

2017 -- H 5104

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- ANIMAL ABUSER REGISTRY
ACT

Introduced By: Representatives Corvese, Ucci, Winfield, Azzinaro, and Coughlin

Date Introduced: January 12, 2017

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 4 of the General Laws entitled "ANIMALS AND ANIMAL
2 HUSBANDRY" is hereby amended by adding thereto the following chapter:

3 CHAPTER 1.2

4 ANIMAL ABUSER REGISTRY ACT

5 **4-1.2-1. Title.**

6 This chapter shall be known and may be cited as the "Animal Abuser Registry Act".

7 **4-1.2-2. Legislative findings.**

8 (a) The general assembly finds and determines that animal cruelty is a serious problem
9 resulting in the abuse of many animals each year and that while the state of Rhode Island has
10 criminalized the cruel treatment of animals, animal abuse and cruelty continues to occur
11 throughout the state.

12 (b) The general assembly further finds and determines that people who have abused
13 animals in the past are likely to do so in the future and studies show that there is a nearly one
14 hundred percent (100%) recidivism rate for certain types of abuse such as animal hoarding.

15 (c) The general assembly further finds and determines that individuals who abuse animals
16 are statistically more likely to commit violent acts against humans and, in particular, the general
17 assembly also determines that a strong correlation has been established linking individuals who
18 abuse animals with incidents of domestic violence.

1 (d) The general assembly further finds and determines that animals in need of homes
2 need to be protected from potential abusers.

3 (e) The general assembly further finds and determines that it is in the best interest of the
4 residents of the state of Rhode Island and their animals that an online registry be established
5 identifying individuals residing in the state convicted of animal abuse crimes that will prevent
6 those individuals convicted of animal cruelty from adopting, purchasing, or otherwise obtaining
7 animals from any animal shelter, pet seller, or other person or entity involved in the exchange of
8 animals by adoption, sale, or other means.

9 **4-1.2-3. Definitions.**

10 The following terms shall have the meanings indicated:

11 (1) "Animal" means any living mammal (except a human being), bird, reptile, amphibian,
12 or fish.

13 (2) "Animal abuse crime" means any of the crimes contained in title 4 "Animals and
14 Animal Husbandry".

15 (3) "Animal abuse offender" means any person eighteen (18) years of age, or older,
16 convicted of an animal abuse crime, except youthful offenders whose convictions or
17 adjudications include sealed records.

18 (4) "Animal abuser registry" means the online registry established and maintained by the
19 department of the attorney general for registering any person convicted of an animal abuse crime.

20 (5) "Animal shelter" means any public or privately owned organization including, but not
21 limited to, any duly incorporated humane society, pound, animal protective association or animal
22 rescue group which maintains buildings, structures, or other property for the purpose of harboring
23 animals which may be stray, unwanted, lost, abandoned, or abused and seeks to find appropriate
24 temporary or permanent homes for such animals.

25 (6) "Conviction" or "convicted" means any instance wherein:

26 (i) A judgment of conviction has been entered against any person; or

27 (ii) There has been a finding of guilty for any offense, regardless of whether an appeal is
28 pending; or

29 (iii) There has been a plea of guilty or nolo contendere for any offense, regardless of
30 whether an appeal is pending; or

31 (iv) There has been an admission of sufficient facts or a finding of delinquency of a
32 minor for any offense, whether or not an appeal is pending.

33 (7) "Farm animal" means an animal used in the production of human or animal food, feed
34 or fiber.

1 (8) "Pet seller" means any individual, person, partnership, firm, corporation or other legal
2 entity which offers animals for sale or is engaged in the sale, exchange, or other transfer of
3 ownership of animals.

4 (9) "Service animal" means any dog or miniature horse that has been individually trained
5 to do work or perform tasks for people with disabilities as defined by the "Americans with
6 Disabilities Act of 1990" 42 U.S.C. ch. 126, §12101 et seq.

7 **4-1.2-4. Establishing an animal abuser registry.**

8 (a) The attorney general is hereby authorized, empowered and directed to establish an
9 online animal abuser registry that shall contain the names and residence information of all
10 available animal abuse offenders living in Rhode Island who are convicted of an animal abuse
11 crime on or after the effective date of this chapter. The online registry will be maintained by the
12 attorney general's office and shall be listed on the attorney general's official website. The online
13 animal abuser registry shall also contain links to other registries to be used as informational
14 resources by animal shelters, pet sellers, or other persons when they shall sell, exchange or
15 otherwise transfer the ownership of any animal.

16 (b) The registry shall contain the required information about each animal abuse offender
17 for a period of fifteen (15) years following their release from incarceration or, if not incarcerated,
18 from the date of the judgment of conviction. Any currently or previously registered animal abuse
19 offender convicted of a subsequent animal abuse crime shall be placed on the animal abuser
20 registry for life following the second conviction. Upon notification to the state attorney general of
21 a successful appeal of a conviction of an animal abuse crime by an individual who has been
22 required to register pursuant to this chapter, the registration information for that individual shall
23 be removed from the animal abuser registry within five (5) days following the notification.

24 **4-1.2-5. Registry requirements.**

25 (a) All animal abuse offenders who reside in Rhode Island and who are convicted of an
26 animal abuse crime on or after the effective date of this chapter must register with the animal
27 abuser registry within five (5) days of their release from incarceration or, if not incarcerated, from
28 the date of the judgment of conviction.

29 (b) Whenever a person is convicted of an animal abuse crime, the prosecuting department
30 shall forward to the attorney general's office the name and address of the convicted person along
31 with the name of the animal abuse crime the person was convicted of, thereby notifying the
32 attorney general's office that the person is required to register with the animal abuser registry.

33 (c) Each person required to register with the animal abuser registry shall submit the
34 following information to the attorney general's office:

- 1 (1) Their name and any aliases they may be known by;
2 (2) Their residence address;
3 (3) Their date of birth; and
4 (4) A photograph of the front of their head and shoulders not less than two inches (2") by
5 three inches (3") or a digital image commonly known as a digital photograph of the front of their
6 head and shoulders.

7 (d) Every person required to register with the animal abuser registry shall update their
8 registry information within five (5) days of any change of residential address and/or upon any
9 official change of name.

10 (e) Every person required to register with the animal abuser registry shall pay a fee of one
11 hundred twenty-five dollars (\$125) to the attorney general's office at the time of registration. All
12 such fees shall be used to help pay the administrative and maintenance costs of maintaining the
13 registry.

14 (f) The attorney general is hereby authorized and empowered to promulgate such rules
15 and regulations as may be necessary to implement the animal abuser registry.

16 **4-1.2-6. Prohibition of animal shelters and pet sellers from transferring animal**
17 **ownership to animal abuse offenders.**

18 (a) No animal shelter, pet seller, or other person or entity located in this state shall sell,
19 exchange or otherwise transfer the ownership of any animal to any person having resided in this
20 state and listed as an animal abuse offender on the animal abuser registry, nor shall such animal
21 abuse offender be allowed to retain possession of any currently owned animals. Prior to the sale,
22 exchange, or other transfer of ownership of any animal, the animal shelter, pet seller, or other
23 person or entity is required to examine the animal abuser registry to confirm that the name of the
24 potential owner of the animal is not listed.

25 (b) This section shall not apply to farm animals for farmers, nor to service animals for
26 people with disabilities.

27 **4-1.2-7. Penalties.**

28 (a) Any animal abuse offender required to register with the animal abuser registry who
29 fails to so register shall be guilty of a misdemeanor punishable by incarceration for a period of
30 not more than one year, a fine not to exceed one thousand dollars (\$1,000), or both.

31 (b) Any animal abuse offender who violates the prohibition against possessing, owning,
32 adopting, or purchasing an animal, except for farm animals for farmers, and service animals for
33 people with disabilities, shall be guilty of a misdemeanor punishable by incarceration for a period
34 of not more than one year, a fine not to exceed one thousand dollars (\$1,000), or both.

1 (c) Any animal shelter, pet seller or other individual or entity that violates §4-1.2-6 shall
2 be guilty of a violation and subject to a fine not to exceed one thousand (\$1,000) dollars. It shall
3 not be a violation of this chapter if the animal shelter, pet seller, or other individual or entity
4 checked with the animal abuser registry and the name did not appear thereon.

5 **4-1.2-8. Severability.**

6 If any provision of this chapter or the application thereof to any person or circumstances
7 is held invalid, such invalidity shall not affect other provisions or applications of the chapter,
8 which can be given effect without the invalid provision or application, and to this end the
9 provisions of this chapter are declared to be severable.

10 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- ANIMAL ABUSER REGISTRY
ACT

1 This act would create the "Animal Abuser Registry Act" which would require all persons
2 convicted of animal abuse to register with an online registry to be established and maintained by
3 the attorney general's office.

4 This act would take effect upon passage.

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