

Missouri Revised Statutes

Chapter 578 Miscellaneous Offenses

August 28, 2011

Definitions.

578.170. Definitions. As used in sections 578.170 to 578.188, the following terms mean:

- (1) "Animal," every living vertebrate except a human being;
- (2) "Baiting," to attack, provoke, or harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with other animals for the purpose of amusement, entertainment, wagering or gain;
- (3) "Bear wrestling," a contest of fighting or physical altercation between one or more persons and a bear for the purpose of amusement, entertainment, wagering or gain;
- (4) "Person," any individual, partnership, firm, joint stock company, corporation, association, other business unit, society, trust, estate or other legal entity, or any public or private institution.

(Adopted by Initiative, Proposition A, § A, November 3, 1998)

Effective 12-3-98

(2000) Proposition A did not violate constitutional requirements of single subject and clear title. *United Gamefowl Breeders Ass'n. of Missouri v. Nixon*, 19 S.W.3d 137 (Mo.banc).

Baiting or fighting animals--penalty.

578.173. Baiting or fighting animals -- penalty.

1. Any person who commits any of the following acts is guilty of a class D felony:
 - (1) Baiting or fighting animals;
 - (2) Permitting baiting or animal fighting to be done on any premises under his charge or control;
 - (3) Promoting, conducting, or staging a baiting or fight between two or more animals;
 - (4) Advertising a baiting or fight between two or more animals;

(5) Collecting any admission fee for a baiting or fight between two or more animals.

2. Any person who commits any of the following acts is guilty of a class A misdemeanor:

(1) Knowingly attending the baiting or fighting of animals;

(2) Knowingly selling, offering for sale, shipping, or transporting any animal which has been bred or trained to bait or fight another animal;

(3) Owning or possessing any of the cockfighting implements, commonly known as gaffs and slashers, or any other sharp implement designed to be attached to the leg of a gamecock;

(4) Manufacturing, selling, bartering or exchanging any of the cockfighting implements, commonly known as gaffs and slashers, or any other sharp implement designed to be attached to the leg of a gamecock.

(Adopted by Initiative, Proposition A, § B, November 3, 1998)

Effective 12-3-98

(2000) Proposition A did not violate constitutional requirements of single subject and clear title. *United Gamefowl Breeders Ass'n. of Missouri v. Nixon*, 19 S.W.3d 137 (Mo.banc).

Bear wrestling--penalty.

578.176. Bear wrestling -- penalty. Any person who commits any of the following acts is guilty of a class A misdemeanor:

(1) Bear wrestling;

(2) Permitting bear wrestling to be done on any premises under his charge or control;

(3) Promoting, conducting, or staging bear wrestling;

(4) Advertising bear wrestling;

(5) Collecting any admission fee for bear wrestling;

(6) Purchasing, selling, or possessing a bear which he knows will be used for bear wrestling;

(7) Training a bear for bear wrestling;

(8) Subjecting a bear to surgical alteration for bear wrestling.

(Adopted by Initiative, Proposition A, § C, November 3, 1998)

Effective 12-3-98

Seizure and disposition of animals.

578.179. Procedure. -- Whenever an indictment is returned or a complaint is filed alleging a violation of section 578.173 or 578.176 and, in the case of a complaint, a magistrate finds probable cause that a violation has occurred, the court shall order the animals seized and shall provide for appropriate and humane care or disposition of the animals pursuant to section 578.018. This provision shall not be construed as a limitation on the power to seize animals as evidence at the time of arrest.

(Adopted by Initiative, Proposition A, § D, November 3, 1998)

Effective 12-3-98

Exemptions.

578.182. Exemptions. -- 1. The provisions of sections 578.173 and 578.176 shall not apply to:

(1) Any person simulating a fight for the purpose of using the simulated fight as part of a motion picture production or a motion picture production for television, provided sections 578.009 and 578.012 are not violated;

(2) Any person selling, offering for sale, shipping, transporting or using any animal, for the sole purpose of tracking, pursuing or taking wildlife, or to participate in any hunting, fishing or any other activity regulated by the Missouri wildlife code;

(3) Any person using animals to herd, work or identify livestock for agricultural purposes according to recognized animal husbandry.

2. Nothing in the provisions of sections 578.170, 578.173, and 578.176 shall be construed to:

(1) Prohibit breeding, rearing or slaughtering poultry pursuant to the provisions of chapters 196, 262, 265, 276 and 277;

(2) Prohibit breeding or rearing game fowl when the game fowl are not intended for use in violation of the provisions of sections 578.170, 578.173 or 578.176;

(3) Prohibit professional or amateur rodeo practices, and skill events when the practices and skill events are not intended for use in violation of the provisions of sections 578.170, 578.173 and 578.176.

(Adopted by Initiative, Proposition A, § E, November 3, 1998, A.L. 1999 H.B. 79)

Effective 6-29-99

Injunction.

578.185. **Injunction.** -- A court of competent jurisdiction may enjoin a person from a continuing violation of section 578.173 or 578.176.

(Adopted by Initiative, Proposition A, § F, November 3, 1998)

Effective 12-3-98

Severability.

578.188. **Severability.** -- The provisions of sections 578.170, 578.173, 578.176, 578.179, 578.182, and 578.185 are hereby declared to be severable. If any of these provisions, or the application of any of these provisions to any person or circumstance, is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of these sections.

(Adopted by Initiative, Proposition A, § G, November 3, 1998)

Effective 12-3-98

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