



Animal Protection Laws of Mississippi

SUBSTANTIVE PROHIBITIONS

1. DEFINITION OF “ANIMAL”
2. GENERAL CRUELTY
3. EXEMPTIONS
4. FIGHTING & RACKETEERING
5. SEXUAL ASSAULT

PROCEDURAL MATTERS

6. MAXIMUM PENALTIES & STATUTE OF LIMITATIONS
7. CROSS ENFORCEMENT & REPORTING
8. VETERINARIAN REPORTING & IMMUNITY
9. LAW ENFORCEMENT POLICIES
10. SEIZURE
11. COURTROOM ANIMAL ADVOCATE PROGRAM
12. PROTECTION ORDERS
13. RESTITUTION
14. FORFEITURE & POSSESSION BANS
15. COURT-ORDERED TREATMENT

MISCELLANEOUS PROVISIONS

16. HOT CARS
17. CIVIL NUISANCE ABATEMENT
18. AG-GAG LAWS
19. BREED SPECIFIC LEGISLATION

This chapter contains Mississippi’s general animal protection and related statutes with an effective date on or before September 1, 2018. 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

<p>1. <u>DEFINITION OF "ANIMAL"</u></p>	<p>Authority to seize maltreated, neglected, or abandoned animals applies to "any feline, exotic animal, canine, horse, mule, jack or jennet"</p> <p>MISS. CODE ANN. § 97-41-2(9)</p>
<p>2. <u>GENERAL CRUELTY *</u></p>	<p>Cruelty to living creatures MISS. CODE ANN. § 97-41-1 <i>Misdemeanor, 6 months county jail and/or \$1,000 fine</i> MISS. CODE ANN. § 99-19-31</p> <p>Carrying animal in a cruel manner MISS. CODE ANN. § 97-41-5 <i>Misdemeanor, 100 days county jail and/or \$100 fine</i> MISS. CODE ANN. § 97-41-13</p> <p>Confining animals without food and water MISS. CODE ANN. § 97-41-7 <i>Misdemeanor, 100 days county jail and/or \$100 fine</i> MISS. CODE ANN. § 97-41-13</p> <p>Failure to provide necessary sustenance MISS. CODE ANN. § 97-41-9 <i>Misdemeanor, 100 days county jail and/or \$100 fine</i> MISS. CODE ANN. § 97-41-13</p> <p>Malicious or mischievous injury to livestock MISS. CODE ANN. § 97-41-15 <i>Felony, 12 months- 5 years in State Department of Corrections and/or \$1,500-\$10,000 fine</i></p> <p>Simple cruelty to dogs or cats MISS. CODE ANN. § 97-41-16(2)(a) <i>Misdemeanor, 6 months imprisonment and/or \$1,000 fine</i></p> <p>Aggravated cruelty to dogs or cats MISS. CODE ANN. § 97-41-16(2)(b)</p>

ANIMAL PROTECTION LAWS OF MISSISSIPPI

	<p><i>1st offense: Misdemeanor, 6 months imprisonment and/or \$2,500 fine Subsequent offenses: 5 years imprisonment and/or \$5,000 fine</i></p> <p>Poisoning animal <i>MISS. CODE ANN. § 97-41-17 3 years imprisonment and \$500 fine</i></p> <p>Harassment of service dogs <i>MISS. CODE ANN. § 97-41-21 Misdemeanor, 90 days imprisonment and/or \$500 fine</i></p> <p>Harassing a public service animal <i>MISS. CODE ANN. § 97-41-23 Misdemeanor, 5 days imprisonment and/or \$200 fine</i></p> <p>Killing or injuring public service animal <i>MISS. CODE ANN. § 97-41-23 Felony, 5 years imprisonment and/or \$5,000 fine</i></p>
<p>3. <u>EXEMPTIONS</u></p>	<p>Veterinary practice, research animals, wildlife, accepted farm animal husbandry practices, slaughter, pest control, zoos/circuses, other <i>MISS. CODE ANN. § 97-41-16(4),(5)</i></p>
<p>4. <u>FIGHTING & RACKETEERING</u></p>	<p>Various animal fighting activities <i>MISS. CODE ANN. § 97-41-11 Misdemeanor, 100 days county jail and/or \$100 fine</i> <i>MISS. CODE ANN. § 97-41-13</i></p> <p>Various hog and canine fighting activities <i>MISS. CODE ANN. § 97-41-18 Misdemeanor, 6 months county jail and/or \$1,000 fine</i></p> <p>Various dogfighting activities <i>MISS. CODE ANN. § 97-41-19(1) 1st offense: Felony, 1-5 years state penitentiary and/or \$1,000-\$5,000 fine Subsequent offense: felony, 3-10 years Department of Corrections and/or \$5,000-\$10,000 fine</i></p> <p>Spectatorship ad a dogfight <i>MISS. CODE ANN. § 97-41-19(2)</i></p>

ANIMAL PROTECTION LAWS OF MISSISSIPPI

	<i>Felony, 1 year state penitentiary and/or \$500-\$5,000 fine</i>
5. <u>SEXUAL ASSAULT</u>	The sexual assault of an animal <i>MISS. CODE ANN. § 97-29-59</i> <i>Felony, 10 years state penitentiary</i>
6. <u>MAXIMUM PENALTIES & STATUTE OF LIMITATIONS**</u>	NOTE: Penalties for violations of §§ 97-41-1; 97-41-11; 97-41-15; 97-41-16; 97-41-17; 97-41-18; 97-41-19; 97-41-21; 97-41-23 and 97-29-59 are defined in the substantive statutes, or in §§ 97-41-13 or 99-19-31, all of which are available in the <u>General Cruelty, Fighting & Racketeering</u> , and <u>Sexual Assault</u> sections of this document. Felony defined <i>MISS. CODE ANN. § 1-3-11</i> Statute of Limitations <i>Misdemeanor and felony: 2 years</i> <i>Miss. Criminal Procedure § 99-1-5</i>
7. <u>CROSS ENFORCEMENT & REPORTING</u>	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. <i>MISS. CODE ANN. § 97-41-16(3)(b)(ii)(1)</i> False reporting of a crime of simple cruelty to a dog or cat or aggravated cruelty to a 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. <i>MISS. CODE ANN. § 97-41-16(6)(a)</i>
8. <u>VETERINARIAN REPORTING & IMMUNITY</u>	Veterinarians are immune from civil or criminal liability for good faith reporting of suspected animal cruelty. <i>MISS. CODE ANN. § 73-39-87</i> Any veterinarian, or person acting at the direction of a veterinarian, who, in good faith, participates in the investigation of suspected cruelty to a dog or cat, or provides service to a dog or cat in such an

ANIMAL PROTECTION LAWS OF MISSISSIPPI

	<p>investigation, shall be immune from civil and criminal liability for such acts. MISS. CODE ANN. § 97-41-16(6)(b)</p>
9. <u>LAW ENFORCEMENT POLICIES</u>	-----
10. <u>SEIZURE</u>	<p>Courts may order seizure by a law enforcement agency for probable cause; ability to seize animals as evidence not impacted. MISS. CODE ANN. § 97-41-2(1),(8)</p> <p>Officers of the law have a duty to enter premises where animal fights are being held and arrest participants MISS. CODE ANN. § 97-41-11</p> <p>Law enforcement officers may seize all paraphernalia and dogs used in dogfights MISS. CODE ANN. § 97-41-19(3)</p>
11. <u>COURTROOM ANIMAL ADVOCATE PROGRAM</u>	-----
12. <u>PROTECTION ORDERS†</u>	-----
13. <u>RESTITUTION †</u>	<p>Owner has 3 days after requesting a hearing to post bond to avoid forfeiture. MISS. CODE ANN. § 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 ANN. § 97-41-2(4),(5)</p> <p>Court shall order restitution for maliciously injured livestock MISS. CODE ANN. § 97-41-15</p> <p>Court shall order restitution for simple or aggravated cruelty to a dog or cat. MISS. CODE ANN. § 97-41-16(3)(a)</p>

ANIMAL PROTECTION LAWS OF MISSISSIPPI

	<p>Court may order reimbursements of costs of care upon conviction. <i>MISS. CODE ANN. § 97-41-16(3)(b)(i)</i></p>
<p>14. <u>FORFEITURE & POSSESSION BANS †</u></p>	<p>If owner fails to post bond, court shall order animal forfeited. <i>MISS. CODE ANN. § 97-41-2(2)</i></p> <p>Court may order permanent forfeiture if owner is unable or unfit to provide for animal. <i>MISS. CODE ANN. § 97-41-2(3),(5)</i></p> <p>Court may order forfeiture of other animals and may enjoin owner from having custody of any animals in the future. <i>MISS. CODE ANN. § 97-41-2(6)</i></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. <i>MISS. CODE ANN. § 97-41-16(3)(b)(ii)(3)</i></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. <i>MISS. CODE ANN. § 97-41-19(3)</i></p>
<p>15. <u>COURT-ORDERED TREATMENT †</u></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. <i>MISS. CODE ANN. § 97-41-16(3)(b)(ii)(1)</i></p>
<p>16. <u>HOT CARS</u></p>	-----
<p>17. <u>CIVIL NUISANCE ABATEMENT</u></p>	-----
<p>18. <u>AG-GAG LAWS</u></p>	-----
<p>19. <u>BREED SPECIFIC LEGISLATION</u></p>	-----

ANIMAL PROTECTION LAWS OF MISSISSIPPI

- * States may have other more specific statutes in addition to the general animal protection statutes referenced in this table.
- ** Despite statutory maximums, states often employ sentencing guidelines that may significantly alter the allowable sentence.
- † This table generally references only those provisions that are within each state's animal protection statutes. States may employ similar provisions within other non-animal-specific criminal and civil statutes, and may also have a variety of animal-related regulations in effect.

ANIMAL PROTECTION LAWS OF MISSISSIPPI

1. DEFINITION OF “ANIMAL”

MISS. CODE ANN. § 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.

ANIMAL PROTECTION LAWS OF MISSISSIPPI

- (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 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 preceding 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.*

ANIMAL PROTECTION LAWS OF MISSISSIPPI

2. GENERAL CRUELTY

Miss. CODE ANN. § 97-41-1. Living creatures not to be cruelly treated.

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: This section 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 ANN. § 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 ANN. § 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 ANN. § 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 ANN. § 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

ANIMAL PROTECTION LAWS OF MISSISSIPPI

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 ANN. § 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 ANN. § 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 dog or cat. A person who is convicted of the offense of simple cruelty to a 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) *If a person with malice shall intentionally torture, mutilate, maim, burn, starve or disfigure any domesticated dog or cat, or cause any person to do the same, then he*

ANIMAL PROTECTION LAWS OF MISSISSIPPI

or she shall be guilty of the offense of aggravated cruelty to a dog or cat.

- (i) *A person who is convicted of a first offense of aggravated cruelty to a dog or cat shall be guilty of a misdemeanor and fined not more than Two Thousand Five Hundred Dollars (\$2,500.00), or imprisoned for not more than six (6) months, or both.*
 - (ii) *A person who is convicted of a second or subsequent offense of aggravated cruelty to a 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 Five Thousand Dollars (\$5,000.00) and imprisoned for not less than one (1) year nor more than five (5) years.*
- (c) *A conviction entered upon a plea of nolo contendere to a charge of aggravated cruelty to a dog or cat shall be counted as a conviction for the purpose of determining whether a later conviction is a first or subsequent offense.*
- (d) For purposes of this section, one or more alleged acts of the offenses of simple cruelty to a dog or cat or aggravated cruelty to a dog or cat, committed against one or more domesticated dogs or cats, or any combination thereof, shall constitute a single offense if the alleged acts occurred at the same time.
- (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 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 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 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.
 - (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

ANIMAL PROTECTION LAWS OF MISSISSIPPI

- 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)
- (a) Nothing in this section shall be construed as prohibiting a person from:
 - (i) Defending himself or herself or another person from physical or economic injury being threatened or caused by a dog or cat.
 - (ii) Injuring or killing an unconfined 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

ANIMAL PROTECTION LAWS OF MISSISSIPPI

- 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.
- (b) If the owner or person in control of a 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 dog or cat or the offense of aggravated cruelty to a 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 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 dog or cat as a result of the 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 dog or cat, or aggravated cruelty to a 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 dog or cat, or makes a decision or renders services regarding the care of a dog or cat that is involved in the investigation, shall be immune from civil and

ANIMAL PROTECTION LAWS OF MISSISSIPPI

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, 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 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 ANN. § 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 ANN. § 97-41-21. Harassment of guide dogs.

- (1) *An individual shall not do either of the following:*
 - a. *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.*
 - b. *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*

ANIMAL PROTECTION LAWS OF MISSISSIPPI

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:
 - a. "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.
 - b. "Blind" means having a visual acuity of $20/200$ 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.
 - c. "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.
 - d. "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.
 - e. "Injure" means to cause any physical injury to a dog described in subsection (1).
 - f. "Maliciously" means any of the following:
 - i. With intent to assault, beat, harass or injure a dog described in subsection (1).
 - 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

ANIMAL PROTECTION LAWS OF MISSISSIPPI

physically limited individual being served or assisted by a dog described in subsection (1).

- g. “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 ANN. § 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.

MISS. CODE ANN. § 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.

ANIMAL PROTECTION LAWS OF MISSISSIPPI

3. EXEMPTIONS

MISS. CODE ANN. § 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 dog or cat. A person who is convicted of the offense of simple cruelty to a 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) If a person with malice shall intentionally torture, mutilate, maim, burn, starve or disfigure 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 dog or cat.
 - (i) A person who is convicted of a first offense of aggravated cruelty to a dog or cat shall be guilty of a misdemeanor and fined not more than Two Thousand Five Hundred Dollars (\$2,500.00), or imprisoned for not more than six (6) months, or both.
 - (ii) A person who is convicted of a second or subsequent offense of aggravated cruelty to a 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 Five Thousand Dollars (\$5,000.00) and imprisoned for not less than one (1) year nor more than five (5) years.
 - (c) A conviction entered upon a plea of nolo contendere to a charge of aggravated cruelty to a dog or cat shall be counted as a conviction for the purpose of determining whether a later conviction is a first or subsequent offense.
 - (d) For purposes of this section, one or more alleged acts of the offenses of simple cruelty to a dog or cat or aggravated cruelty to a dog or cat, committed against one or more domesticated dogs or cats, or any combination thereof, shall constitute a single offense if the alleged acts occurred at the same time.
- (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 dog or cat. The

ANIMAL PROTECTION LAWS OF MISSISSIPPI

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 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 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.
 - (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)
- (a) *Nothing in this section shall be construed as prohibiting a person from:*
 - (i) *Defending himself or herself or another person from physical or economic injury being threatened or caused by a dog or cat.*
 - (ii) *Injuring or killing an unconfined 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*

ANIMAL PROTECTION LAWS OF MISSISSIPPI

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 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.*
- (b) *If the owner or person in control of a dog or cat is precluded, by natural or other*

ANIMAL PROTECTION LAWS OF MISSISSIPPI

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 dog or cat or the offense of aggravated cruelty to a 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 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 dog or cat as a result of the 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 dog or cat, or aggravated cruelty to a 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 dog or cat, or makes a decision or renders services regarding the care of a 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, 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 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.

ANIMAL PROTECTION LAWS OF MISSISSIPPI

4. FIGHTING AND RACKETEERING

Miss. CODE ANN. § 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 ANN. § 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 ANN. § 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.*

ANIMAL PROTECTION LAWS OF MISSISSIPPI

- (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.*

MISS. CODE ANN. § 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 wilfully 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*

ANIMAL PROTECTION LAWS OF MISSISSIPPI

custody 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.*

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.

ANIMAL PROTECTION LAWS OF MISSISSIPPI**5. SEXUAL ASSAULT****Miss. CODE ANN. § 97-29-59. Unnatural intercourse.**

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.

ANIMAL PROTECTION LAWS OF MISSISSIPPI

6. MAXIMUM PENALTIES & STATUTES OF LIMITATIONS

NOTE: Penalties for violations of §§ 97-41-1; 97-41-11; 97-41-15; 97-41-16; 97-41-17; 97-41-18; 97-41-19; 97-41-21; 97-41-23 and 97-29-59 are defined in the substantive statutes, or in §§ 97-41-13 or 99-19-31, all of which are available in the [General Cruelty, Fighting & Racketeering](#), and [Sexual Assault](#) sections of this document.

Miss. CODE ANN. § 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 ANN. § 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

7. CROSS ENFORCEMENT & REPORTING

MISS. CODE ANN. § 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 dog or cat. A person who is convicted of the offense of simple cruelty to a 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) If a person with malice shall intentionally torture, mutilate, maim, burn, starve or disfigure 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 dog or cat.
 - (i) A person who is convicted of a first offense of aggravated cruelty to a dog or cat shall be guilty of a misdemeanor and fined not more than Two Thousand Five Hundred Dollars (\$2,500.00), or imprisoned for not more than six (6) months, or both.
 - (ii) A person who is convicted of a second or subsequent offense of aggravated cruelty to a 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 Five Thousand Dollars (\$5,000.00) and imprisoned for not less than one (1) year nor more than five (5) years.
 - (c) A conviction entered upon a plea of nolo contendere to a charge of aggravated cruelty to a dog or cat shall be counted as a conviction for the purpose of determining whether a later conviction is a first or subsequent offense.
 - (d) For purposes of this section, one or more alleged acts of the offenses of simple cruelty to a dog or cat or aggravated cruelty to a dog or cat, committed against one or more domesticated dogs or cats, or any combination thereof, shall constitute a single offense if the alleged acts occurred at the same time.
- (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 dog or cat. The

ANIMAL PROTECTION LAWS OF MISSISSIPPI

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 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 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.
 - (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)
- (a) Nothing in this section shall be construed as prohibiting a person from:
 - (i) Defending himself or herself or another person from physical or economic injury being threatened or caused by a dog or cat.
 - (ii) Injuring or killing an unconfined 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

ANIMAL PROTECTION LAWS OF MISSISSIPPI

- 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 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.
- (b) If the owner or person in control of a dog or cat is precluded, by natural or other

ANIMAL PROTECTION LAWS OF MISSISSIPPI

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 dog or cat or the offense of aggravated cruelty to a 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 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 dog or cat as a result of the 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 dog or cat, or aggravated cruelty to a 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 dog or cat, or makes a decision or renders services regarding the care of a 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, 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 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.

ANIMAL PROTECTION LAWS OF MISSISSIPPI

8. VETERINARY REPORTING & IMMUNITY

MISS. CODE ANN. § 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 ANN. § 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 dog or cat. A person who is convicted of the offense of simple cruelty to a 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) If a person with malice shall intentionally torture, mutilate, maim, burn, starve or disfigure 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 dog or cat.
 - (i) A person who is convicted of a first offense of aggravated cruelty to a dog or cat shall be guilty of a misdemeanor and fined not more than Two Thousand Five Hundred Dollars (\$2,500.00), or imprisoned for not more than six (6) months, or both.
 - (ii) A person who is convicted of a second or subsequent offense of aggravated cruelty to a 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 Five Thousand Dollars (\$5,000.00) and imprisoned for not less than one (1) year nor more than five (5) years.

ANIMAL PROTECTION LAWS OF MISSISSIPPI

- (c) A conviction entered upon a plea of nolo contendere to a charge of aggravated cruelty to a dog or cat shall be counted as a conviction for the purpose of determining whether a later conviction is a first or subsequent offense.
 - (d) For purposes of this section, one or more alleged acts of the offenses of simple cruelty to a dog or cat or aggravated cruelty to a dog or cat, committed against one or more domesticated dogs or cats, or any combination thereof, shall constitute a single offense if the alleged acts occurred at the same time.
- (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 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 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 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.
 - (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)
- (a) Nothing in this section shall be construed as prohibiting a person from:
 - (i) Defending himself or herself or another person from physical or economic injury being threatened or caused by a dog or cat.
 - (ii) Injuring or killing an unconfined dog or cat on the property of the

ANIMAL PROTECTION LAWS OF MISSISSIPPI

- 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

ANIMAL PROTECTION LAWS OF MISSISSIPPI

- 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.
- (b) If the owner or person in control of a 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 dog or cat or the offense of aggravated cruelty to a 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 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 dog or cat as a result of the 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 dog or cat, or aggravated cruelty to a 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 dog or cat, or makes a decision or renders services regarding the care of a 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, 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,

ANIMAL PROTECTION LAWS OF MISSISSIPPI

or preventing cruelty to dogs or cats, regardless of whether the organization also protects animals other than 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.

ANIMAL PROTECTION LAWS OF MISSISSIPPI

9. LAW ENFORCEMENT POLICIES

ANIMAL PROTECTION LAWS OF MISSISSIPPI**10. SEIZURE****MISS. CODE ANN. § 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

ANIMAL PROTECTION LAWS OF MISSISSIPPI

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 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 preceding 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 ANN. § 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.*

ANIMAL PROTECTION LAWS OF MISSISSIPPI

Miss. CODE ANN. § 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 wilfully 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 note 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 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*

ANIMAL PROTECTION LAWS OF MISSISSIPPI

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.

ANIMAL PROTECTION LAWS OF MISSISSIPPI

11. COURTROOM ANIMAL ADVOCATE PROGRAM

ANIMAL PROTECTION LAWS OF MISSISSIPPI

12. PROTECTION ORDERS

ANIMAL PROTECTION LAWS OF MISSISSIPPI

13. RESTITUTION

MISS. CODE ANN. § 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

ANIMAL PROTECTION LAWS OF MISSISSIPPI

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 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 preceding 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 ANN. § 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

ANIMAL PROTECTION LAWS OF MISSISSIPPI

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 ANN. § 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 dog or cat. A person who is convicted of the offense of simple cruelty to a 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) If a person with malice shall intentionally torture, mutilate, maim, burn, starve or disfigure 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 dog or cat.
 - (i) A person who is convicted of a first offense of aggravated cruelty to a dog or cat shall be guilty of a misdemeanor and fined not more than Two Thousand Five Hundred Dollars (\$2,500.00), or imprisoned for not more than six (6) months, or both.
 - (ii) A person who is convicted of a second or subsequent offense of aggravated cruelty to a 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 Five Thousand Dollars (\$5,000.00) and imprisoned for not less than one (1) year nor more than five (5) years.
 - (c) A conviction entered upon a plea of nolo contendere to a charge of aggravated cruelty to a dog or cat shall be counted as a conviction for the purpose of determining whether a later conviction is a first or subsequent offense.
 - (d) For purposes of this section, one or more alleged acts of the offenses of simple

ANIMAL PROTECTION LAWS OF MISSISSIPPI

cruelty to a dog or cat or aggravated cruelty to a dog or cat, committed against one or more domesticated dogs or cats, or any combination thereof, shall constitute a single offense if the alleged acts occurred at the same time.

(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 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 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 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.*

(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)

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

- (i) *Defending himself or herself or another person from physical or economic injury being threatened or caused by a dog or cat.*
- (ii) *Injuring or killing an unconfined 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*

ANIMAL PROTECTION LAWS OF MISSISSIPPI

- 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

ANIMAL PROTECTION LAWS OF MISSISSIPPI

- 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.
- (b) If the owner or person in control of a 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 dog or cat or the offense of aggravated cruelty to a 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 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 dog or cat as a result of the 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 dog or cat, or aggravated cruelty to a 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 dog or cat, or makes a decision or renders services regarding the care of a 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, 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 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,

ANIMAL PROTECTION LAWS OF MISSISSIPPI

more restrictive than the provisions of this section, and in those cases, the more restrictive ordinances, rules, regulations or resolutions will govern.

ANIMAL PROTECTION LAWS OF MISSISSIPPI

14. FORFEITURE & POSSESSION BANS

MISS. CODE ANN. § 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*

ANIMAL PROTECTION LAWS OF MISSISSIPPI

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 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 preceding 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 ANN. § 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

ANIMAL PROTECTION LAWS OF MISSISSIPPI

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 dog or cat. A person who is convicted of the offense of simple cruelty to a 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) If a person with malice shall intentionally torture, mutilate, maim, burn, starve or disfigure 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 dog or cat.
 - (i) A person who is convicted of a first offense of aggravated cruelty to a dog or cat shall be guilty of a misdemeanor and fined not more than Two Thousand Five Hundred Dollars (\$2,500.00), or imprisoned for not more than six (6) months, or both.
 - (ii) A person who is convicted of a second or subsequent offense of aggravated cruelty to a 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 Five Thousand Dollars (\$5,000.00) and imprisoned for not less than one (1) year nor more than five (5) years.
- (c) A conviction entered upon a plea of nolo contendere to a charge of aggravated cruelty to a dog or cat shall be counted as a conviction for the purpose of determining whether a later conviction is a first or subsequent offense.
- (d) For purposes of this section, one or more alleged acts of the offenses of simple cruelty to a dog or cat or aggravated cruelty to a dog or cat, committed against one or more domesticated dogs or cats, or any combination thereof, shall constitute a single offense if the alleged acts occurred at the same time.

(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 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 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 dogs or cats within the subdivision. The agency or department may reimburse

ANIMAL PROTECTION LAWS OF MISSISSIPPI

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.

(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)

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

- (i) Defending himself or herself or another person from physical or economic injury being threatened or caused by a dog or cat.
- (ii) Injuring or killing an unconfined 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

ANIMAL PROTECTION LAWS OF MISSISSIPPI

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.
- (b) If the owner or person in control of a 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 dog or cat or the offense of aggravated cruelty to a 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 dog or cat.
 - (b) Create any civil or criminal liability on the part of the driver of a motor vehicle if

ANIMAL PROTECTION LAWS OF MISSISSIPPI

the driver unintentionally injures or kills a dog or cat as a result of the 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 dog or cat, or aggravated cruelty to a 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 dog or cat, or makes a decision or renders services regarding the care of a 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, 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 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 ANN. § 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 wilfully 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

ANIMAL PROTECTION LAWS OF MISSISSIPPI

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:
 - (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.

ANIMAL PROTECTION LAWS OF MISSISSIPPI

- (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.

ANIMAL PROTECTION LAWS OF MISSISSIPPI

15. COURT-ORDERED TREATMENT

MISS. CODE ANN. § 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 dog or cat. A person who is convicted of the offense of simple cruelty to a 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) If a person with malice shall intentionally torture, mutilate, maim, burn, starve or disfigure 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 dog or cat.
 - (i) A person who is convicted of a first offense of aggravated cruelty to a dog or cat shall be guilty of a misdemeanor and fined not more than Two Thousand Five Hundred Dollars (\$2,500.00), or imprisoned for not more than six (6) months, or both.
 - (ii) A person who is convicted of a second or subsequent offense of aggravated cruelty to a 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 Five Thousand Dollars (\$5,000.00) and imprisoned for not less than one (1) year nor more than five (5) years.
 - (c) A conviction entered upon a plea of nolo contendere to a charge of aggravated cruelty to a dog or cat shall be counted as a conviction for the purpose of determining whether a later conviction is a first or subsequent offense.
 - (d) For purposes of this section, one or more alleged acts of the offenses of simple cruelty to a dog or cat or aggravated cruelty to a dog or cat, committed against one or more domesticated dogs or cats, or any combination thereof, shall constitute a single offense if the alleged acts occurred at the same time.
- (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 dog or cat.

ANIMAL PROTECTION LAWS OF MISSISSIPPI

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 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 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.
- (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)

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

- (i) Defending himself or herself or another person from physical or economic injury being threatened or caused by a dog or cat.
- (ii) Injuring or killing an unconfined 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

ANIMAL PROTECTION LAWS OF 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 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

ANIMAL PROTECTION LAWS OF MISSISSIPPI

Section 97–41–3.

- (b) If the owner or person in control of a 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 dog or cat or the offense of aggravated cruelty to a 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 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 dog or cat as a result of the 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 dog or cat, or aggravated cruelty to a 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 dog or cat, or makes a decision or renders services regarding the care of a 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, 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 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.

ANIMAL PROTECTION LAWS OF MISSISSIPPI

16. HOT CARS

ANIMAL PROTECTION LAWS OF MISSISSIPPI

17. CIVIL NUISANCE ABATEMENT

ANIMAL PROTECTION LAWS OF MISSISSIPPI

18. AG-GAG LAWS

ANIMAL PROTECTION LAWS OF MISSISSIPPI

19. BREED SPECIFIC LEGISLATION
