

# SENATE BILL NO. 541

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

1997S.011

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 578.012, RSMo, and to enact in lieu thereof two new sections relating to animal abuse, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 578.012, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 578.006 and 578.012, to read as follows:

**578.006. 1. This section shall be known and may be cited as "Brown's Law" in commemoration of veterinarian Senator Doc Brown, an animal caregiver and protector of both pets and farm animals.**

**2. A person commits the offense of making a malicious false report of animal abuse if:**

**(1) The person purposely makes a report to a law enforcement agency or an applicable government agency alleging the abuse of any animal in a manner punishable under section 578.012;**

**(2) The person knows that such a report is false;**

**(3) The person makes the report with the purpose of disrupting, harassing, causing a monetary loss to, or disturbing the peace of the owner of the animal; and**

**(4) Such report causes a disruption, harassment, monetary loss, or disturbance of the owner of the animal.**

**3. The offense of making a malicious false report of animal abuse is a class C misdemeanor.**

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19           4. It shall be an absolute defense for a prosecution  
20 of the offense of making a malicious false report of animal  
21 abuse if the reporting party reported an incident of animal  
22 abuse out of a good faith, reasonable belief that an animal  
23 was being abused. The defendant shall have the burden of  
24 injecting this defense under this subsection. If a  
25 defendant asserts that his or her report of animal abuse was  
26 made from a good faith, reasonable belief that an animal was  
27 being abused, the state shall have the burden to prove  
28 beyond a reasonable doubt that the defendant did not have a  
29 good faith, reasonable belief that such a report was true.

578.012. 1. A person commits the offense of animal  
2 abuse if he or she:

3           (1) Intentionally or purposely kills an animal in any  
4 manner not allowed by or expressly exempted from the  
5 provisions of sections 578.005 to 578.023 and 273.030;

6           (2) Purposely or intentionally causes injury or  
7 suffering to an animal; or

8           (3) Having ownership or custody of an animal knowingly  
9 fails to provide adequate care which results in substantial  
10 harm to the animal.

11           2. Animal abuse is a class A misdemeanor, unless the  
12 defendant has previously been found guilty of animal abuse  
13 or the suffering involved in subdivision (2) of subsection 1  
14 of this section is the result of torture [or], mutilation  
15 [consciously], **starvation, or dehydration knowingly**  
16 inflicted while the animal was alive, in which case it is a  
17 class E felony.

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