

<b>New Way Mississippi, Inc.</b>		Policy No:	15-008	<b>Page 1 of 1</b>
Policy Title:	<b>Dog Policy</b>	Effective Date	11/1/2018	

## Dog Policy

Purpose:

The State of Mississippi implemented House Bill 1261 "Dangerous Dog Act" to create criminal and civil penalties for failing to keep dangerous dogs securely confined and under restraint, and for failing to meet certain requirements designed to protect the Public. Dangerous Dog is defined as:

1. Any pit bull dog in a class of dogs that specifically includes the breeds of American pit bull terrier, American Staffordshire terrier, Staffordshire bull terrier, American bulldog, and any other pure bred or mixed breed dog that is a combination of these dog breeds.
2. Any dog that has shown a propensity, tendency or disposition to make or attempt an unprovoked attack, to cause injury to, or to otherwise endanger the safety of human beings or domestic animals.
3. Any dog that, when unprovoked, bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal on public or private property, or chases or approaches a person upon the streets, sidewalks or on any private or public property in a menacing or terrorizing manner or apparent attitude of attack.
4. Any dog that is owned or harbored primarily or in part for the purpose of dogfighting or any dog trained for dogfighting.

The Sanctions for violating House Bill 1261 shall be punished by fines that are spelled out in detail. New Way Mississippi has adopted a "No Dog permitted" policy on any of its properties. This policy will ensure protection for both our clients and the company. A copy of House Bill 1261 is attached to this Policy as a reference. Clients/Residents at New Way shall abide by this Policy violation will result in discharge from the program. The dog will be sent to the local animal control shelter.

By: Representatives Byrd, Taylor

To: Judiciary B

HOUSE BILL NO. 1261

1 AN ACT TO CREATE CRIMINAL AND CIVIL PENALTIES FOR FAILING TO  
2 KEEP DANGEROUS DOGS SECURELY CONFINED AND UNDER RESTRAINT, AND FOR  
3 FAILING TO MEET CERTAIN REQUIREMENTS DESIGNED TO PROTECT THE  
4 PUBLIC; TO DEFINE "DANGEROUS DOG" FOR PURPOSES OF THIS ACT; TO  
5 PROVIDE EXCEPTIONS TO THE DEFINITION OF "DANGEROUS DOG" IN  
6 INSTANCES OF WILLFUL TRESPASSING OR COMMITTING A TORT OR CRIME ON  
7 THE PREMISES OF THE DOG'S OWNER, OF TEASING, TORMENTING OR ABUSING  
8 THE DOG, OR OF PROTECTING OR DEFENDING A PERSON FROM UNJUSTIFIED  
9 ATTACK; TO SET FORTH OTHER DEFINITIONS USED IN THIS ACT AND LEVELS  
10 OF OFFENSES; TO PROVIDE THAT IF A DANGEROUS DOG'S BITE OR ATTACK  
11 RESULTS IN THE DEATH OF A PERSON, OR IN THE SERIOUS BODILY INJURY  
12 OF A CHILD, THE OWNER OF THE DOG MAY NOT CLAIM THAT HE DID NOT  
13 KNOW THAT THE DOG WAS DANGEROUS AS A DEFENSE IN A CRIMINAL  
14 PROSECUTION, OR AS THE BASIS FOR IMMUNITY FROM LIABILITY IN A  
15 CIVIL ACTION FOR DAMAGES; TO REQUIRE THE OWNER OF A DANGEROUS DOG  
16 THAT HAS INJURED A PERSON WITHOUT PROVOCATION, OR KILLED A  
17 DOMESTIC ANIMAL, TO POSSESS CERTAIN LIABILITY INSURANCE COVERAGE;  
18 TO PROVIDE THAT THIS ACT SHALL NOT APPLY IF THE DOG IS ASSISTING  
19 IN THE PERFORMANCE OF LAW ENFORCEMENT OR MILITARY DUTIES; TO  
20 PROVIDE THAT THIS ACT SHALL NOT BE CONSTRUED AS PROHIBITING A  
21 PERSON FROM ENGAGING IN CERTAIN LAWFUL ACTIVITIES OR FROM  
22 DEFENDING OR PROTECTING A PERSON OR PROPERTY; TO AMEND SECTIONS  
23 41-53-11, 97-41-3, 97-41-16 and 97-41-19, MISSISSIPPI CODE OF  
24 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED  
25 PURPOSES.

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

27 **SECTION 1.** The provisions of Sections 1 through 6 shall be  
28 known and may be cited as the "Mississippi Regulation of Dangerous  
29 Dogs Act."



30           **SECTION 2.** For purposes of Sections 1 through 6 of this act,  
31 the following words and phrases shall have the meanings ascribed  
32 below, unless the context clearly indicates otherwise:

33           (a)   (i) "Dangerous dog" means:

34                           1. Any pit bull dog in a class of dogs that  
35 specifically includes the breeds of American pit bull terrier,  
36 American Staffordshire terrier, Staffordshire bull terrier,  
37 American bulldog, and any other pure bred or mixed breed dog that  
38 is a combination of these dog breeds.

39                           2. Any dog that has shown a propensity,  
40 tendency or disposition to make or attempt an unprovoked attack,  
41 to cause injury to, or to otherwise endanger the safety of human  
42 beings or domestic animals.

43                           3. Any dog that, when unprovoked, bites,  
44 inflicts injury, assaults or otherwise attacks a human being or  
45 domestic animal on public or private property, or chases or  
46 approaches a person upon the streets, sidewalks or on any private  
47 or public property in a menacing or terrorizing manner or apparent  
48 attitude of attack.

49                           4. Any dog that is owned or harbored  
50 primarily or in part for the purpose of dogfighting or any dog  
51 trained for dogfighting.

52                           (ii) However, no dog may be considered a dangerous  
53 dog if:



54                   1. The injury or damage caused by the dog is  
55 sustained by a person who at the time: was committing a willful  
56 trespass or other tort on the premises occupied by the owner of  
57 the dog; was teasing, tormenting, abusing or assaulting the dog;  
58 or was committing or attempting to commit a crime;

59                   2. The injury or damage caused by the dog was  
60 sustained by a domestic animal that at the time was teasing,  
61 tormenting or abusing the dog; or

62                   3. The dog was protecting or defending a  
63 human being within the immediate vicinity of the dog from an  
64 unjustified attack or assault.

65                   (b) "Domestic animal" means a pet or any animal that is  
66 kept for pleasure or utility.

67                   (c) "Law enforcement officer" means any person  
68 appointed or employed by the state or any political subdivision  
69 thereof, who is duly sworn and vested with authority to bear arms  
70 and make arrests.

71                   (d) "Owner" means a person who owns, keeps or harbors,  
72 or who has the charge, custody, control or possession of one or  
73 more dangerous dogs. A dog is deemed to be "harbored" by a person  
74 if it is fed or sheltered by that person.

75                   (e) "Restraint" means the condition of securing any  
76 dangerous dog, either by a leash, chain or lead having a minimum  
77 tensile strength of three hundred (300) pounds and not exceeding



78 three (3) feet in length, or in a secure enclosure within the real  
79 property boundaries of its owner.

80 (f) "Runs at large" or "running at large" means any  
81 dangerous dog not under restraint.

82 (g) "Secure enclosure" means a fenced area, kennel, cage  
83 or structure that safely confines a dangerous dog and:

84 (i) Locks in a manner that protects the general  
85 public and prevents the entry of a person other than the owner,  
86 including a child;

87 (ii) Prevents the exit or escape of the dog on its  
88 own volition; and

89 (iii) Prevents the dog from extending its jaw,  
90 mouth or nose beyond the enclosure.

91 **SECTION 3.** (1) It is unlawful for a person who is the owner  
92 of a dangerous dog to:

93 (a) Fail to confine the dog securely and under  
94 restraint, either indoors or in a secure enclosure upon the  
95 premises of the person.

96 (b) Permit the dog to go beyond the premises of the  
97 person unless the dog is:

98 (i) Secured by a leash, chain or lead having a  
99 minimum tensile strength of three hundred (300) pounds and not  
100 exceeding three (3) feet in length;

101 (ii) Is under the direct control of the owner of  
102 the dog; and



103 (iii) Is muzzled in a manner that is sufficient to  
104 prevent the dog from injuring or biting a person or other animal.

105 (c) Leash, chain, tie or tether the dog to an  
106 inanimate object other than one within a secure enclosure, such as  
107 a tree or building.

108 (d) Keep the dog on a porch or patio or any  
109 part of a building or structure:

110 (i) In a manner that would allow the dog to exit  
111 or escape from the building or structure on its own volition; or

112 (ii) In which the windows are open or screened  
113 windows or doors are the only obstacles preventing the dog from  
114 exiting or escaping from the building or structure.

115 (e) Fail to display in a prominent place on the  
116 premises where the dog is located, as well as on the fenced area,  
117 kennel or structure confining the dog, a sign containing the words  
118 "Beware of Dangerous Dog."

119 (2) It is unlawful for a person who has been convicted of  
120 any felony to be the owner of a dangerous dog, or to reside within  
121 any premises upon which a dangerous dog is located.

122 (3) A person who is convicted of a violation of subsection  
123 (1), (2) or (7) of this section shall be punished by a fine of not  
124 less than One Hundred Dollars (\$100.00) and not more than One  
125 Thousand Dollars (\$1,000.00), imprisoned for not less than ten  
126 (10) days and not more than three (3) months, or both.



127           (4) It is unlawful for a person who is the owner of a  
128 dangerous dog to fail to prevent the dog from going beyond the  
129 premises of the owner and entering property other than that of its  
130 owner, and while on that property, the dog bites or attacks  
131 another person which results in the death of the person or which  
132 results in the serious bodily injury of a person who is a child  
133 under the age of eighteen (18) years.

134           (a) If at the time of such death or injury, the owner  
135 was in violation of subsections (1), (2) or (7) of this section,  
136 then upon conviction, the owner of the dog shall be guilty of a  
137 felony and punished as follows:

138                   (i) Imposition of a criminal fine of not less than  
139 One Thousand Dollars (\$1,000.00) and not more than Five Thousand  
140 Dollars (\$5,000.00);

141                   (ii) Imprisonment for not less than one (1) year  
142 and not more than five (5) years;

143                   (iii) Imposition of a civil penalty of not more  
144 than Five Thousand Dollars (\$5,000.00), which shall be retained by  
145 the municipality in which the offense occurred, or if the offense  
146 did not occur in a municipality, by the county in which the  
147 offense occurred; and

148                   (iv) Euthanization of the dog that bit or attacked  
149 another person resulting in the death of a person, or in the  
150 serious bodily injury of a child.



151 (b) If at the time of such death or injury, the owner  
152 was in compliance with the requirements of Sections 1 through 3 of  
153 this act to confine and restrain the dog and not in violation of  
154 subsection (1), (2) or (7) of this section, then upon conviction,  
155 the owner of the dog shall be punished as follows:

156 (i) Imposition of a criminal fine of not less than  
157 One Thousand Dollars (\$1,000.00) and not more than Five Thousand  
158 Dollars (\$5,000.00);

159 (ii) Imprisonment for not less than three (3)  
160 months and not more than one (1) year; and

161 (iii) Euthanization of the dog that bit or  
162 attacked another person resulting in the death of the person, or  
163 in the serious bodily injury of a child.

164 (5) A person who is the owner of a dangerous dog may not  
165 claim that he did not know that the dog was a dangerous dog as a  
166 defense in a criminal prosecution, or as the basis for immunity  
167 from liability in a civil action for damages, arising out of a  
168 violation of subsection (4) of this section.

169 (6) A conviction and imposition of a sentence under this  
170 section does not prevent a conviction and imposition of a sentence  
171 under any other applicable provision of law.

172 (7) If, according to the records of the governing  
173 authorities of a county or municipality, a dangerous dog has  
174 caused serious bodily injury to a person without provocation, or  
175 has killed a domestic animal, then the owner of the dog is





176 required to possess a liability insurance policy with coverage in  
177 a single incident amount of One Hundred Thousand Dollars  
178 (\$100,000.00) for bodily injury to or death of any person, or for  
179 damage to property caused by the dog. The insurance policy shall  
180 contain a provision that the policy may not be cancelled until ten  
181 (10) days' notice of cancellation has been given to the governing  
182 authorities of the municipality or county in which the dog is  
183 located. A dangerous dog may be seized by a law enforcement  
184 officer, if the owner cannot show proof that he possesses the  
185 liability insurance coverage required in this subsection.

186 (8) In order to determine if there is a violation of this  
187 section, a law enforcement officer, at any time, may enter the  
188 premises where a dangerous dog is kept, or is believed to be kept,  
189 for an on-site inspection of the premises.

190 **SECTION 4.** (1) If a dog is determined by a law enforcement  
191 officer to be a dangerous dog, then the dog may be destroyed by  
192 the law enforcement officer, or his designee, provided that two  
193 (2) of the following requirements are met:

194 (a) The dog is running at large or not under proper  
195 restraint when on the premises of its owner, or leashed, muzzled  
196 and under the direct control of the owner when off the premises of  
197 the owner, as required under this act;

198 (b) There is no vaccination tag around the dog's neck;

199 (c) Attempts to peacefully capture the dog have been  
200 made and proven unsuccessful.



201 (2) Use of deadly force is permitted when a law enforcement  
202 officer, who confronts a dangerous dog, reasonably fears for his  
203 or her safety or the safety of others in clear proximity to the  
204 dog.

205 **SECTION 5.** In the case of an attack by a dangerous dog  
206 resulting in any bodily injury to a person, the dog shall be  
207 impounded or confined by a law enforcement officer for observation  
208 for a period of ten (10) days. The owner of the dog may have the  
209 dog impounded for ten (10) days with a private veterinarian  
210 licensed to practice veterinary medicine within the state. If it  
211 is determined within such period of time that the dog has rabies,  
212 then the dog shall be destroyed.

213 **SECTION 6.** (1) The provisions of this act shall not apply  
214 if the dog is owned by the United States or the State of  
215 Mississippi, or an agency thereof, and it is engaged in assisting  
216 in the performance of law enforcement or military duties.

217 (2) The provisions of this act shall not be construed as  
218 prohibiting a person from:

219 (a) Engaging in lawful activities that are regulated by  
220 the Mississippi Department of Wildlife, Fisheries and Parks,  
221 including hunting, trapping and wildlife management, provided  
222 that if a violation of Section 3(4) of this act occurs  
223 contemporaneously with the lawful activities, then the owner of  
224 the dangerous dog that is involved in the violation is subject to  
225 all penalties for violations of Section 3 of this act.



226 (b) Defending or protecting himself or herself or  
227 another person from physical or economic injury being threatened  
228 or caused by a dangerous dog.

229 (c) Injuring or killing an animal, except those animals  
230 otherwise protected by state or federal law, reasonably believed  
231 to constitute a threat of injury or death to humans, livestock,  
232 poultry or other domestic or lawfully kept animals.

233 **SECTION 7.** Section 41-53-11, Mississippi Code of 1972, is  
234 amended as follows:

235 41-53-11. \* \* \* Except as may be provided otherwise in  
236 Sections 1 through 6 of this act, or in Chapter 41, Title 97,  
237 Mississippi Code of 1972, it shall be lawful and it shall be \* \* \*  
238 the duty for any sheriff, conservation officer or \* \* \* law  
239 enforcement officer of a county or municipality to \* \* \* destroy  
240 any dog \* \* \* found running at large on whose neck there is no  
241 such collar and tag. No action shall be maintained by the owner  
242 for such killing. However, before the dog may be destroyed, it  
243 shall be the duty of said officer \* \* \* to first keep \* \* \* the  
244 dog \* \* \* for a period of \* \* \* ten (10) days and notify the  
245 sheriff of \* \* \* the county that he has \* \* \* confined the  
246 dog, \* \* \* giving the sheriff a description of same. If anyone  
247 proves himself to be the owner of \* \* \* the dog \* \* \*, it shall be  
248 delivered to the owner.

249 \* \* \*



250           **SECTION 8.** Section 97-41-3, Mississippi Code of 1972, is  
251 amended as follows:

252           97-41-3. (1) Any sheriff, constable, policeman, or agent of  
253 a society for the prevention of cruelty to animals may kill, or  
254 cause to be killed, any animal other than a dog or cat found  
255 neglected or abandoned, if in the opinion of three (3) respectable  
256 citizens it is injured or diseased past recovery, or by age has  
257 become useless.

258           (2) (a) After all reasonable attempts have been made to  
259 locate the legal owner of a dog or cat that is found maimed,  
260 wounded, injured or diseased, the dog or cat may be euthanized, or  
261 caused to be euthanized, by:

262                           (i) A law enforcement officer;

263                           (ii) A veterinarian licensed in Mississippi;

264                           (iii) An employee of an agency or department of a  
265 political subdivision that is charged with the control or welfare  
266 of dogs or cats within the subdivision; or

267                           (iv) An employee or agent of an organization that  
268 has the purpose of protecting the welfare of or preventing cruelty  
269 to dogs or cats and that possesses nonprofit status under the  
270 United States Internal Revenue Code.

271           (b) The provisions of this subsection (2) shall not be  
272 construed to prevent the immediate euthanasia by the persons  
273 enumerated in this subsection or by any other person, if it is  
274 necessary to prevent unrelievable suffering of the dog or cat.



275 (3) Any person acting in good faith and without malice  
276 pursuant to this section shall be immune from civil and criminal  
277 liability for that action.

278 (4) The provisions of this section shall not be construed to  
279 prevent a law enforcement officer from destroying, or using deadly  
280 force when confronting, a dangerous dog pursuant to Sections 1  
281 through 6 of this act.

282 **SECTION 9.** Section 97-41-16, Mississippi Code of 1972, is  
283 amended as follows:

284 97-41-16. (1) (a) The provisions of this section shall be  
285 known and may be cited as the "Mississippi Dog and Cat Pet  
286 Protection Law of 2011."

287 (b) The intent of the Legislature in enacting this law  
288 is to provide only for the protection of domesticated dogs and  
289 cats, as these are the animals most often serving as the loyal and  
290 beloved pets of the citizens of this state. Animals other than  
291 domesticated dogs and cats are specifically excluded from the  
292 enhanced protection described in this section for dogs and cats.  
293 The provisions of this section do not apply, and shall not be  
294 construed as applying, to any animal other than a domesticated dog  
295 or cat.

296 (2) (a) If a person shall intentionally or with criminal  
297 negligence wound, deprive of adequate shelter, food or water, or  
298 carry or confine in a cruel manner, any domesticated dog or cat,  
299 or cause any person to do the same, then he or she shall be guilty



300 of the offense of simple cruelty to a dog or cat. A person who is  
301 convicted of the offense of simple cruelty to a dog or cat shall  
302 be guilty of a misdemeanor and fined not more than One Thousand  
303 Dollars (\$1,000.00), or imprisoned not more than six (6) months,  
304 or both.

305 (b) If a person with malice shall intentionally  
306 torture, mutilate, maim, burn, starve or disfigure any  
307 domesticated dog or cat, or cause any person to do the same, then  
308 he or she shall be guilty of the offense of aggravated cruelty to  
309 a dog or cat.

310 (i) A person who is convicted of a first offense  
311 of aggravated cruelty to a dog or cat shall be guilty of a  
312 misdemeanor and fined not more than Two Thousand Five Hundred  
313 Dollars (\$2,500.00), or imprisoned for not more than six (6)  
314 months, or both.

315 (ii) A person who is convicted of a second or  
316 subsequent offense of aggravated cruelty to a dog or cat, the  
317 offenses being committed within a period of five (5) years, shall  
318 be guilty of a felony and fined not more than Five Thousand  
319 Dollars (\$5,000.00) and imprisoned for not less than one (1) year  
320 nor more than five (5) years.

321 (c) A conviction entered upon a plea of nolo contendere  
322 to a charge of aggravated cruelty to a dog or cat shall be counted  
323 as a conviction for the purpose of determining whether a later  
324 conviction is a first or subsequent offense.



325 (d) For purposes of this section, one or more alleged  
326 acts of the offenses of simple cruelty to a dog or cat or  
327 aggravated cruelty to a dog or cat, committed against one or more  
328 domesticated dogs or cats, or any combination thereof, shall  
329 constitute a single offense if the alleged acts occurred at the  
330 same time.

331 (3) In addition to such fine or imprisonment which may be  
332 imposed:

333 (a) The court shall order that restitution be made to  
334 the owner of such dog or cat. The measure for restitution in  
335 money shall be the current replacement value of such loss and the  
336 actual veterinarian fees, medicine, special supplies, loss of  
337 income and other costs incurred as a result of actions in  
338 violation of subsection (2) of this section; and

339 (b) The court may order that:

340 (i) The reasonable costs of sheltering,  
341 transporting and rehabilitating the dog or cat, and any other  
342 costs directly related to the care of the dog or cat, be  
343 reimbursed to:

- 344 1. Any law enforcement agency; or  
345 2. Any agency or department of a political  
346 subdivision that is charged with the control, protection or  
347 welfare of dogs or cats within the subdivision. The agency or  
348 department may reimburse a nongovernmental organization for such  
349 costs, if the organization possesses nonprofit status under the



350 United States Internal Revenue Code and has the purpose of  
351 protecting the welfare of, or preventing cruelty to, dogs or cats.

352 (ii) The person convicted:

353 1. Receive a psychiatric or psychological  
354 evaluation and counseling or treatment for a length of time as  
355 prescribed by the court. The cost of any evaluation, counseling  
356 and treatment shall be paid by the offender upon order of the  
357 court, up to a maximum amount that is no more than the  
358 jurisdictional limit of the sentencing court.

359 2. Perform community service for a period not  
360 exceeding the applicable maximum term of imprisonment that may be  
361 imposed for conviction of the offense.

362 3. Be enjoined from employment in any  
363 position that involves the care of a dog or cat, or in any place  
364 where dogs or cats are kept or confined, for a period which the  
365 court deems appropriate.

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

368 (i) Defending himself or herself or another person  
369 from physical or economic injury being threatened or caused by a  
370 dog or cat.

371 (ii) Defending himself or herself or another  
372 person from physical or economic injury being threatened or caused  
373 by a dangerous dog, or taking any other action pursuant to the





374 provisions of Sections 1 through 6 of this act, which is the  
375 Mississippi Regulation of Dangerous Dogs Act.

376 ( \* \* \*iii) Injuring or killing an unconfined dog  
377 or cat on the property of the person, if the unconfined dog or cat  
378 is believed to constitute a threat of physical injury or damage to  
379 any domesticated animal under the care or control of such person.

380 ( \* \* \*iv) Acting under the provisions of Section  
381 95-5-19 to protect poultry or livestock from a trespassing dog  
382 that is in the act of chasing or killing the poultry or livestock,  
383 or acting to protect poultry or livestock from a trespassing cat  
384 that is in the act of chasing or killing the poultry or livestock.

385 ( \* \* \*y) Engaging in practices that are licensed  
386 or lawful under the Mississippi Veterinary Practice Act, Section  
387 73-39-51 et seq., or engaging in activities by any licensed  
388 veterinarian while following accepted standards of practice of the  
389 profession within the State of Mississippi, including the  
390 euthanizing of a dog or cat.

391 ( \* \* \*vi) Rendering emergency care, treatment, or  
392 assistance to a dog or cat that is abandoned, ill, injured, or in  
393 distress, if the person rendering the care, treatment, or  
394 assistance is acting in good faith.

395 ( \* \* \*vii) Performing activities associated with  
396 accepted agricultural and animal husbandry practices with regard  
397 to livestock, poultry or other animals, including those activities  
398 which involve:



- 399                   1. Using dogs in such practices.
- 400                   2. Raising, managing and using animals to  
401 provide food, fiber or transportation.
- 402                   3. Butchering animals and processing food.
- 403                   ( \* \* \*viii) Training for, or participating in, a  
404 rodeo, equine activity, dog show, event sponsored by a kennel club  
405 or other bona fide organization that promotes the breeding or  
406 showing of dogs or cats, or any other competitive event which  
407 involves the lawful use of dogs or cats.
- 408                   ( \* \* \*ix) Engaging in accepted practices of dog  
409 or cat identification.
- 410                   ( \* \* \*x) Engaging in lawful activities that are  
411 regulated by the Mississippi Department of Wildlife, Fisheries and  
412 Parks or the Mississippi Department of Marine Resources, including  
413 without limitation, hunting, trapping, fishing, and wildlife and  
414 seafood management.
- 415                   ( \* \* \*xi) Performing scientific, research,  
416 medical and zoological activities undertaken by research and  
417 education facilities or institutions that are:
- 418                   1. Regulated under the provisions of the  
419 Animal Welfare Act, 7 USCS 2131 et seq., as in effect on July 1,  
420 2011;
- 421                   2. Regulated under the provisions of the  
422 Health Research Extension Act of 1985, Public Law No. 99-158; or



423                   3. Subject to any other applicable state or  
424 federal law or regulation governing animal research as in effect  
425 on July 1, 2011.

426                   ( \* \* \*xii) Disposing of or destroying certain  
427 dogs under authority of Sections 19-5-50, 21-19-9 and 41-53-11,  
428 which allow counties, municipalities and certain law enforcement  
429 officers to destroy dogs running at large without proper  
430 identification indicating that such dogs have been vaccinated for  
431 rabies.

432                   ( \* \* \*xiii) Engaging in professional pest control  
433 activities, including those activities governed by the Mississippi  
434 Pesticide Law of 1975, Section 69-23-1 et seq.; professional  
435 services related to entomology, plant pathology, horticulture,  
436 tree surgery, weed control or soil classification, as regulated  
437 under Section 69-19-1 et seq.; and any other pest control  
438 activities conducted in accordance with state law.

439                   ( \* \* \*xiv) Performing the humane euthanization of  
440 a dog or cat pursuant to Section 97-41-3.

441                   (b) If the owner or person in control of a dog or cat  
442 is precluded, by natural or other causes beyond his reasonable  
443 control, from acting to prevent an act or omission that might  
444 otherwise constitute an allegation of the offense of simple  
445 cruelty to a dog or cat or the offense of aggravated cruelty to a  
446 dog or cat, then that person shall not be guilty of the offense.  
447 Natural or other causes beyond the reasonable control of the



448 person include, without limitation, acts of God, declarations of  
449 disaster, emergencies, acts of war, earthquakes, hurricanes,  
450 tornadoes, fires, floods or other natural disasters.

451 (5) The provisions of this section shall not be construed  
452 to:

453 (a) Apply to any animal other than a dog or cat.

454 (b) Create any civil or criminal liability on the part  
455 of the driver of a motor vehicle if the driver unintentionally  
456 injures or kills a dog or cat as a result of the dog or cat being  
457 accidentally hit by the vehicle.

458 (6) (a) Except as otherwise provided in Section 97-35-47  
459 for the false reporting of a crime, a person, who in good faith  
460 and acting without malice, reports a suspected incident of simple  
461 cruelty to a dog or cat, or aggravated cruelty to a dog or cat, to  
462 a local animal control, protection or welfare organization, a  
463 local law enforcement agency, or the Mississippi Department of  
464 Public Safety, shall be immune from civil and criminal liability  
465 for reporting the incident.

466 (b) A veterinarian licensed in Mississippi or a person  
467 acting at the direction of a veterinarian licensed in Mississippi,  
468 who in good faith and acting without malice, participates in the  
469 investigation of an alleged offense of simple or aggravated  
470 cruelty to a dog or cat, or makes a decision or renders services  
471 regarding the care of a dog or cat that is involved in the



472 investigation, shall be immune from civil and criminal liability  
473 for those acts.

474 (7) Other than an agency or department of a political  
475 subdivision that is charged with the control, protection or  
476 welfare of dogs or cats within the subdivision, any organization  
477 that has the purpose of protecting the welfare of, or preventing  
478 cruelty to, dogs or cats, shall register the organization with the  
479 sheriff of the county in which the organization operates a  
480 physical facility for the protection, welfare or shelter of dogs  
481 or cats, on or before the first day of October each year. The  
482 provisions of this subsection (7) shall apply to any organization  
483 that has the purpose of protecting the welfare of dogs or cats, or  
484 preventing cruelty to dogs or cats, regardless of whether the  
485 organization also protects animals other than dogs or cats.

486 (8) Nothing in this section shall limit the authority of the  
487 governing authorities of a municipality or county to adopt  
488 ordinances, rules, regulations or resolutions which may be, in  
489 whole or in part, more restrictive than the provisions of this  
490 section, and in those cases, the more restrictive ordinances,  
491 rules, regulations or resolutions will govern.

492 **SECTION 10.** Section 97-41-19, Mississippi Code of 1972, is  
493 amended as follows:

494 97-41-19. (1) If any person (a) shall sponsor, promote,  
495 stage or conduct a fight or fighting match between dogs, or (b)  
496 shall wager or bet, promote or encourage the wagering or betting



497 of any money or other valuable thing upon any such fight or upon  
498 the result thereof, or (c) shall own, possess or have custody of  
499 a dog with the intent to willfully enter it or to participate in  
500 any such fight, or (d) shall train or transport a dog for the  
501 purposes of participation in any such fight, he shall be guilty of  
502 a felony and, upon conviction, shall be punished by a fine of not  
503 less than One Thousand Dollars (\$1,000.00) nor more than Five  
504 Thousand Dollars (\$5,000.00), or by imprisonment in the State  
505 Penitentiary for a term of not less than one (1) nor more than  
506 three (3) years, or by both such fine and imprisonment, in the  
507 discretion of the court.

508 (2) If any person shall be present, as a spectator, at any  
509 location where preparations are being made for an exhibition of a  
510 fight between dogs with the intent to be present at such  
511 preparations, or if any person shall be present at an exhibition  
512 of a fight between dogs with the intent to be present at such  
513 exhibition, he shall be guilty of a felony and, upon conviction,  
514 shall be punished by a fine of not less than Five Hundred Dollars  
515 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by  
516 imprisonment in the State Penitentiary for a term of not more than  
517 one (1) year, or by both such fine and imprisonment, in the  
518 discretion of the court.

519 (3) Any law enforcement officer making an arrest under  
520 subsection (1) of this section may lawfully take possession of all  
521 dogs and all paraphernalia, implements, equipment or other



522 property used in violation of subsection (1) of this section.  
523 Such officer shall file with the circuit court of the county  
524 within which the alleged violation occurred an affidavit stating  
525 therein (a) the name of the person charged, (b) a description of  
526 the property taken, (c) the time and place of the taking, (d) the  
527 name of the person who claims to own such property, if known, and  
528 (e) that the affiant has reason to believe, stating the ground of  
529 such belief, that the property taken was used in such violation.  
530 He shall thereupon deliver the property to such court which shall,  
531 by order in writing, place such dogs, paraphernalia, implements,  
532 equipment, or other property in the custody of a licensed  
533 veterinarian, the local humane society or other animal welfare  
534 agency, or other suitable custodian, to be kept by such custodian  
535 until the conviction or final discharge of the accused, and shall  
536 send a copy of such order without delay to the district attorney  
537 of the county. The custodian named and designated in such order  
538 shall immediately assume the custody of such property and shall  
539 retain same, subject to order of the court.

540       Upon the certification of a licensed veterinarian or officer  
541 of the humane society or animal welfare agency that, in his  
542 professional judgment, a dog which has been seized is not likely  
543 to survive the final disposition of the charges or that, by reason  
544 of the physical condition of the dog, it should be humanely  
545 euthanized before such time, the court may order the dog humanely  
546 euthanized. The court shall make its finding of whether to issue



547 such an order within seven (7) days from the certification by the  
548 veterinarian or officer of the humane society or animal welfare  
549 agency. The owner of a dog which is euthanized without an order  
550 of the court with such certification of a licensed veterinarian or  
551 officer of the humane society or other animal welfare agency shall  
552 have a right of action for damages against the department or  
553 agency by which the arresting or seizing officer is employed.  
554 Upon conviction of the person charged with a violation of  
555 subsection (1) of this section, all dogs seized shall be adjudged  
556 by the court to be forfeited and the court shall order a humane  
557 disposition of the same. In no event shall the court order the  
558 dog to be euthanized without the certification of a licensed  
559 veterinarian or officer of the humane society or other animal  
560 welfare agency that, in his judgment, the dog is not likely to  
561 survive or that, by reason of its physical condition, the dog  
562 should be humanely euthanized. In the event of the acquittal or  
563 final discharge without conviction of the accused, the court shall  
564 direct the delivery of the property so held in custody to the  
565 owner thereof. All reasonable expenses incurred by the custodian  
566 of seized dogs and property shall be charged as costs of court, to  
567 be taxed against the owner or county in the discretion of the  
568 court.

569 (4) Nothing in subsection (1) or (3) of this section shall  
570 prohibit any of the following:





571 (a) The use of dogs in the management of livestock, by  
572 the owner of such livestock or other persons in lawful custody  
573 thereof;

574 (b) The use of dogs in lawful hunting; and

575 (c) The training of dogs for any purpose not prohibited  
576 by law.

577 (5) A conviction and imposition of a sentence under this  
578 section does not prevent a conviction and imposition of a sentence  
579 under any other applicable provision of law.

580 **SECTION 11.** This act shall take effect and be in force from  
581 and after July 1, 2015.

