

2018 -- H 8170

LC005594

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY

Introduced By: Representatives Nardolillo, Shanley, Canario, Hull, and Quattrocchi

Date Introduced: May 04, 2018

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 4-1-40 of the General Laws in Chapter 4-1 entitled "Cruelty to
2 Animals" is hereby amended to read as follows:

3 **4-1-40. Possession of animals.**

4 (a) In addition to any other penalty imposed by law, a person convicted of, or who
5 entered a plea of nolo contendere to, any misdemeanor violation under the provisions of this
6 chapter ~~may, based on the discretion of the sentencing judge,~~ shall not possess or reside with any
7 animal for a period of up to five (5) years following entry of the conviction or upon acceptance of
8 a plea of nolo contendere by the court. Any offense under this subsection is a misdemeanor
9 punishable by a fine of not more than one thousand dollars (\$1,000), by imprisonment for a term
10 not more than one year, or both, and forfeiture of the animal(s).

11 (b) In addition to any other penalty imposed by law, a person convicted of, or who
12 entered a plea of nolo contendere to, any felony violation under the provisions of this chapter
13 ~~may, based on the discretion of the sentencing judge,~~ shall not possess or reside with any animal
14 for a period of up to fifteen (15) years following entry of the conviction or upon acceptance of a
15 plea of nolo contendere by the court. Any offense under this subsection is a misdemeanor
16 punishable by a fine of not more than one thousand dollars (\$1,000), by imprisonment for a term
17 not more than one year, or both, and forfeiture of the animal(s).

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
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1 This act would take away the discretion of the sentencing judge in cases involving
2 persons convicted of, or who entered a plea of nolo contendere to any misdemeanor or felony
3 under the provisions of state law relating to cruelty to animals, including the discretion to allow
4 such person to possess or reside with any animal for a period of up to five (5) years following
5 entry of the conviction, or a fine of not more than one thousand dollars (\$1,000), by
6 imprisonment for a term not more than one year, or both, and forfeiture of the animal(s).

7 This act would take effect upon passage.

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