

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 9

97TH GENERAL ASSEMBLY

2013

0234S.11T

AN ACT

To repeal sections 178.550, 267.655, 442.571, 442.576, 570.030, 578.009, and 578.012, RSMo, and to enact in lieu thereof nine new sections relating to agriculture, with penalty provisions.

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

Section A. Sections 178.550, 267.655, 442.571, 442.576, 570.030, 578.009, 2 and 578.012, RSMo, are repealed and nine new sections enacted in lieu thereof, 3 to be known as sections 178.550, 262.598, 267.655, 442.571, 442.576, 570.030, 4 578.009, 578.011, and 578.012, RSMo, to read as follows:

178.550. [The president of the state board of education shall annually 2 appoint a committee of five members to be known as the "State Advisory 3 Committee for Vocational Education". The state advisory committee shall consist 4 of one person of experience in agriculture; one employer; one representative of 5 labor; one person of experience in home economics; one person of experience in 6 commerce. The state commissioner of education is ex officio a member and the 7 chairman of the advisory committee. The state board of education shall formulate 8 general principles and policies for the administration of sections 178.420 to 9 178.580, which, when they have been approved by the state advisory committee, 10 shall be put into effect. Joint conferences between the state board of education 11 and advisory committee shall be held at least four times each year. All members 12 of the state advisory committee shall be reimbursed for their actual expenses in 13 attending the conferences.] **1. This section shall be known and may be 14 cited as the "Career and Technical Education Student Protection**

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

15 **Act". There is hereby established the "Career and Technical Education**
16 **Advisory Council" within the department of elementary and secondary**
17 **education.**

18 **2. The advisory council shall be composed of eleven members**
19 **who shall be Missouri residents, appointed by the governor with the**
20 **advice and consent of the senate:**

21 **(1) A director or administrator of a career and technical**
22 **education center;**

23 **(2) An individual from the business community with a**
24 **background in commerce;**

25 **(3) A representative from Linn State Technical College;**

26 **(4) Three current or retired career and technical education**
27 **teachers who also serve or served as an advisor to any of the nationally**
28 **recognized career and technical education student organizations of:**

29 **(a) DECA;**

30 **(b) Future Business Leaders of America (FBLA);**

31 **(c) FFA;**

32 **(d) Family, Career and Community Leaders of America (FCCLA);**

33 **(e) Health Occupations Students of America (HOSA);**

34 **(f) SkillsUSA; or**

35 **(g) Technology Student Association (TSA);**

36 **(5) A representative from a business organization, association of**
37 **businesses, or a business coalition;**

38 **(6) A representative from a Missouri community college;**

39 **(7) A representative from Southeast Missouri State University or**
40 **the University of Central Missouri;**

41 **(8) An individual participating in an apprenticeship recognized**
42 **by the department of labor and industrial relations or approved by the**
43 **United States Department of Labor's Office of Apprenticeship;**

44 **(9) A school administrator or school superintendent of a school**
45 **that offers career and technical education.**

46 **3. Members shall serve a term of five years except for the initial**
47 **appointments, which shall be for the following lengths:**

48 **(1) One member shall be appointed for a term of one year;**

49 **(2) Two members shall be appointed for a term of two years;**

50 **(3) Two members shall be appointed for a term of three years;**

51 **(4) Three members shall be appointed for a term of four years;**

52 **(5) Three members shall be appointed for a term of five years.**

53 **4. The advisory council shall have three non-voting ex-officio**
54 **members:**

55 **(1) A director of guidance and counseling services at the**
56 **department of elementary and secondary education, or a similar**
57 **position if such position ceases to exist;**

58 **(2) The director of the division of workforce development; and**

59 **(3) A member of the coordinating board for higher education, as**
60 **selected by the coordinating board.**

61 **5. The assistant commissioner for the office of college and career**
62 **readiness of the department of elementary and secondary education**
63 **shall provide staff assistance to the advisory council.**

64 **6. The advisory council shall meet at least four times**
65 **annually. The advisory council may make all rules it deems necessary**
66 **to enable it to conduct its meetings, elect its officers, and set the terms**
67 **and duties of its officers. The advisory council shall elect from among**
68 **its members a chairperson, vice chairperson, a secretary-reporter, and**
69 **such other officers as it deems necessary. Members of the advisory**
70 **council shall serve without compensation but may be reimbursed for**
71 **actual expenses necessary to the performance of their official duties for**
72 **the advisory council.**

73 **7. Any business to come before the advisory council shall be**
74 **available on the advisory council's internet website at least seven**
75 **business days prior to the start of each meeting. All records of any**
76 **decisions, votes, exhibits, or outcomes shall be available on the**
77 **advisory council's internet website within forty-eight hours following**
78 **the conclusion of every meeting. Any materials prepared for the**
79 **members shall be delivered to the members at least five days before the**
80 **meeting, and to the extent such materials are public records as defined**
81 **in section 610.010 and are not permitted to be closed under section**
82 **610.021, shall be made available on the advisory council's internet**
83 **website at least five business days in advance of the meeting.**

84 **8. The advisory council shall make an annual written report to**
85 **the state board of education and the commissioner of education**
86 **regarding the development, implementation, and administration of the**
87 **state budget for career and technical education.**

88 **9. The advisory council shall annually submit written**

89 recommendations to the state board of education and the commissioner
90 of education regarding the oversight and procedures for the handling
91 of funds for student career and technical education organizations.

92 10. The advisory council shall:

93 (1) Develop a comprehensive statewide short- and long-range
94 strategic plan for career and technical education;

95 (2) Identify service gaps and provide advice on methods to close
96 such gaps as they relate to youth and adult employees, workforce
97 development, and employers on training needs;

98 (3) Confer with public and private entities for the purpose of
99 promoting and improving career and technical education;

100 (4) Identify legislative recommendations to improve career and
101 technical education;

102 (5) Promote coordination of existing career and technical
103 education programs;

104 (6) Adopt, alter, or repeal its own bylaws, rules, and regulations
105 governing the manner in which its business may be transacted.

106 11. For purposes of this section, the department of elementary
107 and secondary education shall provide such documentation and
108 information as to allow the advisory council to be effective.

109 12. For purposes of this section, "advisory council" shall mean the
110 career and technical education advisory council.

262.598. 1. As used in this section, the following terms shall
2 mean:

3 (1) "Consolidated district", a district formed jointly by two or
4 more councils;

5 (2) "Council", a University of Missouri extension council
6 authorized under section 262.563;

7 (3) "District" or "extension district", a political subdivision
8 formed by one or more councils;

9 (4) "Single-council district", a district formed by one council;

10 (5) "Governing body", the group of individuals who govern a
11 district.

12 2. University of Missouri extension councils, except for any
13 council located in a county with a charter form of government and with
14 more than nine hundred fifty thousand inhabitants, are hereby
15 authorized to form extension districts made up of cooperating counties

16 for the purpose of funding extension programming. An extension
17 district may be a single-council district or a consolidated district. A
18 single-council district shall be formed upon a majority vote of the full
19 council. A consolidated district shall be formed upon a majority vote
20 of each participating council.

21 3. In a single-council district, the council shall serve as the
22 district's governing body. In addition to any other powers and duties
23 granted to the council under sections 262.550 to 262.620, the council
24 shall also have the powers and duties provided under subsection 5 of
25 this section.

26 4. In a consolidated district, the governing body of the district
27 shall consist of at least three, but no more than five, representatives
28 appointed by each participating council. The term of office shall be
29 two years. Representatives may be reappointed. The governing body
30 shall elect officers, who shall serve as officers for two years, and
31 establish a regular meeting schedule which shall not be less than once
32 every three months.

33 5. The governing body of a district shall have the following
34 powers and duties:

35 (1) Review the activities and annual budgets of each
36 participating council;

37 (2) Determine, by September first of each year, the tax rate
38 necessary to generate sufficient revenue to fund the extension
39 programming in the district, which includes annual funding for each
40 participating council for the costs of personnel and the acquisition,
41 supply, and maintenance of each council's property, work, and
42 equipment;

43 (3) Oversee the collection of any tax authorized under this
44 section by ensuring the revenue is deposited into a special fund and
45 monitoring the use of the funds to ensure they are used solely for
46 extension programming in the district;

47 (4) Approve payments from the special fund in which the tax
48 revenue is deposited; and

49 (5) Work cooperatively with each participating council to plan
50 and facilitate the programs, equipment, and activities in the district.

51 6. The governing body of a district may submit a question to the
52 voters of the district to institute a property tax levy in the county or

53 counties that compose the district. Questions may be submitted to the
54 voters of the district at any general municipal election. Any such
55 proposed tax shall not exceed thirty cents per one hundred dollars of
56 assessed valuation. The costs of submitting the question to the voters
57 at the general municipal election shall be paid as provided in section
58 115.063. Such question shall be submitted in substantially the following
59 form:

60 "Shall the Extension District in County (insert name of
61 county) be authorized to levy an annual tax of (insert amount not
62 to exceed thirty) cents per one hundred dollars of assessed valuation
63 for the purpose of funding the University of Missouri Extension District
64 programs, equipment, and services in the district?"

65 In a single-council district, if a majority of the voters in the county
66 approve the question, then the district shall impose the tax. If a
67 majority of the voters in a single-council district do not approve the
68 question, then no tax shall be imposed. In a consolidated district, if a
69 majority of voters in each county in the district approve the question,
70 then the district shall impose the tax. If a majority of the voters in a
71 consolidated district do not approve the question, then no tax shall be
72 imposed in any county of the district. In a consolidated district, if a
73 majority of voters in a county do not approve the question, the council
74 in the county that did not approve the question may withdraw from the
75 district. Upon such withdrawal, the district shall be made up of the
76 remaining counties and the tax shall be imposed in those
77 counties. However, if the county that did not approve the question
78 does not withdraw from the district, the tax shall not be
79 imposed. Revenues collected from the imposition of a tax authorized
80 under this section shall be deposited into a special fund dedicated only
81 for use by the local district for programming purposes.

82 7. The county commission of any county in which the tax
83 authorized under this section is levied and collected:

84 (1) Shall be exempt from the funding requirements under section
85 262.597 if revenue derived from the tax authorized under this section
86 is in excess of an amount equal to two hundred percent of the average
87 funding received under section 262.597 for the immediately preceding
88 three years; or

89 (2) May reduce the current year's funding amount under section

90 **262.597 by thirty-three percent of the amount of tax revenues derived**
91 **from the tax authorized under this section which exceed the average**
92 **amount of funding received under section 262.597 for the immediately**
93 **preceding three years.**

94 **8. Any county that collects tax revenues authorized under this**
95 **section shall transfer all attributable revenue plus monthly interest for**
96 **deposit into the district's special fund. The governing body of the**
97 **district shall comply with the prudent investor standard for investment**
98 **fiduciaries as provided in section 105.688.**

99 **9. In any county in which a single-council district is established,**
100 **and for which a tax has not been levied, the district may be dissolved**
101 **in the same manner in which it was formed.**

102 **10. A county may withdraw from a consolidated district at any**
103 **time by the filing of a petition with the circuit court having jurisdiction**
104 **over the district. The petition shall be signed by not fewer than ten**
105 **percent of those who voted in the most recent presidential election in**
106 **the county seeking to withdraw that is part of a consolidated district**
107 **stating that further operation of the district is contrary to the best**
108 **interest of the inhabitants of the county in which the district is located**
109 **and that the county seeks to withdraw from the district. The circuit**
110 **court shall hear evidence on the petition. If the court finds that it is in**
111 **the best interest of the inhabitants of the county in which the district**
112 **is located for the county to withdraw from the district, the court shall**
113 **make an order reciting the same and submit the question to the**
114 **voters. The costs of submitting the question to the voters at the general**
115 **municipal election shall be paid as provided in section 115.063. The**
116 **question shall be submitted in substantially the following format:**

117 **"Shall the County of (insert name of county) being part of**
118 **..... (insert name of district) Extension District withdraw from the**
119 **district?"**

120 **The question shall be submitted at the next general municipal election**
121 **date. The election returns shall be certified to the court. If the court**
122 **finds that two-thirds of the voters voting on the question voted in favor**
123 **of withdrawing from the district, the court shall issue an order**
124 **withdrawing the county from the district, which shall contain a proviso**
125 **that the district shall remain intact for the sole purposes of paying all**
126 **outstanding and lawful obligations and disposing of the district's**

127 property. No additional costs or obligations for the withdrawing
128 county shall be created except as necessary. The withdrawal shall
129 occur on the first day of the following January after the vote. If the
130 court finds that two-thirds of the voters voting on the question shall
131 not have voted favorably on the question to withdraw from the district,
132 the court shall issue an order dismissing the petition and the district
133 shall continue to operate.

134 11. The governing body of any district may seek voter approval
135 to increase its current tax rate authorized under this section, provided
136 such increase shall not cause the total tax to exceed thirty cents per
137 one hundred dollars of assessed valuation. To propose such an
138 increase, the governing body shall submit the question to the voters at
139 the general municipal election in the county in which the district is
140 located. The costs of submitting the question to the voters at the
141 general municipal election shall be paid as provided in section
142 115.063. The question shall be submitted in substantially the following
143 form:

144 "Shall the Extension District in (insert name of county or
145 counties) be authorized to increase the tax rate from (insert
146 current amount of tax) cents to (insert proposed amount of tax not
147 to exceed thirty) cents per one hundred dollars of assessed valuation
148 for the purpose of funding the University of Missouri Extension District
149 programs, equipment, and services in the district?"

150 In a single-council district, if a majority of the voters in the county
151 approve the question, then the district shall impose the tax. If a
152 majority of the voters in a single-council district do not approve the
153 question, then the tax shall not be imposed. In a consolidated district,
154 if a majority of voters in the district approve the question, then the
155 district shall impose the new tax rate. If a majority of the voters in a
156 consolidated district do not approve the question, then the tax shall not
157 be imposed in any county of the district. Revenues collected from the
158 imposition of the tax authorized under this section shall be deposited
159 into the special fund dedicated only for use by the district.

267.655. In addition to the remedies provided for in sections 267.560 to
2 267.660 by law, the following civil penalties may be imposed:

3 (1) If the department director determines, after inquiry and
4 opportunity for a hearing, that any individual is in violation of any

5 **provision of sections 267.560 to 267.660, or any regulations issued**
6 **thereunder, the director shall have the authority to assess a civil**
7 **penalty of not more than one thousand dollars per incident. In the**
8 **event that a person penalized or ordered to pay restitution under this**
9 **section fails to pay the penalty or restitution, the director may apply**
10 **to the circuit court of Cole County for, and the court is authorized to**
11 **enter, an order enforcing the assessed penalty or restitution;**

12 **(2)** The prosecuting attorney of any county in which a violation of any
13 provisions of sections 267.560 to 267.660 occurs or the attorney general of the
14 state, is hereby authorized to apply to any court of competent jurisdiction for, and
15 such court shall have jurisdiction upon hearing and for cause shown to grant a
16 temporary or permanent injunction to restrain any person from violating any
17 provisions of sections 267.560 to 267.660.

442.571. 1. Except as provided in sections 442.586 and 442.591, no alien
2 or foreign business shall acquire by grant, purchase, devise, descent or otherwise
3 agricultural land in this state **if the total aggregate alien and foreign**
4 **ownership of agricultural acreage in this state exceeds one percent of**
5 **the total aggregate agricultural acreage in this state. No such sale,**
6 **transfer, or acquisition of any agricultural land in this state shall occur**
7 **unless such sale, transfer, or acquisition is approved by the director of**
8 **the department of agriculture in accordance with subsection 3 of this**
9 **section.** No person may hold agricultural land as an agent, trustee, or other
10 fiduciary for an alien or foreign business **in violation of sections 442.560 to**
11 **442.592.**

12 2. Any alien or foreign business who acquires agricultural land in
13 violation of sections 442.560 to [442.591] **442.592** remains in violation of sections
14 442.560 to [442.591] **442.592** for as long as he **or she** holds an interest in the
15 land.

16 3. **All such proposed acquisitions by grant, purchase, devise,**
17 **descent, or otherwise of agricultural land in this state shall be**
18 **submitted to the department of agriculture to determine whether such**
19 **acquisition of agricultural land is conveyed in accordance with the one**
20 **percent restriction on the total aggregate alien and foreign ownership**
21 **of agricultural land in this state. The department shall establish by**
22 **rule the requirements for submission and approval of requests under**
23 **this subsection.**

24 **4. Any rule or portion of a rule, as that term is defined in section**
25 **536.010, that is created under the authority delegated in this section**
26 **shall become effective only if it complies with and is subject to all of**
27 **the provisions of chapter 536 and, if applicable, section 536.028. This**
28 **section and chapter 536 are nonseverable and if any of the powers**
29 **vested with the general assembly pursuant to chapter 536 to review, to**
30 **delay the effective date, or to disapprove and annul a rule are**
31 **subsequently held unconstitutional, then the grant of rulemaking**
32 **authority and any rule proposed or adopted after August 28, 2013, shall**
33 **be invalid and void.**

 442.576. 1. If the director finds that an alien or foreign business or an
2 agent, trustee, or other fiduciary therefor has acquired agricultural land in
3 Missouri [after August 13, 1978] **in violation of sections 442.560 to 442.592,**
4 or the land ceases to be used for nonagricultural purposes under section 442.591,
5 he **or she** shall report the violation to the attorney general.

6 2. The attorney general shall institute an action in the circuit court of
7 Cole County or the circuit court in any county in which agricultural land owned
8 by the alien or foreign business, agent, trustee or other fiduciary, alleged to have
9 violated sections 442.560 to [442.591] **442.592,** is located.

10 3. The attorney general shall file a notice of the pendency of the action
11 with the recorder of deeds of each county in which any portion of such
12 agricultural lands is located. If the court finds that the lands in question have
13 been acquired in violation of sections 442.560 to [442.591] **442.592,** it shall enter
14 an order so declaring and shall file a copy of the order with the recorder of deeds
15 of each county in which any portion of the agricultural lands is located. The court
16 shall order the owner to divest himself of the agricultural land. The owner must
17 comply with the order within two years. The two-year limitation period shall be
18 a covenant running with the title to the land against any alien grantee or
19 assignee. Provided, however, an incorporated foreign business must divest itself
20 of agricultural land within the minimum time required by article XI, section 5,
21 of the Missouri Constitution. Any agricultural lands not divested within the time
22 prescribed shall be ordered sold by the court at a public sale in the manner
23 prescribed by law for the foreclosure of a mortgage on real estate for default in
24 payment.

 570.030. 1. A person commits the crime of stealing if he or she
2 appropriates property or services of another with the purpose to deprive him or

3 her thereof, either without his or her consent or by means of deceit or coercion.

4 2. Evidence of the following is admissible in any criminal prosecution
5 pursuant to this section on the issue of the requisite knowledge or belief of the
6 alleged stealer:

7 (1) That he or she failed or refused to pay for property or services of a
8 hotel, restaurant, inn or boardinghouse;

9 (2) That he or she gave in payment for property or services of a hotel,
10 restaurant, inn or boardinghouse a check or negotiable paper on which payment
11 was refused;

12 (3) That he or she left the hotel, restaurant, inn or boardinghouse with
13 the intent to not pay for property or services;

14 (4) That he or she surreptitiously removed or attempted to remove his or
15 her baggage from a hotel, inn or boardinghouse;

16 (5) That he or she, with intent to cheat or defraud a retailer, possesses,
17 uses, utters, transfers, makes, alters, counterfeits, or reproduces a retail sales
18 receipt, price tag, or universal price code label, or possesses with intent to cheat
19 or defraud, the device that manufactures fraudulent receipts or universal price
20 code labels.

21 3. Notwithstanding any other provision of law, any offense in which the
22 value of property or services is an element is a class C felony if:

23 (1) The value of the property or services appropriated is five hundred
24 dollars or more but less than twenty-five thousand dollars; or

25 (2) The actor physically takes the property appropriated from the person
26 of the victim; or

27 (3) The property appropriated consists of:

28 (a) Any motor vehicle, watercraft or aircraft; or

29 (b) Any will or unrecorded deed affecting real property; or

30 (c) Any credit card or letter of credit; or

31 (d) Any firearms; or

32 (e) Any explosive weapon as defined in section 571.010; or

33 (f) A United States national flag designed, intended and used for display
34 on buildings or stationary flagstaffs in the open; or

35 (g) Any original copy of an act, bill or resolution, introduced or acted upon
36 by the legislature of the state of Missouri; or

37 (h) Any pleading, notice, judgment or any other record or entry of any
38 court of this state, any other state or of the United States; or

- 39 (i) Any book of registration or list of voters required by chapter 115; or
40 (j) Any animal considered livestock as that term is defined in section
41 144.010; or
42 (k) Live fish raised for commercial sale with a value of seventy-five
43 dollars; or
44 (l) Captive wildlife held under permit issued by the conservation
45 commission; or
46 (m) Any controlled substance as defined by section 195.010; or
47 (n) Anhydrous ammonia;
48 (o) Ammonium nitrate; or
49 (p) Any document of historical significance which has fair market value
50 of five hundred dollars or more.

51 **4. Notwithstanding any other provision of law, stealing of any**
52 **animal considered livestock, as that term is defined in section 144.010,**
53 **is a class B felony if the value of the livestock exceeds ten thousand**
54 **dollars.**

55 **5.** If an actor appropriates any material with a value less than five
56 hundred dollars in violation of this section with the intent to use such material
57 to manufacture, compound, produce, prepare, test or analyze amphetamine or
58 methamphetamine or any of their analogues, then such violation is a class C
59 felony. The theft of any amount of anhydrous ammonia or liquid nitrogen, or any
60 attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class
61 B felony. The theft of any amount of anhydrous ammonia by appropriation of a
62 tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or
63 field applicator is a class A felony.

64 [5.] **6.** The theft of any item of property or services pursuant to
65 subsection 3 of this section which exceeds five hundred dollars may be considered
66 a separate felony and may be charged in separate counts.

67 [6.] **7.** Any person with a prior conviction of paragraph (j) or (l) of
68 subdivision (3) of subsection 3 of this section and who violates the provisions of
69 paragraph (j) or (l) of subdivision (3) of subsection 3 of this section when the
70 value of the animal or animals stolen exceeds three thousand dollars is guilty of
71 a class B felony. Notwithstanding any provision of law to the contrary, such
72 person shall serve a minimum prison term of not less than eighty percent of his
73 or her sentence before he or she is eligible for probation, parole, conditional
74 release, or other early release by the department of corrections.

75 [7.] 8. Any offense in which the value of property or services is an
76 element is a class B felony if the value of the property or services equals or
77 exceeds twenty-five thousand dollars.

78 [8.] 9. Any violation of this section for which no other penalty is specified
79 in this section is a class A misdemeanor.

578.009. 1. A person is guilty of animal neglect [when] if he has custody
2 or ownership or both of an animal and fails to provide adequate care [or adequate
3 control, which results in substantial harm to the animal].

4 2. A person is guilty of abandonment [when] if he has knowingly
5 abandoned an animal in any place without making provisions for its adequate
6 care.

7 3. Animal neglect and abandonment is a class C misdemeanor upon first
8 conviction and for each offense, punishable by imprisonment or a fine not to
9 exceed five hundred dollars, or both, and a class B misdemeanor punishable by
10 imprisonment or a fine not to exceed one thousand dollars, or both upon the
11 second and all subsequent convictions. All fines and penalties for a first
12 conviction of animal neglect or abandonment may be waived by the court provided
13 that the person found guilty of animal neglect or abandonment shows that
14 adequate, permanent remedies for the neglect or abandonment have been
15 made. Reasonable costs incurred for the care and maintenance of neglected or
16 abandoned animals may not be waived. This section shall not apply to the
17 provisions of section 578.007 or sections 272.010 to 272.370.

18 4. In addition to any other penalty imposed by this section, the court may
19 order a person found guilty of animal neglect or abandonment to pay all
20 reasonable costs and expenses necessary for:

21 (1) The care and maintenance of neglected or abandoned animals within
22 the person's custody or ownership;

23 (2) The disposal of any dead or diseased animals within the person's
24 custody or ownership;

25 (3) The reduction of resulting organic debris affecting the immediate area
26 of the neglect or abandonment; and

27 (4) The avoidance or minimization of any public health risks created by
28 the neglect or abandonment of the animals.

578.011. 1. A person is guilty of animal trespass if a person
2 having ownership or custody of an animal knowingly fails to provide
3 adequate control for a period equal to or exceeding twelve hours.

4 **2. Animal trespass is an infraction upon first conviction and for**
5 **each offense punishable by a fine not to exceed two hundred dollars,**
6 **and a class C misdemeanor punishable by imprisonment or a fine not**
7 **to exceed five hundred dollars, or both, upon the second and all**
8 **subsequent convictions. All fines for a first conviction of animal**
9 **trespass may be waived by the court provided that the person found**
10 **guilty of animal trespass shows that adequate, permanent remedies for**
11 **trespass have been made. Reasonable costs incurred for the care and**
12 **maintenance of trespassing animals may not be waived. This section**
13 **shall not apply to the provisions of section 578.007 or sections 272.010**
14 **to 272.370.**

578.012. 1. A person is guilty of animal abuse [when] if a person:

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

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

6 (3) Having ownership or custody of an animal knowingly fails to provide
7 adequate care [or adequate control] **which results in substantial harm to the**
8 **animal.**

9 2. Animal abuse is a class A misdemeanor, unless the defendant has
10 previously [plead] **pled** guilty to or has been found guilty of animal abuse or the
11 suffering involved in subdivision (2) of subsection 1 of this section is the result
12 of torture or mutilation, or both, consciously inflicted while the animal was alive,
13 in which case it is a class D felony.

✓
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