

Regular Session, 2010

HOUSE BILL NO. 829

BY REPRESENTATIVE LIGI

CRIME: Amends the crime of cruelty to animals

1 AN ACT

2 To amend and reenact R.S. 14:102.1(B), (C), and (D), to enact R.S. 14:102(10), and to  
3 repeal R.S. 14:102.1(A)(1)(g), relative to cruelty to animals; to amend the crime of  
4 cruelty to animals; to provide for definitions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:102.1(B), (C), and (D) are hereby amended and reenacted and  
7 R.S. 14:102(10) is hereby enacted to read as follows:

8 §102. Definitions; cruelty to animals

9 The following words, phrases, and terms as used in R.S. 14:102.1 through  
10 R.S. 14:102.4 shall be defined and construed as follows:

11 \* \* \*

12 (10) "Domestic animal" means an animal that is owned or possessed by a  
13 person but does not include rodents, reptiles, or any livestock except equines.

14 §102.1. Cruelty to animals; simple and aggravated

15 \* \* \*

16 B. The following shall be guilty of aggravated cruelty to animals:

17 (1) Any person who intentionally or with criminal negligence tortures,  
18 maims, or mutilates any living animal, whether belonging to himself or another, ~~shall~~  
19 ~~be guilty of aggravated cruelty to animals.~~

1 (2) Any person who tampers with livestock at a public livestock exhibition  
2 or at a private sale ~~shall also be guilty of aggravated cruelty to animals.~~

3 (3) Any person who causes or procures to be done by any person any act  
4 designated in this Subsection ~~shall also be guilty of aggravated cruelty to animals.~~

5 (4) Any person who intentionally or with criminal negligence mistreats any  
6 living animal whether belonging to himself or another by any act or omission which  
7 causes or permits unnecessary or unjustifiable physical pain, suffering, or death to  
8 the animal ~~shall also be guilty of aggravated cruelty to animals.~~

9 (5) Any person who unjustifiably administers any poisonous or noxious drug  
10 or substance to any domestic animal or unjustifiably exposes any such drug or  
11 substance with the intent that it shall be taken or swallowed by any domestic animal.

12 C.(1) In addition to any other penalty imposed for a violation of ~~this~~  
13 Subsection B of this Section, the offender shall be ordered to undergo a  
14 psychological evaluation and subsequently recommended psychological treatment  
15 and shall be banned by court order from owning or keeping animals for a period of  
16 time deemed appropriate by the court. Any costs associated with any evaluation or  
17 treatment ordered by the court shall be borne by the defendant.

18 ~~(6)(2)~~ Whoever commits the crime of aggravated cruelty to animals shall be  
19 fined not less than five thousand dollars nor more than twenty-five thousand dollars  
20 or imprisoned, with or without hard labor, for not less than one year nor more than  
21 ten years, or both.

22 ~~(7)(3)~~ For purposes of ~~this~~ Subsection B of this Section, where more than  
23 one animal is tortured, maimed, mutilated, or maliciously killed or where more than  
24 one head of livestock is tampered with, each act comprises a separate offense.

25 ~~E.D.~~ This Section shall not apply to any of the following:

26 (1) The lawful hunting or trapping of wildlife as provided by law.

27 (2) Herding of domestic animals.

28 (3) Accepted veterinary practices.

1 (4) Activities carried on for scientific or medical research governed by  
2 accepted standards.

3 (5) Traditional rural Mardi Gras parades, processions, or runs involving  
4 chickens.

5 (6) Nothing in this Section shall prohibit the standard transportation and  
6 agricultural processing of agriculture products as defined in R.S. 3:3602(5) and (6).

7 Section 2. R.S. 14:102.1(A)(1)(g) is hereby repealed in its entirety.

8 Section 3. The Louisiana State Law Institute is hereby authorized and directed to  
9 alphabetize the definitions provided for in R.S. 14:102.

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#### 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)]

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HB No. 829

**Abstract:** Provides that the administration of a poisonous or noxious drug to an animal shall constitute aggravated cruelty to animals.

Present law provides that the unjustifiable administration of any poisonous or noxious drug or substance to any domestic animal or the unjustifiable exposure of any such drug or substance, with the intent that it shall be taken or swallowed by any domestic animal, shall constitute simple cruelty to animals.

Proposed law provides that present law provision shall constitute aggravated cruelty to animals instead of simple cruelty to animals.

Proposed law defines "domestic animal".

(Amends R.S. 14:102.1(B), (C), and (D); Adds R.S. 14:102(10); Repeals R.S. 14:102.1(A)(1)(g))

#### Summary of Amendments Adopted by House

##### House Floor Amendments to the engrossed bill.

1. Added a definition of "domestic animal".
2. Made technical corrections.