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Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS

Chapter 578



• **Effective - 01 Jan 2017, 2 histories, see footnote**



578.405. Prohibited acts against animal research and production facilities — definitions — penalties. — 1. This section shall be known and may be cited as "The Animal Research and Production Facilities Protection Act".

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

(1) "**Animal**", every living creature, domestic or wild, but not including Homo sapiens;

(2) "**Animal facility**", any facility engaging in legal scientific research or agricultural production or involving the use of animals, including any organization with a primary purpose of representing livestock production or processing, any organization with a primary purpose of promoting or marketing livestock or livestock products, any person licensed to practice veterinary medicine, any organization involved in the production of pet food or pet food research, and any organization with a primary purpose of representing any such person, organization, or institution. The term shall include the owner, operator, and employees of any animal facility and the offices and vehicles of any such persons while engaged in duties related to the animal facility, and any premises where animals are located.

*3. A person commits the offense of prohibited acts against animal research and production facilities if he or she:

(1) Releases, steals, or otherwise intentionally causes the death, injury, or loss of any animal at or from an animal facility and not authorized by that facility;

(2) Damages, vandalizes, or steals any property in or on an animal facility;

(3) Obtains access to an animal facility by false pretenses for the purpose of performing acts not authorized by the facility;

(4) Enters or otherwise interferes with an animal facility with the intent to destroy, alter, duplicate or obtain unauthorized possession of records, data, material, equipment, or animals;

(5) Knowingly obtains, by theft or deception, control over records, data, material, equipment, or animals of any animal facility for the purpose of depriving the rightful owner or animal facility of the records, material, data, equipment, or animals, or for the purpose of concealing, abandoning, or destroying such records, material, data, equipment, or animals; or

(6) Enters or remains on an animal facility with the intent to commit an act prohibited by this section.

4. The offense of prohibited acts against animal research and production facilities is a class A misdemeanor unless:

(1) The loss or damage to the animal facility is seven hundred fifty dollars or more, in which case it is a class E felony;

(2) The loss or damage to the animal facility is one thousand dollars or more, in which case it is a class D felony;

(3) The loss or damage to the animal facility is twenty-five thousand dollars or more, in which case it is a class C felony; or

(4) The loss or damage to the animal facility is seventy-five thousand dollars or more, in which case it is a class B felony.

5. Any person who intentionally agrees with another person to violate this section and commits an act in furtherance of such violation shall be guilty of the same class of violation as provided in subsection 4 of this section.

6. In the determination of the value of the loss, theft, or damage to an animal facility, the court shall conduct a hearing to determine the reasonable cost of replacement of materials, data, equipment, animals, and records that were damaged, destroyed, lost, or cannot be returned, as well as the reasonable cost of lost production funds and repeating experimentation that may have been disrupted or invalidated as a result of the violation of this section.

7. Any person found guilty of a violation of this section shall be ordered by the court to make restitution, jointly and severally, to the owner, operator, or both, of the animal facility, in the full amount of the reasonable cost as determined under subsection 6 of this section.

8. Any person who has been damaged by a violation of this section may recover all actual and consequential damages, punitive damages, and court costs, including reasonable attorneys' fees, from the person causing such damage.

9. Nothing in this section shall preclude any animal facility injured in its business or property by a violation of this section from seeking appropriate relief under any other provision of law or remedy including the issuance of an injunction against any person who violates this section. The owner or operator of the animal facility may petition the court to permanently enjoin such persons from violating this section and the court shall provide such relief.

10. The director of the department of agriculture may promulgate rules and regulations necessary for the enforcement of this section. The director shall have the authority to investigate any alleged violation of this section, along with any other law enforcement agency, and may take any action within the director's authority necessary for the enforcement of this section. The attorney general, the highway patrol, and other law enforcement officials shall provide assistance required in the conduct of an investigation. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2017, shall be invalid and void.

(L. 1992 S.B. 498 §§ 1, 2, A.L. 2014 S.B. 491)

*Transferred 2014; formerly 578.407, now 578.405 subsec. 3; Effective 1-01-17

- All versions

	Effective	End
578.405	1/1/2017	
578.405	8/28/1992	1/1/2017

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History and Fun Facts

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