



**ANIMAL LEGAL  
DEFENSE FUND** EST  
1979

## Compendium of U.S. Animal Protection Laws

# Mississippi



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*This chapter contains Mississippi’s general animal protection and related statutes with an effective date on or before September 1, 2024. It begins with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories with the relevant part of each statute italicized.*

*Mississippi may employ similar provisions within other non-animal-specific criminal and civil statutes, may have other more specific statutes in addition to those included, and may have a variety of animal-related regulations in effect. Because the law is continually evolving, always review an official source for the most current language of any statute.*

## ANIMAL PROTECTION LAWS OF MISSISSIPPI

Mississippi Laws	
SUBSTANTIVE PROHIBITIONS AND EXEMPTIONS	
1. Definition of "Animal"	[None]
2. General Cruelty	<p>Cruelty to living creatures  <b>MISS. CODE § 97-41-1</b>  <i>Misdemeanor, 6 months county jail and/or \$1,000 fine</i>  <b>MISS. CODE § 99-19-31</b></p> <p>Carrying animal in a cruel manner  <b>MISS. CODE § 97-41-5</b>  <i>Misdemeanor, 100 days county jail and/or \$100 fine</i>  <b>MISS. CODE § 97-41-13</b></p> <p>Confining animals without food and water  <b>MISS. CODE § 97-41-7</b>  <i>Misdemeanor, 100 days county jail and/or \$100 fine</i>  <b>MISS. CODE § 97-41-13</b></p> <p>Failure to provide necessary sustenance  <b>MISS. CODE § 97-41-9</b>  <i>Misdemeanor, 100 days county jail and/or \$100 fine</i>  <b>MISS. CODE § 97-41-13</b></p> <p>Simple cruelty to domesticated dogs or cats  <b>MISS. CODE § 97-41-16(2)(a)</b>  <i>Misdemeanor, 6 months imprisonment and/or \$1,000 fine</i></p> <p>Aggravated cruelty to domesticated dogs or cats  <b>MISS. CODE § 97-41-16(2)(b)</b>  <i>1<sup>st</sup> offense: Felony, 3 years DOC custody and/or \$5,000 fine</i>  <i>Subsequent offenses: 10 years imprisonment and \$10,000 fine</i></p> <p>Poisoning an animal  <b>MISS. CODE § 97-41-17</b>  <i>3 years imprisonment and \$500 fine</i></p> <p><b>Exemptions:</b></p>

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	<p>Veterinary practice, research animals, lawful hunting, accepted farm animal husbandry practices, slaughter, pest control, zoos/circuses, defense of self or others, other</p> <p><b>MISS. CODE § 97-41---16(4),(5)</b></p>
<b>3. Animal Fighting</b>	<p>Various animal fighting activities</p> <p><b>MISS. CODE § 97-41-11</b></p> <p><i>Misdemeanor, 100 days county jail and/or \$100 fine</i></p> <p><b>MISS. CODE § 97-41-13</b></p> <p>Various hog and canine fighting activities</p> <p><b>MISS. CODE § 97-41-18(1)-(3), (6)</b></p> <p><i>Misdemeanor, 6 months county jail and/or \$1,000 fine</i></p> <p>Various dogfighting activities</p> <p><b>MISS. CODE § 97-41-19(1)</b></p> <p><i>1<sup>st</sup> offense: Felony, 1-5 years state penitentiary and/or \$1,000-\$5,000 fine</i></p> <p><i>Subsequent offense: Felony, 3-10 years Department of Corrections and/or \$5,000-\$10,000 fine</i></p> <p>Spectatorship at a dogfight</p> <p><b>MISS. CODE § 97-41-19(2)</b></p> <p><i>Felony, 1 year state penitentiary and/or \$500-\$5,000 fine</i></p> <p><b>Exemptions:</b></p> <p>“Bay events”; lawful hunting; livestock management; lawful training for field use</p> <p><b>MISS. CODE § 97-41-18(4), (5)</b></p>
<b>4. Sexual Assault</b>	<p>The sexual assault of an animal</p> <p><b>MISS. CODE § 97-29-59</b></p> <p><i>Felony, 10 years state penitentiary</i></p>
<b>5. Cruelty to Working Animals</b>	<p>Harassment of service dogs</p> <p><b>MISS. CODE § 97-41-21</b></p> <p><i>Misdemeanor, 90 days imprisonment and/or \$500 fine</i></p> <p>Harassing a public service animal</p> <p><b>MISS. CODE § 97-41-23</b></p> <p><i>Misdemeanor, 5 days imprisonment and/or \$200 fine</i></p> <p>Killing or injuring public service animal</p> <p><b>MISS. CODE § 97-41-23</b></p> <p><i>Felony, 5 years imprisonment and/or \$5,000 fine</i></p>

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6. Laws Specific to Farmed Animals	<p>Malicious or mischievous injury to livestock  <b>MISS. CODE § 97-41-15</b>  <i>Felony, 12 months- 5 years in State Department of Corrections and/or \$1,500-\$10,000 fine</i></p>
7. Cruel Hunting, Trapping, and Fishing	<p>Conibear-type and body-gripping traps  <b>MISS. CODE § 49-7-13(3)(b)</b></p> <p>General Prohibitions  <b>MISS. CODE § 49-7-45</b></p> <p>Use of trap or net to capture birds  <b>MISS. CODE § 49-7-63</b></p> <p>Use of poison, explosives, or chemicals  <b>MISS. CODE § 49-7-69</b></p> <p>Disturb or destroy nests  <b>MISS. CODE § 49-7-73</b></p> <p>Use of fire to drive out wild animals or birds  <b>MISS. CODE § 49-7-75</b></p> <p>Hunting during periods of high water or fire  <b>MISS. CODE § 49-7-77</b></p> <p>Methods of taking fish  <b>MISS. CODE § 49-7-81(1),(2)</b></p>
REPORTING LAWS	
8. Cross Reporting	<p>Reporting of a crime of simple cruelty to a domesticated dog or cat or aggravated cruelty to a domesticated dog or cat to a local animal control, protection or welfare organization, local law enforcement agency, or the Mississippi Department of Safety shall be immune from civil and criminal liability.  <b>MISS. CODE § 97-41-16(6)(a)</b></p>
9. Veterinary Reporting	<p>Veterinarians are immune from civil or criminal liability for good faith reporting of suspected animal cruelty.  <b>MISS. CODE § 73-39-87</b></p> <p>Any veterinarian, or person acting at the direction of a veterinarian, who, in good</p>

## ANIMAL PROTECTION LAWS OF MISSISSIPPI

	<p>faith, participates in the investigation of suspected cruelty to a domesticated dog or cat, or provides service to a domesticated or feral dog or cat in such an investigation, shall be immune from civil and criminal liability for such acts.</p> <p><b>MISS. CODE § 97-41-16(6)(b)</b></p>
10. “Ag-Gag” Laws	[None]
<b>CIVIL AND CIVILIAN INTERVENTION</b>	
11. Emergency Rescue and Relief	[None]
12. Civil Enforcement	[None]
13. Domestic Violence and Protection Orders	[None]
<b>CRIMINAL JUSTICE INTERVENTION</b>	
14. Maximum Penalties and Statute of Limitations	<p><b>NOTE:</b> Penalties for violations are defined in the substantive statutes, or in §§ 97-41-13 or 99-19-31, all of which are available in the General Cruelty, Animal Fighting, Sexual Assault, and Cruelty to Working Animals sections of this document.</p> <p>Felony defined <b>MISS. CODE § 1-3-11</b></p> <p>Statute of Limitations <i>Misdemeanor and felony: 2 years</i> <b>MISS. Criminal Procedure § 99-1-5(2)</b></p>
15. Law Enforcement Policies	[None]
16. Seizure	<p>Authority to seize maltreated, neglected, or abandoned animals applies to “any feline, exotic animal, canine, horse, mule, jack or jennet” <b>MISS. CODE § 97-41-2(1),(9)</b></p> <p>Courts may order seizure by a law enforcement agency for probable cause; ability to seize animals as evidence not impacted. <b>MISS. CODE § 97-41-2(1),(8)</b></p> <p>Officers of the law have a duty to enter premises where animal fights are being held</p>

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	<p>and arrest participants MISS. CODE § 97-41-11</p> <p>Law enforcement officers may seize all paraphernalia and dogs used in dogfights MISS. CODE § 97-41-19(3)</p>
<b>17. Courtroom Animal Advocate Program</b>	[None]
<b>18. Restitution and Reimbursement</b>	<p>Owner has 3 days after requesting a hearing to post bond to avoid forfeiture. MISS. CODE § 97-41-2(2)</p> <p>A lien for costs of care is created; court may order the animal's owner to reimburse costs; court may order animal sold with proceeds to reimburse costs. MISS. CODE § 97-41-2(4),(5)</p> <p>Court shall order restitution for maliciously injured livestock. MISS. CODE § 97-41-15</p> <p>Court shall order restitution for simple or aggravated cruelty to a domesticated dog or cat. MISS. CODE § 97-41-16(3)(a)</p> <p>Court may order reimbursements of costs of care upon conviction. MISS. CODE § 97-41-16(3)(b)(i)</p>
<b>19. Forfeiture and Possession Bans</b>	<p>If owner fails to post bond, court shall order animal forfeited. MISS. CODE § 97-41-2(2)</p> <p>Court may order permanent forfeiture if owner is unable or unfit to provide for animal. MISS. CODE § 97-41-2(3),(5)</p> <p>Court may order forfeiture of other animals and may enjoin owner from having custody of any animals in the future. MISS. CODE § 97-41-2(6)</p> <p>Court may enjoin offender from any employment that involves the care of dogs or cats, or in any place where dogs or cats are kept. MISS. CODE § 97-41-16(3)(b)(ii)(3)</p>

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	<p>Court may prohibit person convicted of simple cruelty to a domesticated dog or cat from owning or possessing a domesticated dog or cat for up to five years (fifteen years if conviction is for four or more counts)</p> <p><b>MISS. CODE § 97-41-16(3)(b)(ii)(4)</b></p> <p><i>Violation: \$1,000 fine</i></p> <p>Court shall prohibit person convicted of aggravated cruelty to a domesticated dog or cat from owning or possessing a domesticated dog or cat for at least five years, and up to fifteen years.</p> <p><b>MISS. CODE § 97-41-16(3)(c)</b></p> <p><i>Violation: \$1,000 fine</i></p> <p>Domesticated dogs or cats owned or possessed in violation of court order shall be forfeited to the state.</p> <p><b>MISS. CODE § 97-41-16(3)(e)</b></p> <p>Upon conviction of the person charged with animal fighting, all dogs seized shall be considered forfeited and the court shall order a humane disposition of the same.</p> <p><b>MISS. CODE § 97-41-19(3)</b></p>
<p><b>20. Rehabilitative Sentencing</b></p>	<p>Court may order a person convicted of simple or aggravated cruelty to dogs or cats to receive a mental health evaluation and counseling, to be paid for by the offender.</p> <p><b>MISS. CODE § 97-41-16(3)(b)(ii)(1)</b></p>

## ANIMAL PROTECTION LAWS OF MISSISSIPPI

### 1. DEFINITION OF “ANIMAL”

[None]



## ANIMAL PROTECTION LAWS OF MISSISSIPPI

### 2. GENERAL CRUELTY

#### **Miss. CODE § 97-41-1. Cruelty to living creatures.**

*Except as otherwise provided in Section 97–41–16 for a dog or cat, if any person shall intentionally or with criminal negligence override, overdrive, overload, torture, torment, unjustifiably injure, deprive of necessary sustenance, food, or drink; or cruelly beat or needlessly mutilate; or cause or procure to be overridden, overdriven, overloaded, tortured, unjustifiably injured, tormented, or deprived of necessary sustenance, food or drink; or to be cruelly beaten or needlessly mutilated or killed, any living creature, every such offender shall, for every offense, be guilty of a misdemeanor.*

**NOTE:** A prior version of this statute was held unconstitutionally vague for lack of a mental state element. *Davis v. State* (Miss. 2001) 806 So.2d 1098. It was amended in 2011 to add a specific mental state element.

#### **Miss. CODE § 97-41-5. Carrying creature in a cruel manner.**

*If any person shall carry, or cause to be carried by hand or in or upon any vehicle or other conveyance, any creature other than a dog or cat in a cruel or inhuman manner, he shall be guilty of a misdemeanor.*

#### **Miss. CODE § 97-41-7. Confining creatures without food or water.**

*If any person shall confine, or cause to be confined, in any stable, lot, or other place, any living creature other than a dog or cat, without supplying the same during such confinement with a sufficient quantity of good and wholesome food and water, he shall be guilty of a misdemeanor.*

#### **Miss. CODE § 97-41-9. Failure of owner or custodian to provide sustenance.**

*If any person be the owner or have the custody of any living creature other than a dog or cat and unjustifiably neglect or refuse to furnish it necessary sustenance, food, or drink, he shall be guilty of a misdemeanor.*

#### **Miss. CODE § 97-41-13. Penalty for violating certain sections.**

*Any person who shall violate any of sections 97-41-3 to 97-41-11, or section 97-27-7 on the subject of cruelty to animals shall, on conviction, be fined not less than ten dollars nor more than one hundred dollars, or shall be imprisoned in the county jail not less than ten days nor more than one hundred days or both.*

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### Miss. CODE § 97-41-16. Maliciously injuring dogs or cats.

- (1)
  - (a) The provisions of this section shall be known and may be cited as the “Mississippi Dog and Cat Pet Protection Law of 2011.”
  - (b) The intent of the Legislature in enacting this law is to provide only for the protection of domesticated dogs and cats, as these are the animals most often serving as the loyal and beloved pets of the citizens of this state. Animals other than domesticated dogs and cats are specifically excluded from the enhanced protection described in this act for dogs and cats. The provisions of this act do not apply, and shall not be construed as applying, to any animal other than a domesticated dog or cat.
- (2)
  - (a) *If a person shall intentionally or with criminal negligence wound, deprive of adequate shelter, food or water, or carry or confine in a cruel manner, any domesticated dog or cat, or cause any person to do the same, then he or she shall be guilty of the offense of simple cruelty to a domesticated dog or cat. A person who is convicted of the offense of simple cruelty to a domesticated dog or cat shall be guilty of a misdemeanor and fined not more than One Thousand Dollars (\$1,000.00), or imprisoned not more than six (6) months, or both. Each act of simple cruelty that is committed against more than one (1) domesticated dog or cat constitutes a separate offense.*
  - (b)
    - (i) *If a person with malice shall intentionally torture, mutilate, maim, burn, starve to death, crush, disfigure, drown, suffocate, or impale any domesticated dog or cat, or cause any person to do the same, then he or she shall be guilty of the offense of aggravated cruelty to a domesticated dog or cat. Each act of aggravated cruelty that is committed against more than one (1) domesticated dog or cat shall constitute a separate offense.*
    - (ii) *A person who is convicted of a first offense of aggravated cruelty to a domesticated dog or cat shall be guilty of a felony and fined not more than Five Thousand Dollars (\$5,000.00), or committed to the custody of the Department of Corrections for not more than three (3) years, or both.*
    - (iii) *A person who is convicted of a second or subsequent offense of aggravated cruelty to a domesticated dog or cat, the offenses being committed within a period of five (5) years, shall be guilty of a felony and fined not more than Ten Thousand Dollars (\$10,000.00) and imprisoned in the custody of the Department of Corrections for not less than one (1) year nor more than ten (10) years.*

*For purposes of calculating previous offenses of aggravated cruelty under this subparagraph (iii), commission of one or more acts of aggravated cruelty against one or more domesticated dogs or cats within a twenty-four-hour period shall be considered one (1) offense.*

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

## ANIMAL PROTECTION LAWS OF MISSISSIPPI

- (3) In addition to such fine or imprisonment which may be imposed:
- (a) The court shall order that restitution be made to the owner of such domesticated dog or cat. The measure for restitution in money shall be the current replacement value of such loss and the actual veterinarian fees, medicine, special supplies, loss of income and other costs incurred as a result of actions in violation of subsection (2) of this section; and
  - (b) The court may order that:
    - (i) The reasonable costs of sheltering, transporting and rehabilitating the domesticated dog or cat, and any other costs directly related to the care of the domesticated dog or cat, be reimbursed to:
      - 1. Any law enforcement agency; or
      - 2. Any agency or department of a political subdivision that is charged with the control, protection or welfare of domesticated or feral dogs or cats within the subdivision. The agency or department may reimburse a nongovernmental organization for such costs, if the organization possesses nonprofit status under the United States Internal Revenue Code and has the purpose of protecting the welfare of, or preventing cruelty to, dogs or cats whether domesticated or feral.
    - (ii) The person convicted:
      - 1. Receives a psychiatric or psychological evaluation and counseling or treatment for a length of time as prescribed by the court. The cost of any evaluation, counseling and treatment shall be paid by the offender upon order of the court, up to a maximum amount that is no more than the jurisdictional limit of the sentencing court.
      - 2. Performs community service for a period not exceeding the applicable maximum term of imprisonment that may be imposed for conviction of the offense.
      - 3. Be enjoined from employment in any position that involves the care of a domesticated dog or cat, or in any place where domesticated dogs or cats are kept or confined, for a period which the court deems appropriate.
      - 4. If convicted of simple cruelty under this section, be prohibited from owning or possessing or residing with a domesticated dog or cat for any period of time not exceeding five (5) years from the date of sentencing, or any period not exceeding fifteen (15) years from the date of sentencing if the conviction involved four (4) or more counts of simple cruelty.
  - (c) The court shall order that any person convicted of an offense of aggravated cruelty under this section be prohibited from owning or possessing or residing with a domesticated dog or a cat for a period not less than five (5) years nor more than fifteen (15) years from the date of sentencing.
  - (d) A person found in violation of a court order incorporating the provisions of paragraph (b)(ii)4. or (c) of this subsection may, in addition to any other punishment provided by law, be fined in an amount not exceeding One Thousand Dollars (\$1,000) for each domesticated dog or cat unlawfully owned or possessed.
  - (e) Any domesticated dog or cat involved in a violation of a court order described in paragraph (d) of this subsection shall be forfeited to the state.
- (4)
- (a) Nothing in this section shall be construed as prohibiting a person from:

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- (i) Defending himself or herself or another person from physical injury being threatened or caused by a domesticated or feral dog or cat.
- (ii) Injuring or killing an unconfined domesticated or feral dog or cat on the property of the person, if the unconfined dog or cat is believed to constitute a threat of physical injury or damage to any domesticated animal under the care or control of such person.
- (iii) Acting under the provisions of Section 95–5–19 to protect poultry or livestock from a trespassing dog that is in the act of chasing or killing the poultry or livestock, or acting to protect poultry or livestock from a trespassing cat that is in the act of chasing or killing the poultry or livestock.
- (iv) Engaging in practices that are licensed or lawful under the Mississippi Veterinary Practice Act, Section 73–39–51 et seq., or engaging in activities by any licensed veterinarian while following accepted standards of practice of the profession within the State of Mississippi, including the euthanizing of a dog or cat.
- (v) Rendering emergency care, treatment, or assistance to a dog or cat that is abandoned, ill, injured, or in distress, if the person rendering the care, treatment, or assistance is acting in good faith.
- (vi) Performing activities associated with accepted agricultural and animal husbandry practices with regard to livestock, poultry or other animals, including those activities which involve:
  - 1. Using dogs in such practices.
  - 2. Raising, managing and using animals to provide food, fiber or transportation.
  - 3. Butchering animals and processing food.
- (vii) Training for, or participating in, a rodeo, equine activity, dog show, event sponsored by a kennel club or other bona fide organization that promotes the breeding or showing of dogs or cats, or any other competitive event which involves the lawful use of dogs or cats.
- (viii) Engaging in accepted practices of dog or cat identification.
- (ix) Engaging in lawful activities that are regulated by the Mississippi Department of Wildlife, Fisheries and Parks or the Mississippi Department of Marine Resources, including without limitation, hunting, trapping, fishing, and wildlife and seafood management.
- (x) Performing scientific, research, medical and zoological activities undertaken by research and education facilities or institutions that are:
  - 1. Regulated under the provisions of the Animal Welfare Act, 7 USCS 2131 et seq., as in effect on July 1, 2011;
  - 2. Regulated under the provisions of the Health Research Extension Act of 1985, Public Law No. 99–158; or
  - 3. Subject to any other applicable state or federal law or regulation governing animal research as in effect on July 1, 2011.
- (xi) Disposing of or destroying certain dogs under authority of Sections 19–5–50, 21–19–9 and 41–53–11, which allow counties, municipalities and certain law enforcement officers to destroy dogs running at large without proper identification indicating that such dogs have been vaccinated for rabies.
- (xii) Engaging in professional pest control activities, including those activities governed by the Mississippi Pesticide Law of 1975, Section 69–23–1 et seq.; professional services related to

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entomology, plant pathology, horticulture, tree surgery, weed control or soil classification, as regulated under Section 69–19–1 et seq.; and any other pest control activities conducted in accordance with state law.

- (xiii) Performing the humane euthanization of a dog or cat pursuant to Section 97–41–3.
- (xiv) Engaging in the training of service dogs used to assist those with physical or mental health conditions.

- (b) If the owner or person in control of a domesticated dog or cat is precluded, by natural or other causes beyond his reasonable control, from acting to prevent an act or omission that might otherwise constitute an allegation of the offense of simple cruelty to a domesticated dog or cat or the offense of aggravated cruelty to a domesticated dog or cat, then that person shall not be guilty of the offense. Natural or other causes beyond the reasonable control of the person include, without limitation, acts of God, declarations of disaster, emergencies, acts of war, earthquakes, hurricanes, tornadoes, fires, floods or other natural disasters.

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

- (a) Apply to any animal other than a domesticated dog or cat.
- (b) Create any civil or criminal liability on the part of the driver of a motor vehicle if the driver unintentionally injures or kills a domesticated dog or cat as a result of the domesticated dog or cat being accidentally hit by the vehicle.

(6)

- (a) Except as otherwise provided in Section 97–35–47 for the false reporting of a crime, a person, who in good faith and acting without malice, reports a suspected incident of simple cruelty to a domesticated dog or cat, or aggravated cruelty to a domesticated dog or cat, to a local animal control, protection or welfare organization, a local law enforcement agency, or the Mississippi Department of Public Safety, shall be immune from civil and criminal liability for reporting the incident.
- (b) A veterinarian licensed in Mississippi or a person acting at the direction of a veterinarian licensed in Mississippi, who in good faith and acting without malice, participates in the investigation of an alleged offense of simple or aggravated cruelty to a domesticated dog or cat, or makes a decision or renders services regarding the care of a domesticated or feral dog or cat that is involved in the investigation, shall be immune from civil and criminal liability for those acts.

- (7) Other than an agency or department of a political subdivision that is charged with the control, protection or welfare of dogs or cats within the subdivision, any organization that has the purpose of protecting the welfare of, or preventing cruelty to, domesticated dogs or cats, shall register the organization with the sheriff of the county in which the organization operates a physical facility for the protection, welfare or shelter of dogs or cats, on or before the first day of October each year. The provisions of this subsection (7) shall apply to any organization that has the purpose of protecting the welfare of dogs or cats, or preventing cruelty to dogs or cats, regardless of whether the organization also protects animals other than domesticated dogs or cats.
- (8) Nothing in this section shall limit the authority of a municipality or board of supervisors to adopt ordinances, rules, regulations or resolutions which may be, in whole or in part, more restrictive than the provisions of this section, and in those cases, the more restrictive ordinances, rules, regulations or resolutions will govern.

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### **Miss. CODE § 97-41-17. Poisons; administering to animals.**

*Every person who shall willfully and unlawfully administer any poison to any horse, mare, colt, mule, jack, jennet, cattle, deer, dog, cat, hog, sheep, chicken, duck, goose, turkey, pea-fowl, guinea-fowl, or partridge, or shall maliciously expose any poison substance with intent that the same should be taken or swallowed by any horse, mare, colt, mule, jack, jennet, cattle, dog, cat, hog, sheep, chicken, duck, goose, turkey, pea-fowl, guinea-fowl, or partridge, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding three (3) years, or in the county jail not exceeding one (1) year, and by a fine not exceeding five hundred dollars (\$500.00).*

### **Miss. CODE § 99-19-31. Penalty where- none fixed elsewhere by statute.**

*Offenses for which a penalty is not provided elsewhere by statute, and offenses indictable at common law, and for which a statutory penalty is not elsewhere prescribed, shall be punished by fine of not more than one thousand dollars (\$1,000.00) and imprisonment in the county jail not more than six (6) months, or either.*

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### 3. ANIMAL FIGHTING

#### **Miss. CODE § 97-41-11. Fighting animals or cocks.**

*Any person who shall keep or use, or in any way be connected with or interested in the management of, or shall receive money for the admission of any person to, any place kept or used for the purpose of fighting any bear, cock or other creature, except a dog, or of tormenting or torturing the same, and every person who shall encourage, aid, or assist therein, or who shall permit or suffer any place to be so kept or used, shall be guilty of a misdemeanor. It shall be the duty of any policeman or other officer of the law, county or municipal, to enter into any such place kept for such purpose, and to arrest each and every person concerned or participating therein.*

#### **Miss. CODE § 97-41-13. Penalty for violating certain sections.**

*Any person who shall violate any of sections 97-41-3 to 97-41-11, or section 97-27-7 on the subject of cruelty to animals shall, on conviction, be fined not less than ten dollars nor more than one hundred dollars, or shall be imprisoned in the county jail not less than ten days nor more than one hundred days or both.*

#### **Miss. CODE § 97-41-18. Hog and canine fighting events; prohibition.**

- (1) For the purposes of this section, "hog" means a pig, swine or boar.*
- (2) It is unlawful for any person to organize or conduct any commercial event commonly referred to as a "catch" wherein there is a display of combat or fighting among one or more domestic or feral canines and feral or domestic hogs and in which it is intended or reasonably foreseeable that the canines or hogs would be injured, maimed, mutilated or killed.*
- (3) It is unlawful for any person to organize, conduct or financially or materially support any event prohibited by this section.*
- (4) The provisions of this section shall not apply to any competitive event in which canines trained for hunting or herding activities are released in an open or enclosed area to locate and corner hogs, commonly referred to as a "bay event," and in which competitive points are deducted if a hog is caught and held.*
- (5) The provisions of this section shall not apply to the lawful hunting of hogs with canines or the use of canines for the management, farming or herding of hogs which are livestock or the private training of canines for the purposes enumerated in this subsection provided that such training is conducted for the field using accepted dog handling and training practices and is not in violation of the provisions of subsection (1) of this section.*
- (6) Any person convicted under the provisions of this section shall be fined not more than One Thousand Dollars (\$1,000.00), imprisoned for not more than six (6) months, or both.*



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### Miss. CODE § 97-41-19. Dog fights.

- (1) *If any person (a) shall sponsor, promote, stage or conduct a fight or fighting match between dogs, or (b) shall wager or bet, promote or encourage the wagering or betting of any money or other valuable thing upon any such fight or upon the result thereof, or (c) shall own or possess a dog with the intent to willfully enter it or to participate in any such fight, or (d) shall train or transport a dog for the purposes of participation in any such fight, or (e) shall own, possess, buy, sell, transfer, or manufacture paraphernalia for the purpose of engaging in or otherwise promoting or facilitating such fight, the person shall be guilty of a felony and, upon conviction for a first offense, shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the State Penitentiary for a term of not less than one (1) not more than five (5) years, or by both such fine and imprisonment, in the discretion of the court.*

*Upon conviction for a second or subsequent offense, the person shall be guilty of a felony and punished by a fine of not less than Five Thousand Dollars (\$5,000.00), nor more than Ten Thousand Dollars (\$10,000.00), or by imprisonment in the custody of the Department of Corrections for a term of not less than three (3) years, nor more than ten (10) years, or both.*

- (2) *If any person shall be present, as a spectator, at any location where preparations are being made for an exhibition of a fight between dogs with the intent to be present at such preparations, or if any person shall be present at an exhibition of a fight between dogs with the intent to be present at such exhibition, he shall be guilty of a felony and, upon conviction, shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the State Penitentiary for a term of not more than one (1) year, or by both such fine and imprisonment, in the discretion of the court.*
- (3) Any law enforcement officer making an arrest under subsection (1) of this section may lawfully take possession of all paraphernalia, implements, equipment or other property, including dogs, used in violation of subsection (1) of this section. Such officer shall file with the circuit court of the county within which the alleged violation occurred an affidavit stating therein (a) the name of the person charged, (b) a description of the property taken, (c) the time and place of the taking, (d) the name of the person who claims to own such property, if known, and (e) that the affiant has reason to believe, stating the ground of such belief, that the property taken was used in such violation. He shall thereupon deliver the property to such court which shall, by order in writing, place such, paraphernalia, implements, equipment, or other property, including dogs, in the custody of the law enforcement agency, or its designee. All paraphernalia, implements, equipment, or other property, excluding dogs forfeited under subsection (4) of this section, are to be kept by such custodian until the conviction or final discharge of the accused, and shall then send a copy of such order without delay to the district attorney of the county. The custodian named and designated in such order shall immediately assume the custody of such property and shall retain same, subject to order of the court.
- (4) Within ten (10) days of the seizure of dogs under this section, the owner of the dogs may request a hearing to determine the disposition of the dogs. The court shall follow the procedure and guidelines as set out in Section 97-41-2(2) through (8) in conducting the hearing and determining the disposition of the dogs. Nothing in subsection (1) of this section shall prohibit any of the following:



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- (a) The use of dogs in the management of livestock, by the owner of such livestock or other persons in lawful custody thereof;
  - (b) The use of dogs in lawful hunting; and
  - (c) The training of dogs for any purpose not prohibited by law.
- (5) *For purposes of this section, the term “paraphernalia” means equipment, products, implements and material of any kind that are used, intended for use, or designed for use in the training, preparation, conditioning, or furtherance of dog fighting, and includes, but is not limited to, the following: breaking sticks, cat mills, treadmills, fighting pits, spring poles, unprescribed veterinary medicine, or treatment supplies.*

*In determining whether an object is paraphernalia, a court shall consider any prior convictions under federal or state law relating to animal fighting, the proximity of the object in time and space to the direct violation of this section, direct or circumstantial evidence of the intent of the person to deliver the object to persons whom he or she knows or should reasonably know intends to use the object to facilitate a violation of this section, oral or written instructions provided with or in the vicinity of the object concerning its use, descriptive materials accompanying the object which explain or depict its use, and any other relevant factors.*

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### 4. SEXUAL ASSAULT

#### **Miss. CODE § 97-29-59. Sodomy.**

*Every person who shall be convicted of the detestable and abominable crime against nature committed with mankind or with a beast, shall be punished by imprisonment in the penitentiary for a term of not more than ten years.*

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## 5. CRUELTY TO WORKING ANIMALS

**Miss. CODE § 97-41-21. Harassment of guide dogs.**

- (1) *An individual shall not do either of the following:*
  - (i) *Willfully and maliciously assault, beat, harass, injure, or attempt to assault, beat, harass or injure, a dog that he or she knows or has reason to believe is a guide or leader dog for a blind individual, a hearing dog for a deaf or audibly impaired individual, a service dog for a physically limited individual, or a support dog for a mobility impaired person as described in Sections 43-6-151 through 43-6-155.*
  - (ii) *Willfully and maliciously impede or interfere with, or attempt to impede or interfere with, duties performed by a dog that he or she knows or has reason to believe is a guide or leader dog for a blind individual, a hearing dog for a deaf or audibly impaired individual, a service dog for a physically limited individual, or a support dog for a mobility impaired person as described in Sections 43-6-151 through 43-6-155.*
- (2) *An individual who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than ninety (90) days or a fine of not more than Five Hundred Dollars (\$500.00), or both.*
- (3) *In a prosecution for a violation of subsection (1), evidence that the defendant initiated or continued conduct directed toward a dog described in subsection (1) after being requested to avoid or discontinue that conduct or similar conduct by a blind, deaf, audibly impaired, physically limited or mobility impaired individual being served or assisted by the dog shall give rise to a rebuttable presumption that the conduct was initiated or continued maliciously.*
- (4) *A conviction and imposition of a sentence under this section does not prevent a conviction and imposition of a sentence under Section 97-41-16 pertaining to the offenses of simple or aggravated cruelty to a dog or cat, or any other applicable provision of law.*
- (5) *As used in this section:*
  - (i) *“Audibly impaired” means the inability to hear air conduction thresholds at an average of forty (40) decibels or greater in the individual's better ear.*
  - (ii) *“Blind” means having a visual acuity of <sup>20</sup>/<sub>200</sub> or less in the individual's better eye with correction, or having a limitation of the individual's field of vision such that the widest diameter of the visual field subtends an angular distance not greater than twenty (20) degrees.*
  - (iii) *“Deaf” means the individual's hearing is totally impaired or the individual's hearing, with or without amplification, is so seriously impaired that the primary means of receiving spoken language is through other sensory input, including, but not limited to, lip reading, sign language, finger spelling or reading.*
  - (iv) *“Harass” means to engage in any conduct directed toward a guide, leader, hearing or service dog that is likely to impede or interfere with the dog's performance of its duties or that places the blind, deaf, audibly impaired or physically limited individual being served or assisted by the dog in danger of injury.*
  - (v) *“Injure” means to cause any physical injury to a dog described in subsection (1).*
  - (vi) *“Maliciously” means any of the following:*
    - (i) *With intent to assault, beat, harass or injure a dog described in subsection (1).*

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- (ii) With intent to impede or interfere with duties performed by a dog described in subsection (1).
- (iii) With intent to disturb, endanger or cause emotional distress to a blind, deaf, audibly impaired or physically limited individual being served or assisted by a dog described in subsection (1).
- (iv) With knowledge that the individual's conduct will, or is likely to, harass or injure a dog described in subsection (1).
- (v) With knowledge that the individual's conduct will, or is likely to, impede or interfere with duties performed by a dog described in subsection (1).
- (vi) With knowledge that the individual's conduct will, or is likely to, disturb, endanger or cause emotional distress to a blind, deaf, audibly impaired or physically limited individual being served or assisted by a dog described in subsection (1).
- (vii) "Physically limited" means having limited ambulatory abilities and includes, but is not limited to, having a temporary or permanent impairment or condition that does one or more of the following:
  - (i) Causes the individual to use a wheelchair or walk with difficulty or insecurity.
  - (ii) Affects sight or hearing to the extent that an individual is insecure or exposed to danger.
  - (iii) Causes faulty coordination.
  - (iv) Reduces mobility, flexibility, coordination or perceptiveness.

### **Miss. CODE § 97-41-23. Killing or injuring public service animal; penalty.**

- (1) *It is unlawful for any person to willfully and maliciously taunt, torment, tease, beat, strike, or to administer, expose or inject any desensitizing drugs, chemicals or substance to any public service animal. Any person who violates this section is guilty of a misdemeanor, and upon conviction thereof shall be fined not more than Two Hundred Dollars (\$200.00) and be imprisoned not more than five (5) days, or both.*
- (2) *Any person who, without just cause, purposely kills or injures any public service animal is guilty of a felony and upon conviction shall be fined not more than Five Thousand Dollars (\$5,000.00) and be imprisoned not more than five (5) years, or both.*
- (3) *For purposes of this section, the term "public service animal" means any animal trained and used to assist a law enforcement agency, public safety entity or search and rescue agency.*
- (4) A conviction and imposition of a sentence under this section does not prevent a conviction and imposition of a sentence under Section 97-41-16 pertaining to the offenses of simple or aggravated cruelty to a dog or cat, or under any other applicable provision of law.
- (5) Any person guilty of violating subsection (2) of this section shall also be required to make restitution to the law enforcement agency or owner aggrieved thereby.
- (6) The provisions of this section shall not apply to the lawful practice of veterinary medicine.

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### 6. LAWS SPECIFIC TO FARMED ANIMALS

**Editor's Note:** *This section does **not** contain all state or territorial laws regarding farmed animals. This section contains only criminal statutes with the primary purpose of preventing individual farmed animals from suffering unnecessary pain or suffering.*

**Miss. CODE § 97-41-15. Maliciously injuring livestock.**

- (1) *Any person who shall maliciously, either out of a spirit of revenge or wanton cruelty, or who shall mischievously kill, maim or wound, or injure any livestock, or cause any person to do the same, shall be guilty of a felony and upon conviction, shall be committed to the custody of the State Department of Corrections for not less than twelve (12) months nor more than five years, and fined an amount not less than One Thousand Five Hundred Dollars (\$1,500.00), nor more than Ten Thousand Dollars (\$10,000.00).*
- (2) *In addition to any such fine or imprisonment which may be imposed, the court shall order that restitution be made to the owner of any animal listed in subsection (1) of this section. The measure for restitution in money shall be the current replacement value of such loss and/or the actual veterinarian fees, special supplies, loss of income and other costs incurred as a result of actions in violation of subsection (1) of this section.*
- (3) *For purposes of this section, the term "livestock" shall mean horses, cattle, swine, sheep and other domestic animals produced for profit.*

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### 7. CRUEL HUNTING, TRAPPING, AND FISHING

**Editor's Note:** *This section does **not** contain all state or territorial laws regarding hunting, trapping, and fishing. This section contains only criminal statutes with the primary purpose of preventing individual wild animals from suffering unnecessary pain or suffering.*

#### **Miss. Code § 49-7-13. Trappers licenses; placement of traps**

- (1) For the purposes of this chapter, the following terms shall have the meaning ascribed herein, unless the context determines otherwise:
  - (a) "Raw fur" means the skin that has not been removed from the carcass of a fur-bearing animal or nuisance animal.
  - (b) "Green pelt" means the skin, with hair or fur attached, that has been removed from a fur-bearing animal or nuisance animal, but has not been tanned or fleshed, stretched and dried.
  - (c) "Dried pelt" means the skin of a fur-bearing animal or nuisance animal that has been fleshed, stretched and dried.
- (2) Any resident of the state sixteen (16) years of age or older, upon application, is entitled to receive a state trapper's license with tag for the sum of Twenty-five Dollars (\$25.00), plus the fee provided in Section 49-7-17. This license shall be required of each helper or assistant sixteen (16) years of age or older employed or used by a trapper. No license shall be required of a resident who traps on lands in which the record title is vested in that person.
- (3)
  - (a) No person shall trap on the lands of another unless he has the permission of the landowner.
  - (b) *No person shall use, on any public lands, a conibear-type or body-gripping trap with an inside jaw spread exceeding seven (7) inches, unless it is partially submerged in water. The designated legal authority of any public lands and its agents shall be exempt from the requirement of this subsection for the purpose of nuisance control.*
- (4)
  - (a) Each licensed trapper shall have an identification number issued by the department. The licensed trapper shall have the identification number permanently inscribed on the trap or attached to the trap by a metal tag.
  - (b) A person exempt from purchasing a trapping license must tag or permanently inscribe any trap with his name, phone number and address.
  - (c) The conservation officer may take up any traps not properly marked.
  - (d) Every trapper shall visit his traps at least every thirty-six (36) hours.
- (5) Except as otherwise provided in this section, no person shall place or set a trap on or within one hundred (100) feet of any street or public road. Public roads shall not be construed to mean public waterways.
- (6)
  - (a) A licensed trapper or resident under sixteen (16) years of age shall be allowed to trap fur-

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bearing animals during trapping season, and sell or consign the raw fur, green pelts and dried pelts of fur-bearing and nuisance animals during the trapping season and for thirty (30) days after the close of the season. Only a licensed trapper or resident under sixteen (16) years of age may sell or consign the raw fur, green pelts and dried pelts of fur-bearing nuisance animals.

- (b) A trapper may not transport the raw fur or green pelts of fur-bearing animals within the state from eleven (11) days after the close of trapping season until the opening day of the following trapping season, unless each raw fur or green pelt is tagged or documented with the name, address and trapping identification number of the person who harvested the raw fur or green pelt and the date and place of harvest. An official possession tag that has been issued by another state shall be considered legally documented.
- (c) A licensed trapper may possess and maintain in storage the raw fur, green pelts and dried pelts of fur-bearing and nuisance animals at any time.
- (d) The meat of legally acquired raccoons, opossums and muskrats may also be bought and sold during trapping season, and for thirty (30) days after the close of the season.

(7)

- (a) A municipality or county, or any person who has contracted with a municipality or county for the purpose authorized in this subsection, may place or set only snare traps within one hundred (100) feet of any road or street located within such municipality or county. Before the action authorized by this section is taken, the governing authority of the municipality or the board of supervisors of the county shall make a finding that such placement of snare traps is reasonable and necessary to protect the public safety by removing fur-bearing and nuisance animals that threaten the safety of public roads and bridges. Snares shall be submerged at least fifty percent (50%).
- (b) Landowners and their designated agents may place or set snare traps, conibear-type or body-gripping traps, live cage traps and foothold traps on property owned by the landowner within one hundred (100) feet of any road or street, but not within the maintained public road or street right-of-way.
- (c) Snare traps, conibear-type or body-gripping traps shall be submerged in water at least fifty percent (50%) and foothold traps shall be completely submerged in water.

### Miss. CODE § 49-7-45. Unlawful acts

(1) *It is unlawful for any person:*

(a)

- (i) *To hunt, chase, kill or to pursue with the intent to take, kill or wound any wild animal or wild bird in violation of this chapter;*
- (ii) *To hunt, take, kill or wound any game animal or game bird with a gun larger than 10 gauge;*
- (iii) *To hunt, take, wound or shoot at any game bird:*

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- (A) From any motorboat or other craft having a motor attached unless the motor has been completely shut off and its progress has ceased. A craft under power may be used to retrieve dead or crippled birds; however, crippled birds may not be shot from a craft under power; or
  - (B) From any sinkbox or battery except in waters of the Gulf Coast.
  - (b) To wound, drown, shoot, capture, take or otherwise kill any deer from a boat.
  - (c) To lend or transfer or borrow or to use or display while hunting, trapping or fishing, a license or tag of another.
  - (d) To aid in the securing of a license for or to knowingly issue a license for any person not legally entitled to same.
  - (e) To hunt, trap or fish in this state after the right to do so has been denied by the commission or the license therefor has been revoked.
  - (f) To hunt or trap any birds, game or wild animals during the closed season.
  - (g) Any person violating paragraphs (b), or (f) is guilty of a Class II offense and shall be punished as provided in Section 49-7-143.
- (2) Any citation issued to a boat operator for not registering or possessing the boat's registration card shall be dismissed, along with all related court costs if the boat operator can verify that the boat was properly registered prior to the date of violation. A boat operator may submit a copy of his or her boat's proper registration card, certified by the clerk or magistrate of the court holding the trial or hearing, along with all related court costs, to the court or magistrate before the date of the trial or hearing and the citation shall be dismissed under this subsection without the boat operator or the boat operator's counsel being present.

### Miss. CODE § 49-7-63. Use of traps, nets or other contrivances

It shall be unlawful for any person at any time to capture wild fowl or game birds by the use of traps, nets or other contrivances, except as provided by this chapter.

### Miss. CODE § 49-7-69. Unlawful use of explosives

*It shall be unlawful for any person in the taking or killing of fur-bearing animals or fish to use poison, explosives or chemicals of any description.*

### Miss. CODE § 49-7-73. Disturbance of nests prohibited

*It shall be unlawful to needlessly disturb or to destroy the nests of birds or their eggs. A violation of this section is a Class II violation and is punishable as provided in Section 49-7-143.*



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### Miss. CODE § 49-7-75. When setting fires prohibited

*It shall be unlawful during the nesting season of game birds for any person to set fire to the woods or fields other than on his own premises for the purpose of driving wild animals or birds out of fields or forests.*

### Miss. CODE § 49-7-77. Game or fur-bearing animals protected during periods of high water or fire

*It shall be unlawful to hunt, trap, take, frighten, or kill game or fur-bearing animals forced out of their natural habitat by high water or fire until they have been permitted to return to such habitat by recession of such water, or the extinguishing of such fire.*

All quail shall be protected from all hunting when the ground is covered by snow or when forced out of their natural habitat by high water or fire until they have been permitted to return to such habitat by the recession of such water or the extinguishing of such fire.

### Miss. CODE § 49-7-81. Prohibited manner of taking fish

- (1) *It is unlawful to take or kill game fish in any manner other than by hook and line with one or more hooks, or by use of a trot or troll line.* Dip or landing nets may be used when landing a fish caught by hook and line, trot or troll lines. Shad and minnows may only be taken as bait with the aid of a dip or landing net, cast nets, boat-mounted scoops and wire baskets by residents for personal use in sportfishing. However, in private ponds or borrow pits or overflow ponds which go dry in summer and cut off from the regular streams, dip nets may be used for capturing or rescuing game fish. It is unlawful to kill or take fish of any species at any time or anywhere by mudding, or by the use of lime, poison, dynamite, India berries, weeds and walnuts, giant powder, gunpowder, or any other explosive, and no nongame gross fish shall be taken by the use of nets, seines or traps for personal use without a commercial fishing license. It is unlawful to set any freshwater commercial fishing equipment so that it extends more than halfway across the width of any stream, channel, drain or other body of water, and if commercial fishing equipment is placed in water, each piece of equipment shall be placed at least one hundred (100) yards apart. The commission shall have the authority to fix the minimum size mesh for use in barrel nets, hoop nets and seines for use in the freshwaters of this state regulated by the Commission on Wildlife, Fisheries and Parks. This authority given the commission shall not be extended to the regulation of mesh size for use in marine waters. Notwithstanding anything in this or any other section to the contrary, any person in Mississippi fishing with barrel nets, hoop nets or seines in any waters of common boundary between Mississippi and another state may use a mesh size in such nets which is the same as the mesh size allowed in the other state, where the other state allows a mesh size in such nets which is smaller than the mesh size otherwise allowable in Mississippi.
- (2) *It is unlawful for any person to catch or destroy fish by the use of dynamite, gunpowder or other explosive substance.*
- (3) *It is unlawful for any person to use a telephone, battery or any other electrically operated device for the purpose of killing or capturing fish.*

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- (4) It is unlawful for any person to use any chemical of any kind in any stream or any lake where the public fishes for the purpose of killing or taking fish, except that this provision shall not be construed to apply to any owner of any fish pond using such chemical in his own private pond.
- (5) It is unlawful for any person to poison any fish by mingling in the water any substance calculated and intended to stupefy or destroy fish.
- (6) It is unlawful for any person to fish any equipment in the waters of the state of any size or type that is not allowed by the commission.
- (7) Any hoop net, barrel net, seine, gill net, slat baskets, trammel net or untagged commercial fishing gear or devices being fished in public waters may be seized and held as evidence and shall be subject to forfeiture.
- (8) Any person violating the provisions of subsections (2), (3), (4), (5) and (6) of this section is guilty of a Class I violation and, upon conviction, shall be punished as provided in Section 49-7-141.

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### 8. CROSS REPORTING

#### Miss. CODE § 97-41-16. Maliciously injuring dogs or cats.

- (1)
  - (a) The provisions of this section shall be known and may be cited as the “Mississippi Dog and Cat Pet Protection Law of 2011.”
  - (b) The intent of the Legislature in enacting this law is to provide only for the protection of domesticated dogs and cats, as these are the animals most often serving as the loyal and beloved pets of the citizens of this state. Animals other than domesticated dogs and cats are specifically excluded from the enhanced protection described in this act for dogs and cats. The provisions of this act do not apply, and shall not be construed as applying, to any animal other than a domesticated dog or cat.
- (2)
  - (a) If a person shall intentionally or with criminal negligence wound, deprive of adequate shelter, food or water, or carry or confine in a cruel manner, any domesticated dog or cat, or cause any person to do the same, then he or she shall be guilty of the offense of simple cruelty to a domesticated dog or cat. A person who is convicted of the offense of simple cruelty to a domesticated dog or cat shall be guilty of a misdemeanor and fined not more than One Thousand Dollars (\$1,000.00), or imprisoned not more than six (6) months, or both. Each act of simple cruelty that is committed against more than one (1) domesticated dog or cat constitutes a separate offense.
  - (b)
    - (i) If a person with malice shall intentionally torture, mutilate, maim, burn, starve to death, crush, disfigure, drown, suffocate or impale any domesticated dog or cat, or cause any person to do the same, then he or she shall be guilty of the offense of aggravated cruelty to a domesticated dog or cat. Each act of aggravated cruelty to a domesticated dog or cat shall constitute a separate offense.
    - (ii) A person who is convicted of a first offense of aggravated cruelty to a domesticated dog or cat shall be guilty of a felony and fined not more than Five Thousand Dollars (\$5,000.00), or committed to the custody of the Department of Corrections for not more than three (3) years, or both.
    - (iii) A person who is convicted of a second or subsequent offense of aggravated cruelty to a domesticated dog or cat, the offenses being committed within a period of five (5) years, shall be guilty of a felony and fined not more than Ten Thousand Dollars (\$10,000.00) and imprisoned in the custody of the Department of Corrections for not less than one (1) year nor more than ten (10) years.

For purposes of calculating previous offenses of aggravated cruelty under this subparagraph (iii), commission of one or more acts of aggravated cruelty against one or more domesticated dogs or cats within a twenty-four-hour period shall be considered one (1) offense.

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- (c) A conviction entered upon a plea of nolo contendere to a charge of aggravated cruelty to a domesticated dog or cat shall be counted as a conviction for the purpose of determining whether a later conviction is a first or subsequent offense.
- (3) In addition to such fine or imprisonment which may be imposed:
- (a) The court shall order that restitution be made to the owner of such domesticated dog or cat. The measure for restitution in money shall be the current replacement value of such loss and the actual veterinarian fees, medicine, special supplies, loss of income and other costs incurred as a result of actions in violation of subsection (2) of this section; and
  - (b) *The court may order that:*
    - (a) The reasonable costs of sheltering, transporting and rehabilitating the domesticated dog or cat, and any other costs directly related to the care of the domesticated dog or cat, be reimbursed to:
      1. Any law enforcement agency; or
      2. Any agency or department of a political subdivision that is charged with the control, protection or welfare of domesticated or feral dogs or cats within the subdivision. The agency or department may reimburse a nongovernmental organization for such costs, if the organization possesses nonprofit status under the United States Internal Revenue Code and has the purpose of protecting the welfare of, or preventing cruelty to, dogs or cats whether domesticated or feral.
    - (b) The person convicted:
      1. Receive a psychiatric or psychological evaluation and counseling or treatment for a length of time as prescribed by the court. The cost of any evaluation, counseling and treatment shall be paid by the offender upon order of the court, up to a maximum amount that is no more than the jurisdictional limit of the sentencing court.
      2. Perform community service for a period not exceeding the applicable maximum term of imprisonment that may be imposed for conviction of the offense.
      3. Be enjoined from employment in any position that involves the care of a domesticated dog or cat, or in any place where domesticated dogs or cats are kept or confined, for a period which the court deems appropriate.
      4. If convicted of simple cruelty under this section, be prohibited from owning or possessing or residing with a domesticated dog or cat for a period of time not exceeding five (5) years from the date of sentencing, or any period of time not exceeding fifteen (15) years from the date of sentencing if the conviction involved four (4) or more counts of simple cruelty.
  - (c) The court shall order that any person convicted of an offense of aggravated cruelty under this section be prohibited from owning or possessing or residing with a domesticated dog or a cat for a period not less than five (5) years nor more than fifteen (15) years from the date of sentencing.
  - (d) A person found in violation of a court order incorporating the provisions of paragraph (b)(ii)4. or (c) of this subsection may, in addition to any other punishment provided by law, be fined in an amount not exceeding One Thousand Dollars (\$1,000) for each domesticated dog or cat unlawfully owned or possessed.

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- (e) Any domesticated dog or cat involved in a violation of a court order described in paragraph (d) of this subsection shall be forfeited to the state.

(4)

- (a) Nothing in this section shall be construed as prohibiting a person from:
- (i) Defending himself or herself or another person from physical injury being threatened or caused by a domesticated or feral dog or cat.
  - (ii) Injuring or killing an unconfined domesticated or feral dog or cat on the property of the person, if the unconfined dog or cat is believed to constitute a threat of physical injury or damage to any domesticated animal under the care or control of such person.
  - (iii) Acting under the provisions of Section 95–5–19 to protect poultry or livestock from a trespassing dog that is in the act of chasing or killing the poultry or livestock, or acting to protect poultry or livestock from a trespassing cat that is in the act of chasing or killing the poultry or livestock.
  - (iv) Engaging in practices that are licensed or lawful under the Mississippi Veterinary Practice Act, Section 73–39–51 et seq., or engaging in activities by any licensed veterinarian while following accepted standards of practice of the profession within the State of Mississippi, including the euthanizing of a dog or cat.
  - (v) Rendering emergency care, treatment, or assistance to a dog or cat that is abandoned, ill, injured, or in distress, if the person rendering the care, treatment, or assistance is acting in good faith.
  - (vi) Performing activities associated with accepted agricultural and animal husbandry practices with regard to livestock, poultry or other animals, including those activities which involve:
    - 1. Using dogs in such practices.
    - 2. Raising, managing and using animals to provide food, fiber or transportation.
    - 3. Butchering animals and processing food.
  - (vii) Training for, or participating in, a rodeo, equine activity, dog show, event sponsored by a kennel club or other bona fide organization that promotes the breeding or showing of dogs or cats, or any other competitive event which involves the lawful use of dogs or cats.
  - (viii) Engaging in accepted practices of dog or cat identification.
  - (ix) Engaging in lawful activities that are regulated by the Mississippi Department of Wildlife, Fisheries and Parks or the Mississippi Department of Marine Resources, including without limitation, hunting, trapping, fishing, and wildlife and seafood management.
  - (x) Performing scientific, research, medical and zoological activities undertaken by research and education facilities or institutions that are:
    - 1. Regulated under the provisions of the Animal Welfare Act, 7 USCS 2131 et seq., as in effect on July 1, 2011;
    - 2. Regulated under the provisions of the Health Research Extension Act of 1985, Public Law No. 99–158; or
    - 3. Subject to any other applicable state or federal law or regulation governing animal research as in effect on July 1, 2011.
  - (xi) Disposing of or destroying certain dogs under authority of Sections 19–5–50, 21–19–9 and 41–53–11, which allow counties, municipalities and certain law enforcement officers to

## ANIMAL PROTECTION LAWS OF MISSISSIPPI

- destroy dogs running at large without proper identification indicating that such dogs have been vaccinated for rabies.
- (xii) Engaging in professional pest control activities, including those activities governed by the Mississippi Pesticide Law of 1975, Section 69–23–1 et seq.; professional services related to entomology, plant pathology, horticulture, tree surgery, weed control or soil classification, as regulated under Section 69–19–1 et seq.; and any other pest control activities conducted in accordance with state law.
  - (xiii) Performing the humane euthanization of a dog or cat pursuant to Section 97–41–3.
  - (xiv) Engaging in the training of service dogs used to assist those with physical or mental health conditions.
- (b) If the owner or person in control of a domesticated dog or cat is precluded, by natural or other causes beyond his reasonable control, from acting to prevent an act or omission that might otherwise constitute an allegation of the offense of simple cruelty to a domesticated dog or cat or the offense of aggravated cruelty to a domesticated dog or cat, then that person shall not be guilty of the offense. Natural or other causes beyond the reasonable control of the person include, without limitation, acts of God, declarations of disaster, emergencies, acts of war, earthquakes, hurricanes, tornadoes, fires, floods or other natural disasters.
- (5) The provisions of this section shall not be construed to:
- (a) Apply to any animal other than a domesticated dog or cat.
  - (b) Create any civil or criminal liability on the part of the driver of a motor vehicle if the driver unintentionally injures or kills a domesticated dog or cat as a result of the domesticated dog or cat being accidentally hit by the vehicle.
- (6)
- (a) *Except as otherwise provided in Section 97–35–47 for the false reporting of a crime, a person, who in good faith and acting without malice, reports a suspected incident of simple cruelty to a domesticated dog or cat, or aggravated cruelty to a domesticated dog or cat, to a local animal control, protection or welfare organization, a local law enforcement agency, or the Mississippi Department of Public Safety, shall be immune from civil and criminal liability for reporting the incident.*
  - (b) A veterinarian licensed in Mississippi or a person acting at the direction of a veterinarian licensed in Mississippi, who in good faith and acting without malice, participates in the investigation of an alleged offense of simple or aggravated cruelty to a domesticated dog or cat, or makes a decision or renders services regarding the care of a domesticated or feral dog or cat that is involved in the investigation, shall be immune from civil and criminal liability for those acts.
- (7) Other than an agency or department of a political subdivision that is charged with the control, protection or welfare of dogs or cats within the subdivision, any organization that has the purpose of protecting the welfare of, or preventing cruelty to, domesticated dogs or cats, shall register the organization with the sheriff of the county in which the organization operates a physical facility for the protection, welfare or shelter of dogs or cats, on or before the first day of October each year. The provisions of this subsection (7) shall apply to any organization that has the purpose of protecting the welfare of dogs or cats, or preventing cruelty to dogs or cats, regardless of whether the organization also protects animals other than domesticated dogs or cats.

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## ANIMAL PROTECTION LAWS OF MISSISSIPPI

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- (8) Nothing in this section shall limit the authority of a municipality or board of supervisors to adopt ordinances, rules, regulations or resolutions which may be, in whole or in part, more restrictive than the provisions of this section, and in those cases, the more restrictive ordinances, rules, regulations or resolutions will govern.

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### 9. VETERINARY REPORTING

#### **Miss. CODE § 73-39-87. Immunity from liability for veterinarians reporting suspected incidents of animal cruelty.**

*Any veterinarian licensed in this state who reports, in good faith and in the normal course of business, a suspected incident of animal cruelty to the proper authorities shall be immune from liability in any civil or criminal action brought against the veterinarian for reporting the incident.*

#### **Miss. CODE § 97-41-16. Maliciously injuring dogs or cats.**

- (1)
  - (a) The provisions of this section shall be known and may be cited as the “Mississippi Dog and Cat Pet Protection Law of 2011.”
  - (b) The intent of the Legislature in enacting this law is to provide only for the protection of domesticated dogs and cats, as these are the animals most often serving as the loyal and beloved pets of the citizens of this state. Animals other than domesticated dogs and cats are specifically excluded from the enhanced protection described in this act for dogs and cats. The provisions of this act do not apply, and shall not be construed as applying, to any animal other than a domesticated dog or cat.
- (2)
  - (a) If a person shall intentionally or with criminal negligence wound, deprive of adequate shelter, food or water, or carry or confine in a cruel manner, any domesticated dog or cat, or cause any person to do the same, then he or she shall be guilty of the offense of simple cruelty to a domesticated dog or cat. A person who is convicted of the offense of simple cruelty to a domesticated dog or cat shall be guilty of a misdemeanor and fined not more than One Thousand Dollars (\$1,000.00), or imprisoned not more than six (6) months, or both. Each act of simple cruelty that is committed against more than one (1) domesticated dog or cat constitutes a separate offense.
  - (b)
    - (i) If a person with malice shall intentionally torture, mutilate, maim, burn, starve to death, crush, disfigure, drown, suffocate or impale any domesticated dog or cat, or cause any person to do the same, then he or she shall be guilty of the offense of aggravated cruelty to a domesticated dog or cat. Each act of aggravated cruelty that is committed against more than one (1) domesticated dog or cat shall constitute a separate offense.
    - (ii) A person who is convicted of a first offense of aggravated cruelty to a domesticated dog or cat shall be guilty of a felony and fined not more than Five Thousand Dollars (\$5,000.00), or committed to the custody of the Department of Corrections for not more than three (3) years, or both.



## ANIMAL PROTECTION LAWS OF MISSISSIPPI

- (iii) A person who is convicted of a second or subsequent offense of aggravated cruelty to a domesticated dog or cat, the offenses being committed within a period of five (5) years, shall be guilty of a felony and fined not more than Ten Thousand Dollars (\$10,000.00) and imprisoned in the custody of the Department of Corrections for not less than one (1) year nor more than ten (10) years.

For purposes of calculating previous offenses of aggravated cruelty under this subparagraph (iii), commission of one or more acts of aggravated cruelty against one or more domesticated dogs or cats within a twenty-four-hour period shall be considered one (1) offense.

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

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

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

(b) The court may order that:

- (i) The reasonable costs of sheltering, transporting and rehabilitating the domesticated dog or cat, and any other costs directly related to the care of the domesticated dog or cat, be reimbursed to:
  1. Any law enforcement agency; or
  2. Any agency or department of a political subdivision that is charged with the control, protection or welfare of domesticated or feral dogs or cats within the subdivision. The agency or department may reimburse a nongovernmental organization for such costs, if the organization possesses nonprofit status under the United States Internal Revenue Code and has the purpose of protecting the welfare of, or preventing cruelty to, dogs or cats whether domesticated or feral.

(ii) The person convicted:

1. Receive a psychiatric or psychological evaluation and counseling or treatment for a length of time as prescribed by the court. The cost of any evaluation, counseling and treatment shall be paid by the offender upon order of the court, up to a maximum amount that is no more than the jurisdictional limit of the sentencing court.
2. Perform community service for a period not exceeding the applicable maximum term of imprisonment that may be imposed for conviction of the offense.
3. Be enjoined from employment in any position that involves the care of a domesticated dog or cat, or in any place where domesticated dogs or cats are kept or confined, for a period which the court deems appropriate.
4. If convicted of simple cruelty under this section, be prohibited from owning or possessing or residing with a domesticated dog or cat for a period of time not exceeding five (5) years from the date of sentencing, or any period of time not

## ANIMAL PROTECTION LAWS OF MISSISSIPPI

exceeding fifteen (15) years from the date of sentencing if the conviction involved four (4) or more counts of simple cruelty

- (c) The court shall order that any person convicted of an offense of aggravated cruelty under this section be prohibited from owning or possessing or residing with a domesticated dog or a cat for a period not less than five (5) years nor more than fifteen (15) years from the date of sentencing.
- (d) A person found in violation of a court order incorporating the provisions of paragraph (b)(ii)4. or (c) of this subsection may, in addition to any other punishment provided by law, be fined in an amount not exceeding One Thousand Dollars (\$1,000) for each domesticated dog or cat unlawfully owned or possessed.
- (e) Any domesticated dog or cat involved in a violation of a court order described in paragraph (d) of this subsection shall be forfeited to the state.

(4)

- (a) Nothing in this section shall be construed as prohibiting a person from:
  - (i) Defending himself or herself or another person from physical injury being threatened or caused by a domesticated or feral dog or cat.
  - (ii) Injuring or killing an unconfined domesticated or feral dog or cat on the property of the person, if the unconfined dog or cat is believed to constitute a threat of physical injury or damage to any domesticated animal under the care or control of such person.
  - (iii) Acting under the provisions of Section 95–5–19 to protect poultry or livestock from a trespassing dog that is in the act of chasing or killing the poultry or livestock, or acting to protect poultry or livestock from a trespassing cat that is in the act of chasing or killing the poultry or livestock.
  - (iv) Engaging in practices that are licensed or lawful under the Mississippi Veterinary Practice Act, Section 73–39–51 et seq., or engaging in activities by any licensed veterinarian while following accepted standards of practice of the profession within the State of Mississippi, including the euthanizing of a dog or cat.
  - (v) Rendering emergency care, treatment, or assistance to a dog or cat that is abandoned, ill, injured, or in distress, if the person rendering the care, treatment, or assistance is acting in good faith.
  - (vi) Performing activities associated with accepted agricultural and animal husbandry practices with regard to livestock, poultry or other animals, including those activities which involve:
    - 1. Using dogs in such practices.
    - 2. Raising, managing and using animals to provide food, fiber or transportation.
    - 3. Butchering animals and processing food.
  - (vii) Training for, or participating in, a rodeo, equine activity, dog show, event sponsored by a kennel club or other bona fide organization that promotes the breeding or showing of dogs or cats, or any other competitive event which involves the lawful use of dogs or cats.
  - (viii) Engaging in accepted practices of dog or cat identification.

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- (ix) Engaging in lawful activities that are regulated by the Mississippi Department of Wildlife, Fisheries and Parks or the Mississippi Department of Marine Resources, including without limitation, hunting, trapping, fishing, and wildlife and seafood management.
  - (x) Performing scientific, research, medical and zoological activities undertaken by research and education facilities or institutions that are:
    1. Regulated under the provisions of the Animal Welfare Act, 7 USCS 2131 et seq., as in effect on July 1, 2011;
    2. Regulated under the provisions of the Health Research Extension Act of 1985, Public Law No. 99-158; or
    3. Subject to any other applicable state or federal law or regulation governing animal research as in effect on July 1, 2011.
  - (xi) Disposing of or destroying certain dogs under authority of Sections 19-5-50, 21-19-9 and 41-53-11, which allow counties, municipalities and certain law enforcement officers to destroy dogs running at large without proper identification indicating that such dogs have been vaccinated for rabies.
  - (xii) Engaging in professional pest control activities, including those activities governed by the Mississippi Pesticide Law of 1975, Section 69-23-1 et seq.; professional services related to entomology, plant pathology, horticulture, tree surgery, weed control or soil classification, as regulated under Section 69-19-1 et seq.; and any other pest control activities conducted in accordance with state law.
  - (xiii) Performing the humane euthanization of a dog or cat pursuant to Section 97-41-3.
  - (xiv) Engaging in the training of service dogs used to assist those with physical or mental health conditions.
- (b) If the owner or person in control of a domesticated dog or cat is precluded, by natural or other causes beyond his reasonable control, from acting to prevent an act or omission that might otherwise constitute an allegation of the offense of simple cruelty to a domesticated dog or cat or the offense of aggravated cruelty to a domesticated dog or cat, then that person shall not be guilty of the offense. Natural or other causes beyond the reasonable control of the person include, without limitation, acts of God, declarations of disaster, emergencies, acts of war, earthquakes, hurricanes, tornadoes, fires, floods or other natural disasters.
- (5) The provisions of this section shall not be construed to:
- (a) Apply to any animal other than a domesticated dog or cat.
  - (b) Create any civil or criminal liability on the part of the driver of a motor vehicle if the driver unintentionally injures or kills a domesticated dog or cat as a result of the domesticated dog or cat being accidentally hit by the vehicle.
- (6)
- (a) Except as otherwise provided in Section 97-35-47 for the false reporting of a crime, a person, who in good faith and acting without malice, reports a suspected incident of simple cruelty to a domesticated dog or cat, or aggravated cruelty to a domesticated dog or cat, to a local animal control, protection or welfare organization, a local law enforcement agency, or the Mississippi Department of Public Safety, shall be immune from civil and criminal liability for reporting the incident.

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- (b) *A veterinarian licensed in Mississippi or a person acting at the direction of a veterinarian licensed in Mississippi, who in good faith and acting without malice, participates in the investigation of an alleged offense of simple or aggravated cruelty to a domesticated dog or cat, or makes a decision or renders services regarding the care of a domesticated or feral dog or cat that is involved in the investigation, shall be immune from civil and criminal liability for those acts.*
- (7) Other than an agency or department of a political subdivision that is charged with the control, protection or welfare of dogs or cats within the subdivision, any organization that has the purpose of protecting the welfare of, or preventing cruelty to, domesticated dogs or cats, shall register the organization with the sheriff of the county in which the organization operates a physical facility for the protection, welfare or shelter of dogs or cats, on or before the first day of October each year. The provisions of this subsection (7) shall apply to any organization that has the purpose of protecting the welfare of dogs or cats, or preventing cruelty to dogs or cats, regardless of whether the organization also protects animals other than domesticated dogs or cats.
- (8) Nothing in this section shall limit the authority of a municipality or board of supervisors to adopt ordinances, rules, regulations or resolutions which may be, in whole or in part, more restrictive than the provisions of this section, and in those cases, the more restrictive ordinances, rules, regulations or resolutions will govern.

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### 10. "AG-GAG" LAWS

[None]

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### 11. EMERGENCY RESCUE AND RELIEF

[None]

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### 12. CIVIL ENFORCEMENT

[None]

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### 13. DOMESTIC VIOLENCE AND PROTECTION ORDERS

[None]



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### 14. MAXIMUM PENALTIES AND STATUTE OF LIMITATIONS

**NOTE:** Maximum penalties for violations of several cruelty statutes are defined in those substantive statutes, which are available in the Substantive Prohibitions sections of this document.

#### **Miss. CODE § 1-3-11. Felony.**

*The term “felony,” when used in any statute, shall mean any violation of law punished with death or confinement in the penitentiary.*

#### **Miss. CODE § 99-1-5. Limitations; exceptions**

The passage of time shall never bar prosecution against any person for the offenses of murder, manslaughter, aggravated assault, aggravated domestic violence, kidnapping, arson, burglary, forgery, counterfeiting, robbery, larceny, rape, embezzlement, obtaining money or property under false pretenses or by fraud, felonious abuse or battery of a child as described in Section 97-5-39, touching or handling a child for lustful purposes as described in Section 97-5-23, sexual battery of a child as described in Section 97-3-95(1)(c), (d) or (2), exploitation of children as described in Section 97-5-33, promoting prostitution under Section 97-29-51(2) when the person involved is a minor, or for any human trafficking offense described in Section 97-3-54.1(1)(a), (1)(b) or (1)(c), Section 97-3-54.2, or Section 93-3-54.3. A person shall not be prosecuted for conspiracy, as described in Section 97-1-1, for felonious assistance-program fraud, as described in Section 97-19-71, or for felonious abuse of vulnerable persons, as described in Sections 43-47-18 and 43-47-19, unless the prosecution for the offense is commenced within five (5) years next after the commission thereof. A person shall not be prosecuted for larceny of timber as described in Section 97-17-59, unless the prosecution for the offense is commenced within six (6) years next after the commission thereof. *A person shall not be prosecuted for any other offense not listed in this section unless the prosecution for the offense is commenced within two (2) years next after the commission thereof.* Nothing contained in this section shall bar any prosecution against any person who shall abscond or flee from justice, or shall absent himself from this state or out of the jurisdiction of the court, or so conduct himself that he cannot be found by the officers of the law, or that process cannot be served upon him.

## ANIMAL PROTECTION LAWS OF MISSISSIPPI

### 15. LAW ENFORCEMENT POLICIES

[None]

## ANIMAL PROTECTION LAWS OF MISSISSIPPI

### 16. SEIZURE

#### Miss. CODE § 97-41-2. Authority to seize maltreated, neglected, or abandoned animals.

- (1) *All courts in the State of Mississippi may order the seizure of an animal by a law enforcement agency, for its care and protection upon a finding of probable cause to believe said animal is being cruelly treated, neglected or abandoned. Such probable cause may be established upon sworn testimony of any person who has witnessed the condition of said animal. The court may appoint an animal control agency, agent of an animal shelter organization, veterinarian or other person as temporary custodian for the said animal, pending final disposition of the animal pursuant to this section. Such temporary custodian shall directly contract and be responsible for any care rendered to such animal, and may make arrangements for such care as may be necessary. Upon seizure of an animal, the law enforcement agency responsible for removal of the animal shall serve notice upon the owner of the animal, if possible, and shall also post prominently a notice to the owner or custodian to inform such person that the animal has been seized. Such process and notice shall contain a description of the animal seized, the date seized, the name of the law enforcement agency seizing the animal, the name of the temporary custodian, if known at the time, and shall include a copy of the order of the court authorizing the seizure.*
- (2) Within five (5) days of seizure of an animal, the owner of the animal may request a hearing in the court ordering the animal to be seized to determine whether the owner is able to provide adequately for the animal and is fit to have custody of the animal. The court shall hold such hearing within fourteen (14) days of receiving such request. The hearing shall be concluded and the court order entered thereon within twenty-one (21) days after the hearing is commenced. Upon requesting a hearing, the owner shall have three (3) business days to post a bond or security with the court clerk in an amount determined by the court to be sufficient to repay all reasonable costs sufficient to provide for the animal's care. Failure to post such bond within three (3) days shall result in forfeiture of the animal to the court. If the temporary custodian has custody of the animal upon the expiration of the bond or security, the animal shall be forfeited to the court unless the court orders otherwise.
- (3) In determining the owner's fitness to have custody of an animal, the court may consider, among other matters:
  - (a) Testimony from law enforcement officers, animal control officers, animal protection officials, and other witnesses as to the condition the animal was kept in by its owner or custodian.
  - (b) Testimony and evidence as to the type and amount of care provided to the animal by its owner or custodian.
  - (c) Expert testimony as to the proper and reasonable care of the same type of animal.
  - (d) Testimony from any witnesses as to prior treatment or condition of this or other animals in the same custody.
  - (e) Violations of laws relating to animal cruelty that the owner or custodian has been convicted of prior to the hearing.
  - (f) Any other evidence the court considers to be material or relevant.
- (4) Upon proof of costs incurred as a result of the animal's seizure, including, but not limited to, animal medical and boarding, the court may order that the animal's owner reimburse the temporary

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custodian for such costs. A lien for authorized expenses is hereby created upon all animals seized under this section, and shall have priority to any other lien on such animal.

- (5) If the court finds the owner of the animal is unable or unfit to adequately provide for the animal, or that the animal is severely injured, diseased, or suffering, and, therefore, not likely to recover, the court may order that the animal be permanently forfeited and released to an animal control agency, animal protection organization or to the appropriate entity to be euthanized or the court may order that such animal be sold at public sale in the manner now provided for judicial sales; any proceeds from such sale shall go first toward the payment of expenses and costs relating to the care and treatment of such animal, and any excess amount shall be paid to the owner of the animal.
- (6) Upon notice and hearing as provided in this section, or as a part of any proceeding conducted under the terms of this section, the court may order that other animals in the custody of the owner that were not seized be surrendered and further enjoin the owner from having custody of other animals in the future.
- (7) If the court determines the owner is able to provide adequately for, and have custody of, the animal, the court shall order the animal be claimed and removed by the owner within seven (7) days after the date of the order.
- (8) *Nothing in this section shall be construed to prevent or otherwise interfere with a law enforcement officer's authority to seize an animal as evidence or require court action for the taking into custody and making proper disposition of animals as authorized in Sections 21-19-9 and 41-53-11.*
- (9) *For the purposes of this section the term "animal" or "animals" means any feline, exotic animal, canine, horse, mule, jack or jennet.*

### Miss. CODE § 97-41-11. Fighting animals.

Any person who shall keep or use, or in any way be connected with or interested in the management of, or shall receive money for the admission of any person to, any place kept or used for the purpose of fighting any bear, cock or other creature, except a dog, or of tormenting or torturing the same, and every person who shall encourage, aid, or assist therein, or who shall permit or suffer any place to be so kept or used, shall be guilty of a misdemeanor. *It shall be the duty of any policeman or other officer of the law, county or municipal, to enter into any such place kept for such purpose, and to arrest each and every person concerned or participating therein.*

### Miss. CODE § 97-41-19. Dog fights; penalties; forfeiture of dogs; paraphernalia.

- (1) If any person (a) shall sponsor, promote, stage or conduct a fight or fighting match between dogs, or (b) shall wager or bet, promote or encourage the wagering or betting of any money or other valuable thing upon any such fight or upon the result thereof, or (c) shall own or possess a dog with the intent to willfully enter it or to participate in any such fight, or (d) shall train or transport a dog for the purposes of participation in any such fight, or (e) shall own, possess, buy, sell, transfer, or manufacture paraphernalia for the purpose of engaging in or otherwise promoting or facilitating such fight, the person shall be guilty of a felony and, upon conviction for a first offense, shall be punished by a fine of

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not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the State Penitentiary for a term of not less than one (1) not more than five (5) years, or by both such fine and imprisonment, in the discretion of the court.

Upon conviction for a second or subsequent offense, the person shall be guilty of a felony and punished by a fine of not less than Five Thousand Dollars (\$5,000.00), nor more than Ten Thousand Dollars (\$10,000.00), or by imprisonment in the custody of the Department of Corrections for a term of not less than three (3) years, nor more than ten (10) years, or both.

- (2) If any person shall be present, as a spectator, at any location where preparations are being made for an exhibition of a fight between dogs with the intent to be present at such preparations, or if any person shall be present at an exhibition of a fight between dogs with the intent to be present at such exhibition, he shall be guilty of a felony and, upon conviction, shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the State Penitentiary for a term of not more than one (1) year, or by both such fine and imprisonment, in the discretion of the court.
- (3) *Any law enforcement officer making an arrest under subsection (1) of this section may lawfully take possession of all paraphernalia, implements, equipment or other property, including dogs, used in violation of subsection (1) of this section. Such officer shall file with the circuit court of the county within which the alleged violation occurred an affidavit stating therein (a) the name of the person charged, (b) a description of the property taken, (c) the time and place of the taking, (d) the name of the person who claims to own such property, if known, and (e) that the affiant has reason to believe, stating the ground of such belief, that the property taken was used in such violation. He shall thereupon deliver the property to such court which shall, by order in writing, place such, paraphernalia, implements, equipment, or other property, including dogs, in the custody of the law enforcement agency, or its designee. All paraphernalia, implements, equipment, or other property, excluding dogs forfeited under subsection (4) of this section, are to be kept by such custodian until the conviction or final discharge of the accused, and shall then send a copy of such order without delay to the district attorney of the county. The custodian named and designated in such order shall immediately assume the custody of such property and shall retain same, subject to order of the court.*
- (4) Within ten (10) days of the seizure of dogs under this section, the owner of the dogs may request a hearing to determine the disposition of the dogs. The court shall follow the procedure and guidelines as set out in Section 97-41-2(2) through (8) in conducting the hearing and determining the disposition of the dogs. Nothing in subsection (1) of this section shall prohibit any of the following:
  - (d) The use of dogs in the management of livestock, by the owner of such livestock or other persons in lawful custody thereof;
  - (e) The use of dogs in lawful hunting; and
  - (f) The training of dogs for any purpose not prohibited by law.
- (5) For purposes of this section, the term “paraphernalia” means equipment, products, implements and material of any kind that are used, intended for use, or designed for use in the training, preparation, conditioning, or furtherance of dog fighting, and includes, but is not limited to, the following: breaking sticks, cat mills, treadmills, fighting pits, spring poles, unprescribed veterinary medicine, or treatment supplies.

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## ANIMAL PROTECTION LAWS OF MISSISSIPPI

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In determining whether an object is paraphernalia, a court shall consider any prior convictions under federal or state law relating to animal fighting, the proximity of the object in time and space to the direct violation of this section, direct or circumstantial evidence of the intent of the person to deliver the object to persons whom he or she knows or should reasonably know intends to use the object to facilitate a violation of this section, oral or written instructions provided with or in the vicinity of the object concerning its use, descriptive material accompanying the object which explain or depict its use, and any other relevant factors.

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### 17. COURTROOM ANIMAL ADVOCATE PROGRAM

[None]

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### 18. RESTITUTION AND REIMBURSEMENT

#### Miss. CODE § 97-41-2. Authority to seize maltreated, neglected, or abandoned animals.

- (1) All courts in the State of Mississippi may order the seizure of an animal by a law enforcement agency, for its care and protection upon a finding of probable cause to believe said animal is being cruelly treated, neglected or abandoned. Such probable cause may be established upon sworn testimony of any person who has witnessed the condition of said animal. The court may appoint an animal control agency, agent of an animal shelter organization, veterinarian or other person as temporary custodian for the said animal, pending final disposition of the animal pursuant to this section. Such temporary custodian shall directly contract and be responsible for any care rendered to such animal, and may make arrangements for such care as may be necessary. Upon seizure of an animal, the law enforcement agency responsible for removal of the animal shall serve notice upon the owner of the animal, if possible, and shall also post prominently a notice to the owner or custodian to inform such person that the animal has been seized. Such process and notice shall contain a description of the animal seized, the date seized, the name of the law enforcement agency seizing the animal, the name of the temporary custodian, if known at the time, and shall include a copy of the order of the court authorizing the seizure.
- (2) Within five (5) days of seizure of an animal, the owner of the animal may request a hearing in the court ordering the animal to be seized to determine whether the owner is able to provide adequately for the animal and is fit to have custody of the animal. The court shall hold such hearing within fourteen (14) days of receiving such request. The hearing shall be concluded and the court order entered thereon within twenty-one (21) days after the hearing is commenced. *Upon requesting a hearing, the owner shall have three (3) business days to post a bond or security with the court clerk in an amount determined by the court to be sufficient to repay all reasonable costs sufficient to provide for the animal's care.* Failure to post such bond within three (3) days shall result in forfeiture of the animal to the court. If the temporary custodian has custody of the animal upon the expiration of the bond or security, the animal shall be forfeited to the court unless the court orders otherwise.
- (3) In determining the owner's fitness to have custody of an animal, the court may consider, among other matters:
  - (a) Testimony from law enforcement officers, animal control officers, animal protection officials, and other witnesses as to the condition the animal was kept in by its owner or custodian.
  - (b) Testimony and evidence as to the type and amount of care provided to the animal by its owner or custodian.
  - (c) Expert testimony as to the proper and reasonable care of the same type of animal.
  - (d) Testimony from any witnesses as to prior treatment or condition of this or other animals in the same custody.
  - (e) Violations of laws relating to animal cruelty that the owner or custodian has been convicted of prior to the hearing.
  - (f) Any other evidence the court considers to be material or relevant.
- (4) *Upon proof of costs incurred as a result of the animal's seizure, including, but not limited to, animal medical and boarding, the court may order that the animal's owner reimburse the temporary custodian*



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*for such costs. A lien for authorized expenses is hereby created upon all animals seized under this section, and shall have priority to any other lien on such animal.*

- (5) If the court finds the owner of the animal is unable or unfit to adequately provide for the animal, or that the animal is severely injured, diseased, or suffering, and, therefore, not likely to recover, the court may order that the animal be permanently forfeited and released to an animal control agency, animal protection organization or to the appropriate entity to be euthanized *or the court may order that such animal be sold at public sale in the manner now provided for judicial sales; any proceeds from such sale shall go first toward the payment of expenses and costs relating to the care and treatment of such animal, and any excess amount shall be paid to the owner of the animal.*
- (6) Upon notice and hearing as provided in this section, or as a part of any proceeding conducted under the terms of this section, the court may order that other animals in the custody of the owner that were not seized be surrendered and further enjoin the owner from having custody of other animals in the future.
- (7) If the court determines the owner is able to provide adequately for, and have custody of, the animal, the court shall order the animal be claimed and removed by the owner within seven (7) days after the date of the order.
- (8) Nothing in this section shall be construed to prevent or otherwise interfere with a law enforcement officer's authority to seize an animal as evidence or require court action for the taking into custody and making proper disposition of animals as authorized in Sections 21-19-9 and 41-53-11.
- (9) For the purposes of this section the term "animal" or "animals" means any feline, exotic animal, canine, horse, mule, jack or jennet.

### Miss. CODE § 97-41-15. Maliciously injuring livestock.

- (1) Any person who shall maliciously, either out of a spirit of revenge or wanton cruelty, or who shall mischievously kill, maim or wound, or injure any livestock, or cause any person to do the same, shall be guilty of a felony and upon conviction, shall be committed to the custody of the State Department of Corrections for not less than twelve (12) months nor more than five years, and fined an amount not less than One Thousand Five Hundred Dollars (\$1,500.00), nor more than Ten Thousand Dollars (\$10,000.00).
- (2) *In addition to any such fine or imprisonment which may be imposed, the court shall order that restitution be made to the owner of any animal listed in subsection (1) of this section. The measure for restitution in money shall be the current replacement value of such loss and/or the actual veterinarian fees, special supplies, loss of income and other costs incurred as a result of actions in violation of subsection (1) of this section.*
- (3) For purposes of this section, the term "livestock" shall mean horses, cattle, swine, sheep and other domestic animals produced for profit.

### Miss. CODE § 97-41-16. Maliciously injuring dogs or cats.

- (1)

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- (a) The provisions of this section shall be known and may be cited as the “Mississippi Dog and Cat Pet Protection Law of 2011.”
- (b) The intent of the Legislature in enacting this law is to provide only for the protection of domesticated dogs and cats, as these are the animals most often serving as the loyal and beloved pets of the citizens of this state. Animals other than domesticated dogs and cats are specifically excluded from the enhanced protection described in this act for dogs and cats. The provisions of this act do not apply, and shall not be construed as applying, to any animal other than a domesticated dog or cat.

(2)

- (a) If a person shall intentionally or with criminal negligence wound, deprive of adequate shelter, food or water, or carry or confine in a cruel manner, any domesticated dog or cat, or cause any person to do the same, then he or she shall be guilty of the offense of simple cruelty to a domesticated dog or cat. A person who is convicted of the offense of simple cruelty to a domesticated dog or cat shall be guilty of a misdemeanor and fined not more than One Thousand Dollars (\$1,000.00), or imprisoned not more than six (6) months, or both.

(b)

- (i) If a person with malice shall intentionally torture, mutilate, maim, burn, starve to death, crush, disfigure, drown, suffocate, or impale any domesticated dog or cat, or cause any person to do the same, then he or she shall be guilty of the offense of aggravated cruelty to a domesticated dog or cat.
- (ii) A person who is convicted of a first offense of aggravated cruelty to a dog or cat shall be guilty of a felony and fined not more than Five Thousand Dollars (\$5,000.00), or committed to the custody of the Department of Corrections for not more than three (3) years, or both.
- (iii) A person who is convicted of a second or subsequent offense of aggravated cruelty to a domesticated dog or cat, the offenses being committed within a period of five (5) years, shall be guilty of a felony and fined not more than Ten Thousand Dollars (\$10,000.00) and imprisoned in the custody of the Department of Corrections for not less than one (1) year nor more than ten (10) years.  
For purposes of calculating previous offenses of aggravated cruelty under this subparagraph (iii), commission of one or more acts of aggravated cruelty against one or more domesticated dogs or cats within a twenty-four-hour period shall be considered one (1) offense.

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

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

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

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- (i) *The reasonable costs of sheltering, transporting and rehabilitating the domesticated dog or cat, and any other costs directly related to the care of the domesticated dog or cat, be reimbursed to:*
  - 1. *Any law enforcement agency; or*
  - 2. *Any agency or department of a political subdivision that is charged with the control, protection or welfare of domesticated or feral dogs or cats within the subdivision. The agency or department may reimburse a nongovernmental organization for such costs, if the organization possesses nonprofit status under the United States Internal Revenue Code and has the purpose of protecting the welfare of, or preventing cruelty to, dogs or cats whether domesticated or feral.*
- (ii) The person convicted:
  - 1. Receive a psychiatric or psychological evaluation and counseling or treatment for a length of time as prescribed by the court. The cost of any evaluation, counseling and treatment shall be paid by the offender upon order of the court, up to a maximum amount that is no more than the jurisdictional limit of the sentencing court.
  - 2. Perform community service for a period not exceeding the applicable maximum term of imprisonment that may be imposed for conviction of the offense.
  - 3. Be enjoined from employment in any position that involves the care of a dog or cat, or in any place where dogs or cats are kept or confined, for a period which the court deems appropriate.
  - 4. If convicted of simple cruelty under this section, be prohibited from owning or possessing or residing with a domesticated dog or cat for any period of time not exceeding five (5) years from the date of sentencing, or any period of time not exceeding fifteen (15) years from the date of sentencing if the conviction involved four (4) or more counts of simple cruelty.
- (c) The court shall order that any person convicted of an offense of aggravated cruelty under this section be prohibited from owning or possessing or residing with a domesticated dog or cat for a period not less than five (5) years nor more than fifteen (15) years from the date of sentencing.
- (d) A person found in violation of a court order incorporating the provisions of paragraph (b)(ii)4. or (c) of this subsection may, in addition to any other punishment provided by law, be fined in an amount not exceeding One Thousand Dollars (\$1,000) for each domesticated dog or cat unlawfully owned or possessed.
- (e) Any domesticated dog or cat involved in a violation of a court order described in paragraph (d) of this subsection shall be forfeited to the state.

(4)

- (a) Nothing in this section shall be construed as prohibiting a person from:
  - (i) Defending himself or herself or another person from physical injury being threatened or caused by a domesticated or feral dog or cat.
  - (ii) Injuring or killing an unconfined domesticated or feral dog or cat on the property of the person, if the unconfined dog or cat is believed to constitute a threat of physical

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- injury or damage to any domesticated animal under the care or control of such person.
- (iii) Acting under the provisions of Section 95–5–19 to protect poultry or livestock from a trespassing dog that is in the act of chasing or killing the poultry or livestock, or acting to protect poultry or livestock from a trespassing cat that is in the act of chasing or killing the poultry or livestock.
  - (iv) Engaging in practices that are licensed or lawful under the Mississippi Veterinary Practice Act, Section 73–39–51 et seq., or engaging in activities by any licensed veterinarian while following accepted standards of practice of the profession within the State of Mississippi, including the euthanizing of a dog or cat.
  - (v) Rendering emergency care, treatment, or assistance to a dog or cat that is abandoned, ill, injured, or in distress, if the person rendering the care, treatment, or assistance is acting in good faith.
  - (vi) Performing activities associated with accepted agricultural and animal husbandry practices with regard to livestock, poultry or other animals, including those activities which involve:
    1. Using dogs in such practices.
    2. Raising, managing and using animals to provide food, fiber or transportation.
    3. Butchering animals and processing food.
  - (vii) Training for, or participating in, a rodeo, equine activity, dog show, event sponsored by a kennel club or other bona fide organization that promotes the breeding or showing of dogs or cats, or any other competitive event which involves the lawful use of dogs or cats.
  - (viii) Engaging in accepted practices of dog or cat identification.
  - (ix) Engaging in lawful activities that are regulated by the Mississippi Department of Wildlife, Fisheries and Parks or the Mississippi Department of Marine Resources, including without limitation, hunting, trapping, fishing, and wildlife and seafood management.
  - (x) Performing scientific, research, medical and zoological activities undertaken by research and education facilities or institutions that are:
    1. Regulated under the provisions of the Animal Welfare Act, 7 USCS 2131 et seq., as in effect on July 1, 2011;
    2. Regulated under the provisions of the Health Research Extension Act of 1985, Public Law No. 99–158; or
    3. Subject to any other applicable state or federal law or regulation governing animal research as in effect on July 1, 2011.
  - (xi) Disposing of or destroying certain dogs under authority of Sections 19–5–50, 21–19–9 and 41–53–11, which allow counties, municipalities and certain law enforcement officers to destroy dogs running at large without proper identification indicating that such dogs have been vaccinated for rabies.
  - (xii) Engaging in professional pest control activities, including those activities governed by the Mississippi Pesticide Law of 1975, Section 69–23–1 et seq.; professional services related to entomology, plant pathology, horticulture, tree surgery, weed control or

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soil classification, as regulated under Section 69–19–1 et seq.; and any other pest control activities conducted in accordance with state law.

- (xiii) Performing the humane euthanization of a dog or cat pursuant to Section 97–41–3.
- (xiv) Engaging in the training of service dogs used to assist those with physical or mental health conditions.

(b) If the owner or person in control of a domesticated dog or cat is precluded, by natural or other causes beyond his reasonable control, from acting to prevent an act or omission that might otherwise constitute an allegation of the offense of simple cruelty to a domesticated dog or cat or the offense of aggravated cruelty to a domesticated dog or cat, then that person shall not be guilty of the offense. Natural or other causes beyond the reasonable control of the person include, without limitation, acts of God, declarations of disaster, emergencies, acts of war, earthquakes, hurricanes, tornadoes, fires, floods or other natural disasters.

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

- (a) Apply to any animal other than a domesticated dog or cat.
- (b) Create any civil or criminal liability on the part of the driver of a motor vehicle if the driver unintentionally injures or kills a domesticate dog or cat as a result of the domesticated dog or cat being accidentally hit by the vehicle.

(6)

- (a) Except as otherwise provided in Section 97–35–47 for the false reporting of a crime, a person, who in good faith and acting without malice, reports a suspected incident of simple cruelty to a domesticated dog or cat, or aggravated cruelty to a domesticated dog or cat, to a local animal control, protection or welfare organization, a local law enforcement agency, or the Mississippi Department of Public Safety, shall be immune from civil and criminal liability for reporting the incident.
- (b) A veterinarian licensed in Mississippi or a person acting at the direction of a veterinarian licensed in Mississippi, who in good faith and acting without malice, participates in the investigation of an alleged offense of simple or aggravated cruelty to a domesticated dog or cat, or makes a decision or renders services regarding the care of a domesticated or feral dog or cat that is involved in the investigation, shall be immune from civil and criminal liability for those acts.

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

(8) Nothing in this section shall limit the authority of a municipality or board of supervisors to adopt ordinances, rules, regulations or resolutions which may be, in whole or in part, more restrictive than the provisions of this section, and in those cases, the more restrictive ordinances, rules, regulations or resolutions will govern.

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### 19. FORFEITURE AND POSSESSION BANS

#### Miss. CODE § 97-41-2. Authority to seize maltreated, neglected, or abandoned animals.

- (1) All courts in the State of Mississippi may order the seizure of an animal by a law enforcement agency, for its care and protection upon a finding of probable cause to believe said animal is being cruelly treated, neglected or abandoned. Such probable cause may be established upon sworn testimony of any person who has witnessed the condition of said animal. The court may appoint an animal control agency, agent of an animal shelter organization, veterinarian or other person as temporary custodian for the said animal, pending final disposition of the animal pursuant to this section. Such temporary custodian shall directly contract and be responsible for any care rendered to such animal, and may make arrangements for such care as may be necessary. Upon seizure of an animal, the law enforcement agency responsible for removal of the animal shall serve notice upon the owner of the animal, if possible, and shall also post prominently a notice to the owner or custodian to inform such person that the animal has been seized. Such process and notice shall contain a description of the animal seized, the date seized, the name of the law enforcement agency seizing the animal, the name of the temporary custodian, if known at the time, and shall include a copy of the order of the court authorizing the seizure.
- (2) Within five (5) days of seizure of an animal, the owner of the animal may request a hearing in the court ordering the animal to be seized to determine whether the owner is able to provide adequately for the animal and is fit to have custody of the animal. The court shall hold such hearing within fourteen (14) days of receiving such request. The hearing shall be concluded and the court order entered thereon within twenty-one (21) days after the hearing is commenced. *Upon requesting a hearing, the owner shall have three (3) business days to post a bond or security with the court clerk in an amount determined by the court to be sufficient to repay all reasonable costs sufficient to provide for the animal's care. Failure to post such bond within three (3) days shall result in forfeiture of the animal to the court. If the temporary custodian has custody of the animal upon the expiration of the bond or security, the animal shall be forfeited to the court unless the court orders otherwise.*
- (3) *In determining the owner's fitness to have custody of an animal, the court may consider, among other matters:*
  - (a) *Testimony from law enforcement officers, animal control officers, animal protection officials, and other witnesses as to the condition the animal was kept in by its owner or custodian.*
  - (b) *Testimony and evidence as to the type and amount of care provided to the animal by its owner or custodian.*
  - (c) *Expert testimony as to the proper and reasonable care of the same type of animal.*
  - (d) *Testimony from any witnesses as to prior treatment or condition of this or other animals in the same custody.*
  - (e) *Violations of laws relating to animal cruelty that the owner or custodian has been convicted of prior to the hearing.*
  - (f) *Any other evidence the court considers to be material or relevant.*
- (4) Upon proof of costs incurred as a result of the animal's seizure, including, but not limited to, animal medical and boarding, the court may order that the animal's owner reimburse the temporary



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custodian for such costs. A lien for authorized expenses is hereby created upon all animals seized under this section, and shall have priority to any other lien on such animal.

- (5) *If the court finds the owner of the animal is unable or unfit to adequately provide for the animal, or that the animal is severely injured, diseased, or suffering, and, therefore, not likely to recover, the court may order that the animal be permanently forfeited and released to an animal control agency, animal protection organization or to the appropriate entity to be euthanized or the court may order that such animal be sold at public sale in the manner now provided for judicial sales; any proceeds from such sale shall go first toward the payment of expenses and costs relating to the care and treatment of such animal, and any excess amount shall be paid to the owner of the animal.*
- (6) *Upon notice and hearing as provided in this section, or as a part of any proceeding conducted under the terms of this section, the court may order that other animals in the custody of the owner that were not seized be surrendered and further enjoin the owner from having custody of other animals in the future.*
- (7) *If the court determines the owner is able to provide adequately for, and have custody of, the animal, the court shall order the animal be claimed and removed by the owner within seven (7) days after the date of the order.*
- (8) Nothing in this section shall be construed to prevent or otherwise interfere with a law enforcement officer's authority to seize an animal as evidence or require court action for the taking into custody and making proper disposition of animals as authorized in Sections 21-19-9 and 41-53-11.
- (9) For the purposes of this section the term "animal" or "animals" means any feline, exotic animal, canine, horse, mule, jack or jennet.

### Miss. CODE § 97-41-16. Maliciously injuring dogs or cats.

- (1)
  - (a) The provisions of this section shall be known and may be cited as the "Mississippi Dog and Cat Pet Protection Law of 2011."
  - (b) The intent of the Legislature in enacting this law is to provide only for the protection of domesticated dogs and cats, as these are the animals most often serving as the loyal and beloved pets of the citizens of this state. Animals other than domesticated dogs and cats are specifically excluded from the enhanced protection described in this act for dogs and cats. The provisions of this act do not apply, and shall not be construed as applying, to any animal other than a domesticated dog or cat.
- (2)
  - (a) If a person shall intentionally or with criminal negligence wound, deprive of adequate shelter, food or water, or carry or confine in a cruel manner, any domesticated dog or cat, or cause any person to do the same, then he or she shall be guilty of the offense of simple cruelty to a domesticated dog or cat. A person who is convicted of the offense of simple cruelty to a domesticated dog or cat shall be guilty of a misdemeanor and fined not more than One Thousand Dollars (\$1,000.00), or imprisoned not more than six (6) months, or both. Each act of simple cruelty that is committed against more than one (1) domesticated dog or cat constitutes a separate offense.
  - (b)

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- (i) If a person with malice shall intentionally torture, mutilate, maim, burn, starve to death, crush, disfigure, drown, suffocate or impale any domesticated dog or cat, or cause any person to do the same, then he or she shall be guilty of the offense of aggravated cruelty to a domesticated dog or cat. Each act of aggravated cruelty that is committed against more than one (1) domesticated dog or cat shall constitute a separate offense.
- (ii) A person who is convicted of a first offense of aggravated cruelty to a domesticated dog or cat shall be guilty of a felony and fined not more than Five Thousand Dollars (\$5,000.00), or committed to the custody of the Department of Corrections for not more than three (3) years, or both.
- (iii) A person who is convicted of a second or subsequent offense of aggravated cruelty to a domesticated dog or cat, the offenses being committed within a period of five (5) years, shall be guilty of a felony and fined not more than Ten Thousand Dollars (\$10,000.00) and imprisoned in the custody of the Department of Corrections for not less than one (1) year nor more than ten (10) years.

For purposes of calculating previous offenses of aggravated cruelty under this subparagraph (iii), commission of one or more acts of aggravated cruelty against one or more domesticated dogs or cats within a twenty-four-hour period shall be considered one (1) offense

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

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

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

(b) The court may order that:

- (i) The reasonable costs of sheltering, transporting and rehabilitating the domesticated dog or cat, and any other costs directly related to the care of the dog or cat, be reimbursed to:
  1. Any law enforcement agency; or
  2. Any agency or department of a political subdivision that is charged with the control, protection or welfare of domesticated or feral dogs or cats within the subdivision. The agency or department may reimburse a nongovernmental organization for such costs, if the organization possesses nonprofit status under the United States Internal Revenue Code and has the purpose of protecting the welfare of, or preventing cruelty to, dogs or cats whether domesticated or feral.
- (ii) *The person convicted:*
  1. Receive a psychiatric or psychological evaluation and counseling or treatment for a length of time as prescribed by the court. The cost of any evaluation, counseling and treatment shall be paid by the offender upon order of the court,



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up to a maximum amount that is no more than the jurisdictional limit of the sentencing court.

2. Perform community service for a period not exceeding the applicable maximum term of imprisonment that may be imposed for conviction of the offense.
  3. *Be enjoined from employment in any position that involves the care of a domesticated dog or cat, or in any place where domesticated dogs or cats are kept or confined, for a period which the court deems appropriate.*
  4. *If convicted of simple cruelty under this section, be prohibited from owning or possessing or residing with a domesticated dog or cat for any period of time not exceeding five (5) years from the date of sentencing, or any period of time not exceeding fifteen (15) years from the date of sentencing if the conviction involved four (4) or more counts of simple cruelty*
- (c) *The court shall order that any person convicted of an offense of aggravated cruelty under this section b prohibited from owning or possessing or residing with a domesticated dog or cat for a period not less than five (5) years nor more than fifteen (15) years from the date of sentencing.*
- (d) *A person found in violation of a court order incorporating the provisions of paragraph (b)(ii)4. or (c) of this subsection may, in addition to any other punishment provided by law, be fined in an amount not exceeding One Thousand Dollars (\$1,000) for each domesticated dog or cat unlawfully owned or possessed.*
- (e) *Any domesticated dog or cat involved in a violation of a court order described in paragraph (d) of this subsection shall be forfeited to the state.*

(4)

- (a) Nothing in this section shall be construed as prohibiting a person from:
- (i) Defending himself or herself or another person from physical injury being threatened or caused by a domesticated or feral dog or cat.
  - (ii) Injuring or killing an unconfined domesticated or feral dog or cat on the property of the person, if the unconfined dog or cat is believed to constitute a threat of physical injury or damage to any domesticated animal under the care or control of such person.
  - (iii) Acting under the provisions of Section 95–5–19 to protect poultry or livestock from a trespassing dog that is in the act of chasing or killing the poultry or livestock, or acting to protect poultry or livestock from a trespassing cat that is in the act of chasing or killing the poultry or livestock.
  - (iv) Engaging in practices that are licensed or lawful under the Mississippi Veterinary Practice Act, Section 73–39–51 et seq., or engaging in activities by any licensed veterinarian while following accepted standards of practice of the profession within the State of Mississippi, including the euthanizing of a dog or cat.
  - (v) Rendering emergency care, treatment, or assistance to a dog or cat that is abandoned, ill, injured, or in distress, if the person rendering the care, treatment, or assistance is acting in good faith.
  - (vi) Performing activities associated with accepted agricultural and animal husbandry practices with regard to livestock, poultry or other animals, including those activities which involve:

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1. Using dogs in such practices.
2. Raising, managing and using animals to provide food, fiber or transportation.
3. Butchering animals and processing food.
- (vii) Training for, or participating in, a rodeo, equine activity, dog show, event sponsored by a kennel club or other bona fide organization that promotes the breeding or showing of dogs or cats, or any other competitive event which involves the lawful use of dogs or cats.
- (viii) Engaging in accepted practices of dog or cat identification.
- (ix) Engaging in lawful activities that are regulated by the Mississippi Department of Wildlife, Fisheries and Parks or the Mississippi Department of Marine Resources, including without limitation, hunting, trapping, fishing, and wildlife and seafood management.
- (x) Performing scientific, research, medical and zoological activities undertaken by research and education facilities or institutions that are:
  1. Regulated under the provisions of the Animal Welfare Act, 7 USCS 2131 et seq., as in effect on July 1, 2011;
  2. Regulated under the provisions of the Health Research Extension Act of 1985, Public Law No. 99-158; or
  3. Subject to any other applicable state or federal law or regulation governing animal research as in effect on July 1, 2011.
- (xi) Disposing of or destroying certain dogs under authority of Sections 19-5-50, 21-19-9 and 41-53-11, which allow counties, municipalities and certain law enforcement officers to destroy dogs running at large without proper identification indicating that such dogs have been vaccinated for rabies.
- (xii) Engaging in professional pest control activities, including those activities governed by the Mississippi Pesticide Law of 1975, Section 69-23-1 et seq.; professional services related to entomology, plant pathology, horticulture, tree surgery, weed control or soil classification, as regulated under Section 69-19-1 et seq.; and any other pest control activities conducted in accordance with state law.
- (xiii) Performing the humane euthanization of a dog or cat pursuant to Section 97-41-3.
- (xiv) Engaging in the training of service dogs used to assist those with physical or mental health conditions.
- (b) If the owner or person in control of a domesticated dog or cat is precluded, by natural or other causes beyond his reasonable control, from acting to prevent an act or omission that might otherwise constitute an allegation of the offense of simple cruelty to a domesticated dog or cat or the offense of aggravated cruelty to a domesticated dog or cat, then that person shall not be guilty of the offense. Natural or other causes beyond the reasonable control of the person include, without limitation, acts of God, declarations of disaster, emergencies, acts of war, earthquakes, hurricanes, tornadoes, fires, floods or other natural disasters.
- (5) The provisions of this section shall not be construed to:
  - (a) Apply to any animal other than a domesticated dog or cat.

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- (b) Create any civil or criminal liability on the part of the driver of a motor vehicle if the driver unintentionally injures or kills a domesticated dog or cat as a result of the domesticated dog or cat being accidentally hit by the vehicle.
- (6)
- (a) Except as otherwise provided in Section 97–35–47 for the false reporting of a crime, a person, who in good faith and acting without malice, reports a suspected incident of simple cruelty to a domesticated dog or cat, or aggravated cruelty to a domesticated dog or cat, to a local animal control, protection or welfare organization, a local law enforcement agency, or the Mississippi Department of Public Safety, shall be immune from civil and criminal liability for reporting the incident.
  - (b) A veterinarian licensed in Mississippi or a person acting at the direction of a veterinarian licensed in Mississippi, who in good faith and acting without malice, participates in the investigation of an alleged offense of simple or aggravated cruelty to a domesticated dog or cat, or makes a decision or renders services regarding the care of a domesticated or feral dog or cat that is involved in the investigation, shall be immune from civil and criminal liability for those acts.
- (7) Other than an agency or department of a political subdivision that is charged with the control, protection or welfare of dogs or cats within the subdivision, any organization that has the purpose of protecting the welfare of, or preventing cruelty to, domesticated dogs or cats, shall register the organization with the sheriff of the county in which the organization operates a physical facility for the protection, welfare or shelter of dogs or cats, on or before the first day of October each year. The provisions of this subsection (7) shall apply to any organization that has the purpose of protecting the welfare of dogs or cats, or preventing cruelty to dogs or cats, regardless of whether the organization also protects animals other than domesticated dogs or cats.
- (8) Nothing in this section shall limit the authority of a municipality or board of supervisors to adopt ordinances, rules, regulations or resolutions which may be, in whole or in part, more restrictive than the provisions of this section, and in those cases, the more restrictive ordinances, rules, regulations or resolutions will govern.

### Miss. CODE § 97-41-19. Dog fights; penalties; forfeiture of dogs; paraphernalia

- (1) If any person (a) shall sponsor, promote, stage or conduct a fight or fighting match between dogs, or (b) shall wager or bet, promote or encourage the wagering or betting of any money or other valuable thing upon any such fight or upon the result thereof, or (c) shall own or possess a dog with the intent to willfully enter it or to participate in any such fight, or (d) shall train or transport a dog for the purposes of participation in any such fight, or (e) shall own, possess, buy, sell, transfer, or manufacture paraphernalia for the purpose of engaging in or otherwise promoting or facilitating such fight, the person shall be guilty of a felony and, upon conviction for a first offense, shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the State Penitentiary for a term of not less than one (1) not more than five (5) years, or by both such fine and imprisonment, in the discretion of the court.

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Upon conviction for a second or subsequent offense, the person shall be guilty of a felony and punished by a fine of not less than Five Thousand Dollars (\$5,000.00), nor more than Ten Thousand Dollars (\$10,000.00), or by imprisonment in the custody of the Department of Corrections for a term of not less than three (3) years, nor more than ten (10) years, or both.

- (2) If any person shall be present, as a spectator, at any location where preparations are being made for an exhibition of a fight between dogs with the intent to be present at such preparations, or if any person shall be present at an exhibition of a fight between dogs with the intent to be present at such exhibition, he shall be guilty of a felony and, upon conviction, shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the State Penitentiary for a term of not more than one (1) year, or by both such fine and imprisonment, in the discretion of the court.
- (3) *Any law enforcement officer making an arrest under subsection (1) of this section may lawfully take possession of all paraphernalia, implements, equipment or other property, including dogs, used in violation of subsection (1) of this section. Such officer shall file with the circuit court of the county within which the alleged violation occurred an affidavit stating therein (a) the name of the person charged, (b) a description of the property taken, (c) the time and place of the taking, (d) the name of the person who claims to own such property, if known, and (e) that the affiant has reason to believe, stating the ground of such belief, that the property taken was used in such violation. He shall thereupon deliver the property to such court which shall, by order in writing, place such paraphernalia, implements, equipment, or other property, including dogs, in the custody of the law enforcement agency, or its designee. All paraphernalia, implements, equipment, or other property, excluding dogs forfeited under subsection (4) of this section, are to be kept by such custodian until the conviction or final discharge of the accused, and shall then send a copy of such order without delay to the district attorney of the county. The custodian named and designated in such order shall immediately assume the custody of such property and shall retain same, subject to order of the court.*
- (4) *Within ten (10) days of the seizure of dogs under this section, the owner of the dogs may request a hearing to determine the disposition of the dogs. The court shall follow the procedure and guidelines as set out in Section 97-41-2(2) through (8) in conducting the hearing and determining the disposition of the dogs. Nothing in subsection (1) of this section shall prohibit any of the following:*
  - (a) The use of dogs in the management of livestock, by the owner of such livestock or other persons in lawful custody thereof;
  - (b) The use of dogs in lawful hunting; and
  - (c) The training of dogs for any purpose not prohibited by law.
- (5) For purposes of this section, the term “paraphernalia” means equipment, products, implements and material of any kind that are used, intended for use, or designed for use in the training, preparation, conditioning, or furtherance of dog fighting, and includes, but is not limited to, the following: breaking sticks, cat mills, treadmills, fighting pits, spring poles, unprescribed veterinary medicine, or treatment supplies.

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In determining whether an object is paraphernalia, a court shall consider any prior convictions under federal or state law relating to animal fighting, the proximity of the object in time and space to the direct violation of this section, direct or circumstantial evidence of the intent of the person to deliver the object to persons whom he or she knows or should reasonably know intends to use the object to facilitate a violation of this section, oral or written instructions provided with or in the vicinity of the object concerning its use, descriptive materials accompanying the object which explain or depict its use, and any other relevant factors.

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## 20. REHABILITATIVE SENTENCING

**Miss. CODE § 97-41-16. Maliciously injuring dogs or cats.**

(1)

- (a) The provisions of this section shall be known and may be cited as the “Mississippi Dog and Cat Pet Protection Law of 2011.”
- (b) The intent of the Legislature in enacting this law is to provide only for the protection of domesticated dogs and cats, as these are the animals most often serving as the loyal and beloved pets of the citizens of this state. Animals other than domesticated dogs and cats are specifically excluded from the enhanced protection described in this act for dogs and cats. The provisions of this act do not apply, and shall not be construed as applying, to any animal other than a domesticated dog or cat.

(2)

- (a) If a person shall intentionally or with criminal negligence wound, deprive of adequate shelter, food or water, or carry or confine in a cruel manner, any domesticated dog or cat, or cause any person to do the same, then he or she shall be guilty of the offense of simple cruelty to a domesticated dog or cat. A person who is convicted of the offense of simple cruelty to a domesticated dog or cat shall be guilty of a misdemeanor and fined not more than One Thousand Dollars (\$1,000.00), or imprisoned not more than six (6) months, or both. Each act of simple cruelty that is committed against more than one (1) domesticated dog or cat constitutes a separate offense.

(b)

- (i) If a person with malice shall intentionally torture, mutilate, maim, burn, starve to death, crush, disfigure, drown, suffocate or impale any domesticated dog or cat, or cause any person to do the same, then he or she shall be guilty of the offense of aggravated cruelty to a domesticated dog or cat. Each act of aggravated cruelty that is committed against more than one (1) domesticated dog or cat shall constitute a separate offense.
- (ii) A person who is convicted of a first offense of aggravated cruelty to a domesticated dog or cat shall be guilty of a felony and fined not more than Five Thousand Dollars (\$5,000.00), or committed to the custody of the Department of Corrections for not more than three (3) years, or both.
- (iii) A person who is convicted of a second or subsequent offense of aggravated cruelty to a domesticated dog or cat, the offenses being committed within a period of five (5) years, shall be guilty of a felony and fined not more than Ten Thousand Dollars (\$10,000.00) and imprisoned in the custody of the Department of Corrections for not less than one (1) year nor more than fifteen (15) years. For purposes of calculating previous offenses of aggravated cruelty under this subparagraph (iii), commission of one or more acts of aggravated cruelty against one or more domesticated dogs or cats within a twenty-four-hour period shall be considered one (1) offense.

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

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

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

(b) The court may order that:

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

1. Any law enforcement agency; or
2. Any agency or department of a political subdivision that is charged with the control, protection or welfare of domesticated or feral dogs or cats within the subdivision. The agency or department may reimburse a nongovernmental organization for such costs, if the organization possesses nonprofit status under the United States Internal Revenue Code and has the purpose of protecting the welfare of, or preventing cruelty to, dogs or cats whether domesticated or feral.

(ii) *The person convicted:*

1. *Receive a psychiatric or psychological evaluation and counseling or treatment for a length of time as prescribed by the court. The cost of any evaluation, counseling and treatment shall be paid by the offender upon order of the court, up to a maximum amount that is no more than the jurisdictional limit of the sentencing court.*
2. Perform community service for a period not exceeding the applicable maximum term of imprisonment that may be imposed for conviction of the offense.
3. Be enjoined from employment in any position that involves the care of a domesticated dog or cat, or in any place where domesticated dogs or cats are kept or confined, for a period which the court deems appropriate.
4. If convicted of simple cruelty under this section, be prohibited from owning or possessing or residing with a domesticated dog or cat for any period of time not exceeding five (5) years from the date of sentencing, or any period of time not exceeding fifteen (15) years from the date of sentencing if the conviction involved four (4) or more counts of simple cruelty.

(c) The court shall order that any person convicted of aggravated cruelty under this section be prohibited for owning or possessing or residing with a domesticated dog or cat for a period not less than five (5) years nor more than fifteen (15) years from the date of sentencing.

(d) A person found in violation of a court order incorporating the provisions of paragraph (b)(ii)4. or (c) of this subsection may, in addition to any other punishment provided by law, be fined in an amount not exceeding One Thousand Dollars (\$1,000) for each domesticated dog or cat unlawfully owned or possessed.



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(e) Any domesticated dog or cat involved on a violation of a court order described in paragraph (d) of this subsection shall be forfeited to the state.

(4)

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

- (i) Defending himself or herself or another person from physical injury being threatened or caused by a domesticated or feral dog or cat.
- (ii) Injuring or killing an unconfined domesticated or feral dog or cat on the property of the person, if the unconfined dog or cat is believed to constitute a threat of physical injury or damage to any domesticated animal under the care or control of such person.
- (iii) Acting under the provisions of Section 95–5–19 to protect poultry or livestock from a trespassing dog that is in the act of chasing or killing the poultry or livestock, or acting to protect poultry or livestock from a trespassing cat that is in the act of chasing or killing the poultry or livestock.
- (iv) Engaging in practices that are licensed or lawful under the Mississippi Veterinary Practice Act, Section 73–39–51 et seq., or engaging in activities by any licensed veterinarian while following accepted standards of practice of the profession within the State of Mississippi, including the euthanizing of a dog or cat.
- (v) Rendering emergency care, treatment, or assistance to a dog or cat that is abandoned, ill, injured, or in distress, if the person rendering the care, treatment, or assistance is acting in good faith.
- (vi) Performing activities associated with accepted agricultural and animal husbandry practices with regard to livestock, poultry or other animals, including those activities which involve:
  - 1. Using dogs in such practices.
  - 2. Raising, managing and using animals to provide food, fiber or transportation.
  - 3. Butchering animals and processing food.
- (vii) Training for, or participating in, a rodeo, equine activity, dog show, event sponsored by a kennel club or other bona fide organization that promotes the breeding or showing of dogs or cats, or any other competitive event which involves the lawful use of dogs or cats.
- (viii) Engaging in accepted practices of dog or cat identification.
- (ix) Engaging in lawful activities that are regulated by the Mississippi Department of Wildlife, Fisheries and Parks or the Mississippi Department of Marine Resources, including without limitation, hunting, trapping, fishing, and wildlife and seafood management.
- (x) Performing scientific, research, medical and zoological activities undertaken by research and education facilities or institutions that are:
  - 1. Regulated under the provisions of the Animal Welfare Act, 7 USCS 2131 et seq., as in effect on July 1, 2011;
  - 2. Regulated under the provisions of the Health Research Extension Act of 1985, Public Law No. 99–158; or



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3. Subject to any other applicable state or federal law or regulation governing animal research as in effect on July 1, 2011.
  - (xi) Disposing of or destroying certain dogs under authority of Sections 19–5–50, 21–19–9 and 41–53–11, which allow counties, municipalities and certain law enforcement officers to destroy dogs running at large without proper identification indicating that such dogs have been vaccinated for rabies.
  - (xii) Engaging in professional pest control activities, including those activities governed by the Mississippi Pesticide Law of 1975, Section 69–23–1 et seq.; professional services related to entomology, plant pathology, horticulture, tree surgery, weed control or soil classification, as regulated under Section 69–19–1 et seq.; and any other pest control activities conducted in accordance with state law.
  - (xiii) Performing the humane euthanization of a dog or cat pursuant to Section 97–41–3.
  - (xiv) Engaging in the training of services dogs used to assist those with physical or mental health conditions.
- (b) If the owner or person in control of a domesticated dog or cat is precluded, by natural or other causes beyond his reasonable control, from acting to prevent an act or omission that might otherwise constitute an allegation of the offense of simple cruelty to a domesticated dog or cat or the offense of aggravated cruelty to a domesticated dog or cat, then that person shall not be guilty of the offense. Natural or other causes beyond the reasonable control of the person include, without limitation, acts of God, declarations of disaster, emergencies, acts of war, earthquakes, hurricanes, tornadoes, fires, floods or other natural disasters.
- (5) The provisions of this section shall not be construed to:
  - (a) Apply to any animal other than a domesticated dog or cat.
  - (b) Create any civil or criminal liability on the part of the driver of a motor vehicle if the driver unintentionally injures or kills a domesticated dog or cat as a result of the domesticated dog or cat being accidentally hit by the vehicle.
- (6)
  - (a) Except as otherwise provided in Section 97–35–47 for the false reporting of a crime, a person, who in good faith and acting without malice, reports a suspected incident of simple cruelty to a domesticated dog or cat, or aggravated cruelty to a domesticated dog or cat, to a local animal control, protection or welfare organization, a local law enforcement agency, or the Mississippi Department of Public Safety, shall be immune from civil and criminal liability for reporting the incident.
  - (b) A veterinarian licensed in Mississippi or a person acting at the direction of a veterinarian licensed in Mississippi, who in good faith and acting without malice, participates in the investigation of an alleged offense of simple or aggravated cruelty to a domesticated dog or cat, or makes a decision or renders services regarding the care of a domesticated or feral dog or cat that is involved in the investigation, shall be immune from civil and criminal liability for those acts.
- (7) Other than an agency or department of a political subdivision that is charged with the control, protection or welfare of dogs or cats within the subdivision, any organization that has the purpose of protecting the welfare of, or preventing cruelty to, domesticated dogs or cats, shall register the organization with the sheriff of the county in which the organization operates a physical facility for the

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protection, welfare or shelter of dogs or cats, on or before the first day of October each year. The provisions of this subsection (7) shall apply to any organization that has the purpose of protecting the welfare of dogs or cats, or preventing cruelty to dogs or cats, regardless of whether the organization also protects animals other than domesticated dogs or cats.

Nothing in this section shall limit the authority of a municipality or board of supervisors to adopt ordinances, rules, regulations or resolutions which may be, in whole or in part, more restrictive than the provisions of this section, and in those cases, the more restrictive ordinances, rules, regulations or resolutions will govern.