

2022 -- H 8278

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LC005708
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY - CRUELTY TO ANIMALS

Introduced By: Representatives Baginski, Potter, and O'Brien

Date Introduced: May 20, 2022

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 4-1-22 of the General Laws in Chapter 4-1 entitled "Cruelty to
2 Animals" is hereby amended to read as follows:

3 **4-1-22. Care of neglected animals by society -- Forfeiture of owner's rights --**
4 **Expenses.**

5 (a) An officer or agent of the Rhode Island Society for the Prevention of Cruelty to Animals
6 may lawfully take charge of any animal found abandoned or neglected or hazardously accumulated
7 as defined in § 4-1-1, or that in the opinion of that officer or agent, is aged, maimed, disabled, lame,
8 sick, diseased, injured, unfit for the labor it is performing, or cruelly treated, and shall give notice
9 to the owner, if known, or his or her agents, and may provide suitable care.

10 (b) Every owner or agent, upon conviction, plea of guilty, or plea of nolo contendere, of
11 abandonment, neglect, hazardous accumulation as defined in § 4-1-1, or otherwise cruel treatment
12 of any animal taken charge of by the Rhode Island Society for the Prevention of Cruelty to Animals
13 under this section, or upon the failure to make payment for the cost of care provided by the Rhode
14 Island Society for the Prevention of Cruelty to Animals within thirty (30) days of written demand
15 for payment shall ~~forfeits~~ forfeit the rights to ownership or control of that animal to the Society for
16 disposition in any manner deemed suitable for that animal.

17 (c) Whenever any officer or agent of the Rhode Island Society for the Prevention of Cruelty
18 to Animals lawfully takes charge of any animal under this section, all reasonable expenses for the
19 care and treatment of the animal(s), while in the custody of the Society during this time, shall be

1 paid for by the owner, guardian, or his or her agent upon conviction, plea of guilty, or plea of nolo
2 contendere. The Society has the authority to commence a civil action for damages against the owner
3 or his or her agent thirty (30) days after a written demand for payment of the expense of the suitable
4 care of that animal has been sent and no payment has been received. The cost of such care and
5 treatment that is billed to the owner shall be reasonable and just related to equivalent services
6 provided by veterinary care and animal sheltering, feeding and boarding services in this state.

7 (d) The owner of any animal that is in the charge of the Rhode Island Society for the
8 Prevention of Cruelty to Animals pursuant to the authority granted in this section may, within sixty
9 (60) days following the date that the Society gives notice of the taking of possession of the animal,
10 file with the district court a petition asking the court to order the return of custody of the animal to
11 the owner.

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

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

17 (1) The animal's condition;

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

19 (3) The ability of the petitioner to provide adequate care including during the time any
20 criminal charges related to or arising from the seizure are pending.

21 (g) If, after hearing, the court finds that the owner of the animal has the ability to properly
22 care for the animal during the pendency of the criminal charges, the court may allow the owner of
23 the animal to have the care, custody and control of the animal pending the final determination of
24 the related criminal charges subject to such restrictions and conditions as the court determines to
25 be reasonable or necessary.

26 (h) All issues will be decided upon the preponderance of the evidence and the
27 determination of the district court shall be final and conclusive subject to an appeal pursuant to §
28 9-12-10.

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

1 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 provide that owners of animals in the custody of the Rhode Island Society
2 for the Prevention of Cruelty to Animals (RISPCA) shall pay reasonable expenses for the animals
3 care or the animal may be forfeited to the RISPCA. This act further provides that the owner of an
4 animal in RISPCA custody may file an action in the district court for return of the animal.

5 This act would take effect upon passage.

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