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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, Murray,
DiMario, Sosnowski, Patalano, and Bissaillon

Date Introduced: February 26, 2025

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

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

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

15 **4-1-22. Care of neglected animals by society — Forfeiture of owner's rights —**
16 **Expenses.**

17 (a) An animal control officer of a city or town, or an officer or agent of the Rhode Island
18 Society for the Prevention of Cruelty to Animals may lawfully take charge of and shall provide
19 adequate care to any animal found abandoned or neglected or hazardedly accumulated as defined

1 in § 4-1-1, or that in the opinion of that officer or agent, is aged, maimed, disabled, lame, sick,
2 diseased, injured, unfit for the labor it is performing, or cruelly treated, and shall give notice to the
3 owner or guardian, if known.

4 (b) Every owner or guardian, upon conviction, plea of guilty, or plea of nolo contendere,
5 of abandonment, neglect, hazardous accumulation as defined in § 4-1-1, or otherwise cruel
6 treatment of any animal taken charge of by [an animal control officer of a city or town, or an agent](#)
7 [of the Rhode Island Society for the Prevention of Cruelty to Animals](#) under this section, forfeits the
8 rights to ownership or control of that animal to the Society for disposition in any manner deemed
9 suitable for that animal.

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

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

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

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

32 (1) The animal's condition;

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

34 (3) The ability of the petitioner to provide or arrange for the adequate care of the animal,

1 including during the time any criminal charges related to or arising from the seizure are pending.

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

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

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

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

21 SECTION 2. Sections 4-13-13, 4-13-39 and 4-13-42 of the General Laws in Chapter 4-13
22 entitled "Dogs" are hereby amended to read as follows:

23 **4-13-13. Wrongful removal of collar — Theft or destruction of licensed dogs —**
24 **Poisoning.**

25 (a) Whoever wrongfully removes the collar from the neck of a dog licensed and collared
26 according to the provisions of this chapter, or steals a dog licensed or collared, or kills, maims,
27 entices, carries away, or detains a licensed dog, or distributes or exposes a poisonous substance,
28 with the intent that the poisonous substance shall be eaten by a licensed dog, shall be punished by
29 a fine of not less than ~~ten dollars (\$10.00)~~ one hundred dollars (\$100), nor more than ~~one hundred~~
30 ~~dollars (\$100)~~ one thousand dollars (\$1,000) or be imprisoned not exceeding thirty (30) days, or
31 both, and shall be liable to the dog's owner for damages in a civil action.

32 (b) Any person who has been previously convicted of an offense provided for in chapter
33 13 of title 4 shall, upon conviction of a second or subsequent violation within a ten-year (10) period,
34 be punished by a fine of not less than five hundred dollars (\$500) and not exceeding one thousand

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

5 **4-13-39. Penalties.**

6 ~~Any~~ Except where otherwise specified that a violation shall result in a greater penalty, any
7 person convicted of a violation of this chapter shall be fined fifty dollars (\$50) for a first offense
8 and one hundred dollars (\$100) for a second and subsequent offense.

9 **4-13-42. Care of dogs.**

10 (a) It shall be a violation of this section for an owner or keeper to:

11 (1) Keep any dog on a permanent tether that restricts movement of the tethered dog to an
12 area less than one hundred thirteen square feet (113 sq. ft.), or less than a six foot (6') radius at
13 ground level.

14 (2) Tether a dog with a choke-type collar, head collar, or prong-type collar. The weight of
15 any chain or tether shall not exceed one-eighth ($\frac{1}{8}$) of the dog's total body weight.

16 (3) Keep any dog tethered for more than ten (10) hours during a twenty-four-hour (24)
17 period or keep any dog confined in an area or primary enclosure for more than fourteen (14) hours
18 during any twenty-four-hour (24) period, and more than ten (10) hours during a twenty-four-hour
19 (24) period, if the area is not greater than that which is required under the most recently adopted
20 version of the department of environmental management's rules and regulations governing animal
21 care facilities.

22 (4) Tether a dog anytime from the hours of ten o'clock p.m. (10:00 p.m.) to six o'clock
23 a.m. (6:00 a.m.), except for a maximum of fifteen (15) minutes.

24 (5) Keep any dog outside, either tethered or otherwise confined, when the ambient
25 temperature is beyond the industry standard for the weather safety scale as set forth in the most
26 recent adopted version of the Tufts Animal Care and Condition Weather Safety Scale (TACC).

27 (b) It shall be a violation of this section for an owner or keeper to fail to provide a dog
28 with adequate feed, adequate water, or adequate veterinary care as those terms are defined in § 4-
29 19-2; provided however, that adequate veterinary care may be provided by an owner using
30 acceptable animal husbandry practices.

31 (c) Exposing any dog to adverse weather conditions strictly for the purpose of conditioning
32 shall be prohibited.

33 (d) The provisions of this section, as they relate to the duration and timeframe of tethering
34 or confinement, shall not apply:

1 (1) If the tethering or confinement is authorized for medical reasons in writing by a
2 veterinarian licensed in Rhode Island, the authorization is renewed annually, and shelter is
3 provided;

4 (2) If tethering or confinement is authorized in writing by an animal control officer, or duly
5 sworn police officer assigned to the animal control division, for the purposes of, including, but not
6 limited to, hunting dogs, dogs protecting livestock, and sled dogs. Written authorization must be
7 renewed annually. The written authorization issued by an animal control officer or duly sworn
8 police officer assigned to the animal control division in the political subdivision of the state where
9 the dogs are kept shall be considered valid in every other political subdivision of the state. The
10 written authorization issued by an animal control officer or duly sworn police officer assigned to
11 the animal control division in the political subdivision of the state where the dogs are kept is
12 revocable by that animal control officer or police officer if there are any conditions present that
13 warrant revocation. The conditions include, but are not limited to, changes in the number or type
14 of dogs, changes in the facility structure or safety, and changes in the health of the dog;

15 (3) To any entity licensed by the state pursuant to chapter 19 of title 4, or any veterinary
16 facility; or

17 (4) [Deleted by P.L. 2018, ch. 118, § 1 and P.L. 2018, ch. 198, § 1.]

18 (5) [Deleted by P.L. 2018, ch. 118, § 1 and P.L. 2018, ch. 198, § 1.]

19 (6) To an exhibitor holding a class C license under the Animal Welfare Act (7 U.S.C. §
20 2133) that are temporarily in the state, if authorized by the department of environmental
21 management (DEM).

22 (7) [Deleted by P.L. 2018, ch. 118, § 1 and P.L. 2018, ch. 198, § 1.]

23 (e) Any person in violation of this section shall be imprisoned not exceeding ~~eleven (11)~~
24 ~~months,~~ one year, or fined not less than one hundred dollars (\$100) nor exceeding one thousand
25 dollars (\$1,000), or both. Each day of violation shall constitute a separate offense. For a second or
26 subsequent violation the fine shall be not less than one thousand dollars (\$1,000), nor more than
27 five thousand dollars (\$5,000) and up to two (2) years imprisonment.

28 (f) ~~General~~ Animal control officers of the cities and towns, or general agents or special
29 agents of the Rhode Island Society for the Prevention of Cruelty to Animals (RISPCA) are hereby
30 authorized to enforce the provisions of this chapter in cooperation with ~~animal control officers and~~
31 the department of environmental management (DEM).

32 SECTION 3. 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 animal control officers in the cities and towns to lawfully take charge
2 of and provide adequate care to any animal found abandoned or neglected or hazardously
3 accumulated and would increase penalties from one thousand dollars (\$1,000) to five thousand
4 dollars (\$5,000) for malicious injury to or killing of animals.

5 This act would take effect upon passage.

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