HLS 19RS-278 ORIGINAL

2019 Regular Session

HOUSE BILL NO. 161

1

BY REPRESENTATIVE ROBBY CARTER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

ANIMALS: Prohibits a person convicted of animal abuse from owning an animal

2	To amend and reenact R.S. 14:89.3(D)(2)(b), 102.1(A)(2)(b), (c), and (d) and (B)(5),
3	102.5(C), and 102.19(F) and to enact Part IX of Chapter 17 of Title 3 of the
4	Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:2521 through 2525,
5	and R.S. 14:102.1(A)(2)(e) and 102.8(D)(3), relative to persons convicted of animal
6	abuse; to require certain animal abuse offenders to register with the Department of
7	Agriculture and Forestry; to provide for registration requirements; to provide for
8	penalties for failure to register; to prohibit registered animal abuse offenders from
9	owning or possessing an animal during required registration period; to require the
10	Department of Agriculture and Forestry to establish a centralized public registry; to
11	require certain entities to check the registry; to provide for penalties for failure to
12	check; and to provide for related matters.
13	Be it enacted by the Legislature of Louisiana:
14	Section 1. Part IX of Chapter 17 of Title 3 of the Louisiana Revised Statutes of 1950,
15	comprised of R.S. 3:2521 through 2525, is hereby enacted to read as follows:
16	PART IX. REGISTRATION OF ANIMAL ABUSE OFFENDERS
17	§2521. Definitions
18	As used in this Part, the following terms shall have the meaning ascribed to
19	them in this Section, unless the context clearly shows a different meaning:

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(1) "Animal abuse offense" means any of the following:
2	(a) Sexual abuse of an animal as defined in R.S. 14:89.3.
3	(b) Cruelty to animals as defined in R.S. 14:102 and 102.1.
4	(c) Dogfighting as defined in R.S. 14:102.5.
5	(d) Injuring or killing a police animal as defined in R.S. 14:102.8.
6	(e) Hog and canine fighting as defined in R.S. 14:102.19.
7	(2) "Conviction" means any disposition of charges adverse to the defendant
8	including a plea of guilty, deferred adjudication, adjudication withheld for the
9	perpetration of an animal abuse offense. "Conviction" shall not include a decision
10	not to prosecute, a dismissal, or an acquittal, except when the acquittal is due to a
11	finding of not guilty by reason of insanity and the person was committed. However,
12	a dismissal entered after a period of probation, suspension, or deferral of sentence
13	shall be included in the definition of "conviction" for purposes of this Part.
14	(3) "Disposition" means the formal conclusion of a criminal proceeding at
15	whatever stage it occurs in the criminal justice system.
16	(4) "Department" means the Department of Agriculture and Forestry.
17	(5) "Residence" means a dwelling where the offender regularly resides.
18	regardless of the number of days or nights spent there. For those offenders who lack
19	a fixed abode or dwelling, "residence" shall include the area or place where the
20	offender habitually lives, including but not limited to a rural area with no address or
21	<u>a shelter.</u>
22	§2522. Registration of animal abuse offenders; requirements; penalties for failure
23	to register
24	A. Any person who resides in Louisiana and is convicted of any animal
25	abuse offense as defined in R.S. 3:2521(1) shall be required to register with the
26	department within seven days following either the date of judgment or date of release
27	from incarceration, whichever is later. Residents of other states who are convicted
28	of an animal abuse crime on or after January 1, 2020, who subsequently reside in
29	Louisiana, shall register within their first seven days of residence.

1	B. The offender shall provide all of the following personal information to the
2	department:
3	(1) Name and any aliases used.
4	(2) Physical address or addresses of residence.
5	(3) Two forms of proof of residence for each residential address provided,
6	including but not limited to a driver's license, utility service bill, and telephone
7	service bill. If those forms of proof of residence are not available, the offender may
8	provide an affidavit of an adult resident living at the same address attesting to the
9	fact that the offender resides at that residence.
10	(4) The crime for which he was convicted, the date, and place of such
11	conviction, and if known by the offender, the court in which the conviction was
12	obtained, the docket number of the case, the specific statute under which he was
13	convicted, and the sentence imposed.
14	(5) A current photograph.
15	(6) Telephone numbers, including fixed location phone and mobile phone
16	numbers assigned to the offender or associated with any residence address of the
17	offender.
18	(7) Social security number and date of birth.
19	C. The offender shall pay a fee of fifty dollars to the department upon initial
20	registration and annually from the first date of registration. These funds shall be
21	used to pay the administrative costs of maintaining the registry.
22	D. The offender shall update registration information to reflect any change
23	in address which may occur, or indicate if no change in address occurs, annually
24	from the date of their first registration.
25	E. Any offender who fails to register, annually renew and update
26	information, provide proof of residence or notification of change of address, or
27	provides false information to the department shall be fined not more than one
28	thousand dollars, imprisoned for not more than six months, or both.

1	§2523. Louisiana Animal Abuse Registry
2	A. The department shall establish and maintain a central registry of persons
3	convicted of an animal abuse offense as defined in R.S. 3:2521(1) on or after January
4	1, 2020. The registry shall be searchable and available to the public.
5	B. The registry shall contain the following personal information for each
6	offender:
7	(1) The offender's name.
8	(2) The offender's residential address.
9	(3) The date and a description of the crime for which registration is required.
10	(4) A current photograph.
1	(5) Any other identifying data the department determines is necessary to
12	properly identify the offender and exclude innocent persons.
13	C. The registry shall not include the offender's social security number,
14	driver's license number, or any other state or federal identification number.
15	D. The department shall promulgate and adopt rules and regulations as
16	necessary to implement the provisions of this Section.
17	§2524. Duration of registration and notification period
18	A person required to register pursuant to the provisions of this Part shall
19	comply with the requirement for ten years from the date of initial registration for a
20	first offense and for the duration of the lifetime of the offender for a second or
21	subsequent offense.
22	§2525. Requirement to check registry; penalties for failure to check
23	A. Prior to the sale or adoption of any animal, all retail pet stores and animal
24	shelters shall check the registry to determine whether the name and address of any
25	person seeking to purchase or adopt an animal appears on the registry.
26	B. No retail pet store or animal shelter shall knowingly sell or give an animal
27	to any person listed on the registry.

1	C. Whoever violates the provisions of this Section shall be fined not more
2	than two hundred fifty dollars for a first offense, five hundred dollars for a second
3	offense, and one thousand dollars for a third or any subsequent offense.
4	Section 2. R.S. 14:89.3(D)(2)(b), 102.1(A)(2)(b), (c), and (d) and (B)(5), 102.5(C),
5	and 102.19(F) are hereby amended and reenacted and R.S. 14:102.1(A)(2)(e) and
6	102.8(D)(3) are hereby enacted to read as follows:
7	§89.3. Sexual abuse of an animal
8	* * *
9	D.
10	* * *
11	(2) In addition to any other penalty imposed, a person convicted of violating
12	this Section shall be ordered to:
13	* * *
14	(b) Not harbor, own, possess, or exercise control over any animal for any
15	length of time deemed appropriate by the court, but not less than five years for the
16	duration of time the person is required to comply with the registration requirements
17	set forth in R.S. 3:2521 et seq.
18	* * *
19	§102.1. Cruelty to animals; simple and aggravated
20	A.
21	* * *
22	(2)
23	* * *
24	(b) Whoever commits a second or subsequent offense of simple cruelty to
25	animals shall be fined not less than five thousand dollars nor more than twenty-five
26	thousand dollars or imprisoned, with or without hard labor, for not less than one year
27	nor more than ten years, or both. In addition, the court shall issue an order
28	prohibiting the defendant from owning or keeping animals for a period of time
29	deemed appropriate by the court.

1	(c) In addition to any other penalty imposed, any person convicted pursuant
2	to this Subsection shall be prohibited from possessing or owning any animal for the
3	duration of time the person is required to comply with the registration requirements
4	set forth in R.S. 3:2521 et seq.
5	(c)(d) In addition to any other penalty imposed, a person who commits the
6	crime of cruelty to animals shall be ordered to perform five eight-hour days of
7	court-approved community service. The community service requirement shall not
8	be suspended.
9	(d)(e) In addition to any other penalty imposed, the court may order a
10	psychological evaluation or anger management treatment for a first conviction of the
11	crime of simple cruelty to animals. For a second or subsequent offense of the crime
12	of simple cruelty to an animal, the court shall order a psychological evaluation or
13	anger management treatment. Any costs associated with any evaluation or treatment
14	ordered by the court shall be borne by the defendant.
15	* * *
16	В.
17	* * *
18	(5) In addition to any other penalty imposed for a violation of this
19	Subsection, the offender shall be ordered to undergo a psychological evaluation and
20	subsequently recommended psychological treatment and shall be banned by court
21	order from owning or keeping animals for a period of time deemed appropriate by
22	the court for the duration of time the person is required to comply with the
23	registration requirements set forth in R.S. 3:2521 et seq. Any costs associated with
24	any evaluation or treatment ordered by the court shall be borne by the defendant.
25	* * *
26	§102.5. Dogfighting; training and possession of dogs for fighting
27	* * *
28	C. Whoever violates any provision of Subsection A of this Section shall be
29	fined subject to the following:

1	(1) A fine not less than one thousand dollars nor more than twenty-five
2	thousand dollars, or be imprisoned imprisonment with or without hard labor for not
3	less than one year nor more than ten years, or both.
4	(2) A prohibition from possessing or owning any animal for the duration of
5	time the person is required to comply with the registration requirements set forth in
6	R.S. 3:2521 et seq.
7	* * *
8	§102.8. Injuring or killing of a police animal
9	* * *
10	D.
11	* * *
12	(3) In addition to any other penalty imposed, any person convicted pursuant
13	to this Section shall be prohibited from possessing or owning any animal for the
14	duration of time the person is required to comply with the registration requirements
15	set forth in R.S. 3:2521 et seq.
16	* * *
17	§102.19. Hog and canine fighting prohibited; penalties
18	* * *
19	F. Whoever violates the provisions of this Section shall be fined not more
20	than one thousand dollars, or imprisoned for not more than six months, or both, and
21	shall be prohibited from possessing or owning any animal for the duration of time
22	the person is required to comply with the registration requirements set forth in R.S.
23	3:2521 et seq.
24	* * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 161 Original

2019 Regular Session

Robby Carter

Abstract: Creates an animal abuse registry for certain animal abuse offenders and prohibits the offenders from owning an animal while registered.

<u>Present law</u> prohibits a person convicted of sexual abuse of an animal from owning any animal for any length of time deemed appropriate by the court, but not less than five years, in addition to other penalties imposed.

<u>Present law</u> prohibits a person convicted of a second or subsequent offense of simple cruelty to animals or a first offense of aggravated cruelty to animals from owning any animal for a period of time deemed appropriate by the court, in addition to other penalties imposed.

<u>Present law</u> imposes penalties for persons convicted of first offense simple cruelty to animals, dogfighting, injuring or killing a police animal, and hog and canine fighting. The penalties do not include a prohibition on owning an animal.

<u>Proposed law</u> requires any person convicted of any of the following animal abuse offenses to register with the Dept. of Agriculture and Forestry:

- (1) Sexual abuse of an animal.
- (2) Cruelty to animals.
- (3) Dogfighting.
- (4) Injuring or killing a police animal.
- (5) Hog and canine fighting.

<u>Proposed law</u> requires the offender to register for 10 years for a first offense and a lifetime for a second or subsequent offense and prohibits the offender from possessing or owning an animal for the amount of time registration is required.

<u>Proposed law</u> requires the offender to register within seven days of conviction, release from incarceration, or moving to La. if convicted in another state.

<u>Proposed law</u> provides that offenders who fail to comply with registration requirements shall be subject to a fine of not more than \$1,000, imprisonment for not more than six months, or both.

<u>Proposed law</u> requires the Dept. of Agriculture and Forestry to establish a public registry containing the name, address, date and description of the crime, and current photograph of each registered offender.

<u>Proposed law</u> requires retail pet stores and animal shelters to check the registry prior to selling or giving an animal away and prohibits selling or giving an animal to anyone listed on the registry.

<u>Proposed law</u> provides that stores and shelters that violate <u>proposed law</u> shall be subject to the following fines:

- (1) First offense-not more than \$250.
- (2) Second offense-not more than \$500.
- (3) Third or subsequent offense-not more than \$1,000.

(Amends R.S. 14:89.3(D)(2)(b), 102.1(A)(2)(b), (c), and (d) and (B)(5), 102.5(C), and 102.19(F); Adds R.S. 3:2521-2525 and R.S. 14:102.1(A)(2)(e) and 102.8(D)(3))