for that which is
88 necessary for veterinary treatment.

89 (c) "Torture" means an act primarily done to inflict
90 pain or suffering.

91 (d) "Torment" means an act primarily intended to cause
92 anguish, fear or suffering.

93 **SECTION 4.** (1) The following activities will not be
94 violations of this chapter: any and all activities associated
95 with or incidental to the lawful hunting or trapping of wildlife,
96 fishing, herding of domestic animals, accepted animal husbandry
97 practices including slaughter, accepted dog handling and training
98 practices, accepted veterinary practices, humane euthanasia
99 performed at an animal shelter, accepted pest control practices,
100 livestock shows, accepted equine activities, rodeo practices
101 accepted by the Professional Rodeo Cowboy's Association, or

102 activities carried on for teaching or for scientific or medical
103 research governed by accepted standards.

104 (2) Nothing in this chapter shall be construed as
105 prohibiting a person from:

106 (a) Defending his person or property, or the person or
107 property of another, from injury or damage being caused by an
108 animal; or

109 (b) Injuring or killing an animal reasonably believed
110 to constitute a threat of injury or damage to property, livestock
111 or poultry.

112 **SECTION 5.** Section 97-41-5, Mississippi Code of 1972, which
113 provides that carrying any creature in a cruel or inhuman manner
114 is a misdemeanor, is repealed.

115 **SECTION 6.** Section 97-41-7, Mississippi Code of 1972, which
116 provides that confining any living creature without sufficient
117 food and water is a misdemeanor, is repealed.

118 **SECTION 7.** Section 97-41-9, Mississippi Code of 1972, which
119 provides that a custodian of any living creature who fails to
120 provide sufficient food and drink is guilty of a misdemeanor, is
121 repealed.

122 **SECTION 8.** Section 97-41-13, Mississippi Code of 1972, which
123 provides penalties for certain acts of cruelty to animals, is
124 repealed.

125 **SECTION 9.** Sections 3 and 4 of this act shall be codified
126 within Title 97, Chapter 41, Mississippi Code of 1972.

127 **SECTION 10.** This act shall take effect and be in force from
128 and after July 1, 2007.