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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS

Introduced By: Senators Urso, Ciccone, Dimitri, Tikoian, LaMountain, Pearson,
DiMario, Sosnowski, Patalano, Britto, and Bissaillon

Date Introduced: February 26, 2025

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 4-1-3, 4-1-5 and 4-1-22 of the General Laws in Chapter 4-1 entitled
2 "Cruelty to Animals" are hereby amended to read as follows:
3 **4-1-3. Unnecessary cruelty.**
4 (a) Every owner, possessor, or person having the charge or custody of any animal, who
5 cruelly drives or works that animal when unfit for labor, or cruelly abandons that animal, or who
6 carries that animal or who fails to provide that animal with adequate living conditions as defined
7 in § 4-1-1, or who engages in the hazardous accumulation of animals as defined in § 4-1-1, or
8 causes that animal, to be carried, in or upon any vehicle or otherwise, in a cruel or inhuman manner;
9 or willfully, intentionally, maliciously, recklessly, and/or knowingly authorizes or permits that
10 animal to be subjected to unnecessary torture, suffering, or cruelty of any kind; or who places, or
11 causes to have placed, on any animal any substance that may produce irritation or pain or that is
12 declared a hazardous substance by the U.S. Food and Drug Administration or by the state
13 department of health, shall be punished for each offense in the manner provided in § 4-1-2. If the
14 offense described in this section results in the death of the animal, the person shall be punished in
15 the manner provided in § 4-1-5. If any owner, possessor, or person having the charge or custody of
16 any animal is found guilty of or pleads nolo contendere to a violation of this section and said
17 violation involves the hazardous accumulation of animals, the court shall, in imposing a penalty
18 under this section, take into account whether the defendant's conduct could be considered to be the
19 result of a mental health disorder as defined in § 27-38.2-2.

1 (b) The substances proscribed by subsection (a) do not include any drug having curative
2 and therapeutic effect for disease in animals and that is prepared and intended for veterinary use.

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

7 (d) Upon an arrest, citation, personal or reported observation of neglect or abandonment of
8 an animal, an animal control officer shall have the authority to immediately take possession of an
9 animal and provide adequate care for the animal. The animal control officer shall provide the owner
10 of the animal with a notice of a hearing within forty-eight (48) hours of the seizure of the animal.
11 The municipal or district court shall have jurisdiction over these cases and expeditiously schedule
12 a hearing for a permanent rehoming of the animal upon a finding by a preponderance of the
13 evidence that there is an injury, cruelty, or neglect of an animal then the owners' rights shall be
14 terminated. The hearing in the municipal or district court can be heard prior to the disposition of
15 criminal charges.

16 (e) Whenever any animal control officer lawfully takes charge of any animal under this
17 section, all reasonable expenses for the care and treatment of the animal(s), while in the custody of
18 the shelter during this time, shall be paid for by the animal's owner(s) or guardian(s).

19 **4-1-5. Malicious injury to or killing of animals.**

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

29 (b) This section shall not apply to licensed hunters during hunting season or a licensed
30 business killing animals for human consumption.

31 **4-1-22. Care of neglected animals by society — Forfeiture of owner's rights —**
32 **Expenses.**

33 (a) An officer or agent of the Rhode Island Society for the Prevention of Cruelty to Animals
34 may lawfully take charge of and shall provide adequate care to any animal found abandoned or

1 neglected or hazardedly accumulated as defined in § 4-1-1, or that in the opinion of that officer or
2 agent, is aged, maimed, disabled, lame, sick, diseased, injured, unfit for the labor it is performing,
3 or cruelly treated, and shall give notice to the owner or guardian, if known. Prior to the disposition
4 of any criminal charges, the officer shall provide the animal owner with a forty-eight (48) hour
5 notice of a hearing to permanently rehome the animal. The hearing shall be expeditiously held in
6 the municipal or district court and upon a finding of abuse or neglect supported by the
7 preponderance of the evidence, the rights of the animal owner shall be terminated.

8 (b) Every owner or guardian, upon conviction, plea of guilty, or plea of nolo contendere,
9 of abandonment, neglect, hazardous accumulation as defined in § 4-1-1, or otherwise cruel
10 treatment of any animal taken charge of by the Rhode Island Society for the Prevention of Cruelty
11 to Animals under this section, forfeits the rights to ownership or control of that animal to the Society
12 for disposition in any manner deemed suitable for that animal.

13 (c) Whenever any officer or agent of the Rhode Island Society for the Prevention of Cruelty
14 to Animals lawfully takes charge of any animal under this section, all reasonable expenses for the
15 care and treatment of the animal(s), while in the custody of the Society during this time, shall be
16 paid for by the owner or guardian. The Society has the authority to commence a civil action for
17 damages against the owner or guardian thirty (30) days after a written demand for payment of the
18 expense of the suitable care of that animal has been sent and no payment has been received. The
19 written demand shall state that the failure to pay or make arrangements to pay for the care of that
20 animal may result in forfeiture of ownership of the animal. The cost of the care and treatment that
21 is billed to the owner or guardian shall be reasonable and related to equivalent services provided
22 by veterinary care and animal sheltering, feeding, and boarding services in this state.

23 (d) The owner or guardian of any animal that is in the charge of the Rhode Island Society
24 for the Prevention of Cruelty to Animals pursuant to the authority granted in this section may,
25 within sixty (60) days following the date that the society gives notice of the taking of possession of
26 the animal, petition the district court for an order to return custody of the animal to the owner or
27 guardian.

28 (e) Upon the filing of the petition, the court shall cause a summons to be issued requiring
29 an authorized representative of the Society for the Prevention of Cruelty to Animals to appear in
30 court at the time and place named, which summons shall be served not less than fourteen (14) days
31 before the date of the hearing.

32 (f) At the hearing on the petition, the court shall consider:

33 (1) The animal's condition;

34 (2) The care required to maintain the animal safely and in an appropriate environment; and

1 (3) The ability of the petitioner to provide or arrange for the adequate care of the animal,
2 including during the time any criminal charges related to or arising from the seizure are pending.

3 (g) If, after hearing, the court finds that the owner or guardian of the animal has the ability
4 to properly care for or arrange for the adequate care of the animal during the pendency of the
5 criminal charges, the court may allow the owner or guardian of the animal to have or arrange for
6 the adequate care, custody, and control of the animal pending the final determination of the related
7 criminal charges subject to such restrictions and conditions as the court determines to be reasonable
8 or necessary.

9 (h) All issues will be decided upon a preponderance of the evidence.

10 (i) In the event that the court orders an animal returned to the owner or guardian following
11 the hearing, the owner or guardian will not be required to pay for the cost of care incurred prior to
12 the date of the hearing unless and until such time as there has been a conviction, plea of guilty, or
13 plea of nolo contendere, of abandonment, neglect, hazardous accumulation as defined in § 4-1-1,
14 or otherwise cruel treatment in the related criminal proceeding.

15 (j) In the event that the owner or guardian fails to petition for custody of the animal within
16 sixty (60) days of notice of the taking or fails to pay within sixty (60) days of the written demand
17 for payment, the Rhode Island Society for the Prevention of Cruelty to Animals may petition the
18 court for transfer of ownership of the animal to the Rhode Island Society for the Prevention of
19 Cruelty to Animals. If the owner or guardian fails to respond to the petition for transfer of ownership
20 the court shall transfer ownership to the society.

21 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 -- CRUELTY TO ANIMALS

1 This act would allow an animal control officer to immediately take possession of an animal
2 for violation of this section. An animal owner would be given a forty-eight (48) hour notice of a
3 hearing to be held in municipal or district court to rehome the animal prior to the disposition of any
4 criminal charges. The animal owner would be responsible for all reasonable expenses for the care
5 of the animal while in the custody of the shelter. Penalties for malicious injury or the killing of
6 animals would be increased.

7 This act would take effect upon passage.

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