

2020 -- S 2828

LC005222

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY – CRUELTY TO ANIMALS

Introduced By: Senators Archambault, McCaffrey, Lynch Prata, Lombardi, and Ruggerio

Date Introduced: March 12, 2020

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 4-1-2, 4-1-3 and 4-1-5 of the General Laws in Chapter 4-1 entitled  
2 "Cruelty to Animals" are hereby amended to read as follows:

3 **4-1-2. Overwork, mistreatment, or failure to feed animals -- Shelter defined.**

4 (a) Whoever overdrives, overloads, drives when overloaded, overworks, tortures, torments,  
5 deprives of necessary sustenance, cruelly beats, mutilates, or cruelly kills, or causes or procures to  
6 be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived  
7 of necessary sustenance, cruelly beaten, or mutilated, any animal, and whoever, having the charge  
8 or custody of any animal, either as owner or otherwise, inflicts cruelty upon that animal, or willfully  
9 fails to provide that animal with proper food, drink, shelter, or protection from the weather, shall,  
10 for each offense, be imprisoned not exceeding eleven (11) months, or be fined not less than fifty  
11 dollars (\$50.00) nor exceeding five hundred dollars (\$500), or both. If the offense described in this  
12 section results in the death of the animal, the person shall be punished in the manner provided in §  
13 4-1-5.

14 (b) Any person who is convicted of, or who enters a plea of nolo contendere, to an offense  
15 prohibited by subsection (a) of this section, and such offense was committed in the presence of a  
16 minor, shall be punished in a manner prescribed in § 4-1-5(a). If the offense resulted in the death  
17 of the animal, they shall be punished in a manner prescribed in § 4-1-5(b).

18 ~~(b)~~(c) Any person who has been previously convicted of an offense provided for in chapter  
19 1 of title 4 shall, upon conviction of a second or subsequent violation within a ten-year (10) period,

1 be imprisoned for a period not exceeding six (6) years, or fined not less than five hundred dollars  
2 (\$500) and not exceeding five thousand dollars (\$5,000), or both. In addition, every person  
3 convicted under chapter 1 of title 4 of a second or subsequent offense shall be required to serve one  
4 hundred (100) hours of community restitution. The community restitution penalty shall not be  
5 suspended or deferred and is mandatory.

6 ~~(d)~~(d) Every owner, possessor, or person having charge of any animal may, upon  
7 conviction of a violation of this section, be ordered to forfeit all rights to ownership of the animal  
8 to the animal-control officer of the city or town in which the offense occurred or to a humane  
9 society that owns and operates the shelter that provided the subject animal shelter subsequent to  
10 any confiscation of that animal pursuant to this section.

11 ~~(e)~~(e) Shelter means a structure used to house any animal that will provide sufficient  
12 protection from inclement elements for the health and well being of the animal.

13 **4-1-3. Unnecessary cruelty.**

14 (a) Every owner, possessor, or person having the charge or custody of any animal, who  
15 cruelly drives or works that animal when unfit for labor, or cruelly abandons that animal, or who  
16 carries that animal or who fails to provide that animal with adequate living conditions as defined  
17 in § 4-1-1, or who engages in the hazardous accumulation of animals as defined in § 4-1-1, or  
18 causes that animal, to be carried, in or upon any vehicle or otherwise, in a cruel or inhuman manner;  
19 or willfully, intentionally, maliciously, recklessly, and/or knowingly authorizes or permits that  
20 animal to be subjected to unnecessary torture, suffering, or cruelty of any kind; or who places, or  
21 causes to have placed, on any animal any substance that may produce irritation or pain or that is  
22 declared a hazardous substance by the U.S. Food and Drug Administration or by the state  
23 department of health, shall be punished for each offense in the manner provided in § 4-1-2. If the  
24 offense described in this section results in the death of the animal, the person shall be punished in  
25 the manner provided in § 4-1-5. If any owner, possessor, or person having the charge or custody of  
26 any animal is found guilty of or pleads nolo contendere to a violation of this section and said  
27 violation involves the hazardous accumulation of animals, the court shall, in imposing a penalty  
28 under this section, take into account whether the defendant's conduct could be considered to be the  
29 result of a mental health disorder as defined in § 27-38.2-2.

30 (b) Any person who is convicted of, or who enters a plea of nolo contendere, to an offense  
31 prohibited by subsection (a) of this section, and such offense was committed in the presence of a  
32 minor, shall be punished in a manner prescribed in § 4-1-5(a). If the offense resulted in the death  
33 of the animal, they shall be punished in a manner prescribed in § 4-1-5(b).

34 ~~(c)~~(c) The substances proscribed by subsection (a) do not include any drug having curative

1 and therapeutic effect for disease in animals and that is prepared and intended for veterinary use.

2 ~~(e)~~(d) University, college, or hospital research facilities licensed and/or inspected by the  
3 U.S. Department of Agriculture or the U.S. Public Health Service of the Department of Health and  
4 Human Services shall be exempt from the provisions of subsection (a) provided that they are in  
5 good standing with the federal agency responsible for licensing or assurance of the facility.

6 **4-1-5. Malicious injury to or killing of animals.**

7 (a) Every person who cuts out the tongue or otherwise dismembers any animal maliciously;  
8 or maliciously kills or wounds any animal; or maliciously administers poison to or exposes any  
9 poisonous substance with intent that the poison shall be taken or swallowed by any animal; or who  
10 maliciously exposes poisoned meat with intent that the poison meat is taken or swallowed by any  
11 wild animal, shall be imprisoned not exceeding five (5) years or be fined not exceeding one  
12 thousand dollars (\$1,000), and shall, in the case of any animal of another, be liable to the owner of  
13 this animal for triple damages, to be recovered by civil action. In addition, any person convicted  
14 under this section is required to serve fifty (50) hours of community restitution. The community  
15 restitution penalty shall not be suspended or deferred and is mandatory.

16 (b) Any person who is convicted of, or who enters a plea of nolo contendere, to an offense  
17 prohibited by subsection (a) of this section, and such offense was committed in the presence of a  
18 minor, shall be imprisoned not exceeding seven (7) years and/or be fined not exceeding two  
19 thousand dollars (\$2,000).

20 ~~(b)~~(c) This section shall not apply to licensed hunters during hunting season or a licensed  
21 business killing animals for human consumption.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would increase penalties for animal cruelty. An individual convicted of animal  
2 cruelty, when the action was committed in the presence of a minor, would be imprisoned for a term  
3 not exceeding five (5) years or be fined in an amount not exceeding one thousand dollars (\$1,000),  
4 and would be liable to the owner for triple damages, to be recovered in a civil action. If an individual  
5 were convicted of animal cruelty and the action was committed in the presence of a child and the  
6 animal died, this act would increase the penalty to a term of imprisonment not exceeding seven (7)  
7 years and/or a fine not exceeding two thousand dollars (\$2,000).

8           This act would take effect upon passage.

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