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Revisor's Note: [In accordance with Section 3.090, the language of statutory sections enacted during the 2016 legislative session are available through a link to the relevant 2016 enacted bill, which will appear in the Chapter Table of Contents of the online Revised Statutes \(designated in red\) on the effective date of such enacted statutory section.](#)
[The language contained in a 2016 enacted bill may differ from the final language of any codified statutory section based on other enactments in 2016.](#)
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Missouri Revised Statutes

Chapter 578
Miscellaneous Offenses

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Section 578.024.2

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August 28, 2016

Until December 31, 2016--Subsequent **dog** bites, liability of owner, penalty--exceptions.

578.024. 1. If a **dog** that has previously bitten a person or a domestic animal without provocation bites any person on a subsequent occasion, the owner or possessor is guilty of a class B misdemeanor unless such attack:

- (1) Results in serious injury to any person, in which case, the owner or possessor is guilty of a class A misdemeanor; or
- (2) Results in serious injury to any person and any previous attack also resulted in serious injury to any person, in which case, the owner or possessor is guilty of a class D felony; or
- (3) Results in the death of any person, in which case, the owner or possessor shall be guilty of a class C felony.

2. In addition to the penalty included in subsection 1 of this section, if any **dog** that has previously bitten a person or a domestic animal without provocation bites any person on a subsequent occasion or if a **dog** that has not previously bitten a person attacks and causes serious injury to or the death of any human, the **dog** shall be seized immediately by an animal control authority or by the county sheriff. The **dog** shall be impounded and held for ten business days after the owner or possessor is given written notification and thereafter destroyed.

3. The owner or possessor of the **dog** that has been impounded may file a written appeal to the circuit court to contest the impoundment and destruction of such **dog**. The owner or possessor shall provide notice of the filing of the appeal to the animal control authority or county sheriff who seized the **dog**. If the owner or possessor files such an appeal and provides proper

notice, the **dog** shall remain impounded and shall not be destroyed while such appeal is pending and until the court issues an order for the destruction of the **dog**. The court shall hold a disposition hearing within thirty days of the filing of the appeal to determine whether such **dog** shall be humanely destroyed. The court may order the owner or possessor of the **dog** to pay the costs associated with the animal's keeping and care during the pending appeal.

4. Notwithstanding any provision of sections [273.033](#) and [273.036](#), section [578.022](#) and this section to the contrary, if a **dog** attacks or bites a person who is engaged in or attempting to engage in a criminal activity at the time of the attack, the owner or possessor is not guilty of any crime specified under this section or section [273.036](#), and is not civilly liable under this section or section [273.036](#), nor shall such **dog** be destroyed as provided in subsection 2 of this section, nor shall such person engaged in or attempting to engage in a criminal activity at the time of the attack be entitled to the defenses set forth in section [273.033](#). For purposes of this section "criminal activity" shall not include the act of trespass upon private property under section [569.150](#) as long as the trespasser does not otherwise engage in, attempt to engage in, or have intent to engage in other criminal activity nor shall it include any trespass upon private property by a person under the age of twelve under section [569.140](#).

(L. 2009 H.B. 62)

*This section was amended by S.B. 491, 2014, effective 1-01-17. Due to the delayed effective date, both versions of this section are printed here.

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Missouri General Assembly

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