

# State of South Dakota

EIGHTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2013

367U0653

## SENATE BILL NO. 171

Introduced by: Senators Adelstein and Lederman and Representatives Hajek and Hawks

1 FOR AN ACT ENTITLED, An Act to establish the crime of aggravated cruelty to dogs, cats,  
2 and horses and to provide certain criminal and civil penalties therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 40-1 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 No person may maliciously and intentionally cause the mistreatment, torture, or cruelty of  
7 any dog, cat, or horse resulting in serious injury, serious illness, or the death of the dog, cat, or  
8 horse. A violation of this section is a Class 6 felony. No person may own or possess a dog, cat,  
9 or horse for five years after the date of the sentencing.

10 Section 2. That chapter 40-1 be amended by adding thereto a NEW SECTION to read as  
11 follows:

12 For the purposes of section 1 of this Act, the term, serious injury, means any injury that  
13 creates a substantial risk of death, leaves a dog, cat, or horse significantly disfigured, causes  
14 broken bones, or causes prolonged impairment of health. The term, serious illness, means any  
15 illness or starvation that creates a substantial risk of death, leaves a dog, cat, or horse



1 significantly disfigured, or causes prolonged impairment of health. The term, torture, includes  
2 burning, poisoning, crushing, suffocating, impaling, drowning, blinding, skinning, fatal beating,  
3 fatal dragging, fatal exsanguination, disemboweling, or dismemberment of a dog, cat, or horse.

4 Section 3. That chapter 40-1 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The provisions of section 2 of this Act may not be construed to prohibit:

- 7 (1) Hunting, trapping, fishing, or any other activity regulated under Title 41;
- 8 (2) The marking of an animal for identification, and any other activity that is usual and  
9 customary practice in production agriculture;
- 10 (3) Examination, testing, individual treatment, operation, or euthanasia performed by or  
11 under the supervision of a licensed veterinarian;
- 12 (4) Lawful medical or scientific research conducted at a public or private facility or  
13 laboratory by or under the direction of a qualified researcher; and
- 14 (5) Any lawful activity undertaken to protect a person's life or property from a serious  
15 threat caused by a dog, cat, or horse.

16 Section 4. That chapter 40-1 be amended by adding thereto a NEW SECTION to read as  
17 follows:

18 Any person who violates the provisions of section 1 of this Act may also, at the discretion  
19 of the court, be ordered to undergo psychological or psychiatric evaluation and obtain  
20 psychological counseling, including counseling in responsible pet ownership or animal cruelty  
21 prevention, for which the person shall bear any costs incurred.