

By: Senator(s) Hewes

To: Judiciary, Division B

SENATE BILL NO. 2357

1 AN ACT TO ESTABLISH LAWS AGAINST THE CRUELTY OF ANY DOG OR
 2 CAT; TO ESTABLISH THE CRITERIA FROM WHICH A PERSON WHO KNOWINGLY
 3 AND WITH CRIMINAL NEGLIGENCE COMMITS THE ACT OF CRUELTY TO ANY DOG
 4 OR CAT SHALL BE CHARGED; TO ESTABLISH THE ACT OF AGGRAVATED
 5 CRUELTY TO ANIMALS; TO ESTABLISH THAT ANYONE GUILTY OF AN ACT OF
 6 AGGRAVATED CRUELTY TO ANIMALS SHALL BE CHARGED WITH A FELONY; TO
 7 REPEAL SECTIONS 97-41-1, 97-41-5, 97-41-7 AND 97-41-9, MISSISSIPPI
 8 CODE OF 1972, WHICH DEAL WITH ANIMAL CRUELTY; AND FOR RELATED
 9 PURPOSES.

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

11 **SECTION 1.** (1) If any person shall knowingly or with
 12 criminal negligence torture, torment, unjustifiably injure,
 13 deprive of necessary sustenance, food or drink; or cruelly beat or
 14 mutilate; or cause or procure to be tortured, unjustifiably
 15 injured, tormented, or deprived of necessary sustenance, food or
 16 drink; or to be cruelly beaten or mutilated or killed, any dog or
 17 cat, every such offender shall, for every offense, be guilty of a
 18 misdemeanor, punishable by no less than one (1) year imprisonment
 19 and no more than One Thousand Dollars (\$1,000.00), or both. For
 20 any subsequent offense, every offender shall be guilty of a
 21 felony, and upon conviction, shall be committed to the custody of
 22 the State Department of Corrections for not less than twelve (12)
 23 months nor more than five (5) years, and fined an amount not less
 24 than One Thousand Five Hundred Dollars (\$1,500.00), nor more than
 25 Ten Thousand Dollars (\$10,000.00).

26 (2) If any person shall torture, mutilate, maim, burn or
 27 maliciously starves, disfigures or kills any dog or cat, every
 28 such offender shall, for every offense, be guilty of aggravated
 29 cruelty to animals and may be punishable as a felony with a fine
 30 of not less than twelve (12) months nor more than five (5) years,



31 and fined an amount not less than One Thousand Five Hundred
32 Dollars (\$1,500.00), nor more than Ten Thousand Dollars
33 (\$10,000.00).

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

36 (a) The court shall order that restitution be made to
37 the owner of any such animal. The measure for such restitution in
38 money shall be the current replacement value of such loss and the
39 actual veterinarian fees, special supplies, loss of income and
40 other cost incurred as a result of actions in violation of
41 subsection (1) of this section.

42 (b) The court may also require:

43 (i) Psychiatric or psychological evaluation and
44 participation in treatment that the court determines to be
45 appropriate after due consideration of the evaluation. The court
46 may impose the costs of such programs or counseling upon the
47 defendant when appropriate.

48 (ii) Forfeiture of any future right to own, care
49 for, or reside with any animal for a period which the court deems
50 appropriate.

51 (iii) Periodic unannounced visits for a period up
52 to one (1) year by a humane officer to inspect the care and
53 condition of any animal permitted by the court to remain in the
54 care, custody or possession of the guilty party. Such period may
55 be extended by the court upon motion made by the state.

56 (4) Nothing in this section shall be construed to prohibit
57 the following legal activities conducted in accordance with the
58 laws of the State of Mississippi:

59 (a) Veterinary medicine;

60 (b) Hunting, trapping or fishing;

61 (c) Animal research;

62 (d) Pest control; and

63 (e) Agricultural practices.



64 **SECTION 2.** Section 97-41-1, Mississippi Code of 1972, which
65 deals with cruelty to animals, Section 97-41-5, Mississippi Code
66 of 1972, which deals with carrying a creature in a cruel manner,
67 Section 97-41-7, Mississippi Code of 1972, which deals with
68 confining animals without food or water, and Section 97-41-9,
69 Mississippi Code of 1972, which deals with failure to provide
70 sustenance to animals, are repealed.

71 **SECTION 3.** This act shall take effect and be in force from
72 and after July 1, 2009.

