

2014 -- H 7596

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY - CRUELTY TO ANIMALS

Introduced By: Representative Patricia A.Serpa

Date Introduced: February 26, 2014

Referred To: House Judiciary

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 4-1 of the General Laws entitled "Cruelty to Animals" is hereby
2 amended by adding thereto the following section:

3 **4-1-42. Animals as victims of crimes.--** (a) The general assembly recognizes that an
4 animal is not a human being. The general assembly further does not equate the life of an animal
5 with the life of a human being. Nevertheless, animals are living, breathing, sentient beings. As
6 such, animals should be treated by agents of the state with dignity, respect, and sensitivity, as has
7 been previously recognized by the general assembly through the provision or animal advocates in
8 § 4-1-31. Further, when an animal is maintained as a pet, neglect, cruelty, and abuse to such
9 animal can cause injury, pain and suffering not only to the animal but also to those persons who
10 care for such animal.

11 (b) As used in this section, the term "animal" or "companion animal" shall mean family
12 or individual pets who are members of a family or were members of a family prior to the act of
13 abuse and cruelty.

14 (c) In recognition of the injury, pain, and suffering caused to animals who are subject to
15 neglect, abuse, and cruelty as set forth in this chapter, as well as the injury, pain, and suffering of
16 those who care for such animals, the general assembly expands the role of the animal advocates
17 provided for in § 4-1-31 as follows:

18 (1) An animal advocate shall be appointed in judicial cases for all companion animals or
19 family pets who have been abused, neglected, or otherwise subject to animal cruelty as set forth

1 in this chapter:

2 (2) Animals who are the subject of actions that would be considered felonies if
3 committed against humans shall have the right to have the alleged perpetrator similarly charged.
4 Provided, this section shall not apply to livestock or animals maintained for the primary purpose
5 of providing food for human or other consumption;

6 (3) Animal victims shall have an animal advocate speak for the animal's pain and
7 suffering in a manner similar to a victim's statement, and to make recommendations to a court of
8 competent jurisdiction for the punishment of the alleged perpetrator, if found guilty; and

9 (4) Once an animal advocate has been appointed in a judicial case, the animal advocate
10 shall be notified of hearings and shall have the right of access to relevant court documents, to
11 speak before the court, and to otherwise advocate on behalf of the animal as well as persons who
12 care or cared for such animal.

13 (d) The animal advocate shall have the same rights and authority provided for in
14 subsection (c) of this section in regard to any administrative actions taken before a department or
15 agency on behalf of an animal for animal abuse, cruelty, or neglect.

16 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 expand the powers of the animal advocate in judicial and administrative
2 cases of animal abuse, neglect, and cruelty.

3 This act would take effect upon passage.

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