

2015 -- S 0258

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY - CRUELTY TO ANIMALS

Introduced By: Senators Archambault, Lombardi, DiPalma, Ciccone, and Ruggerio

Date Introduced: February 11, 2015

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 4-1-3.2 of the General Laws in Chapter 4-1 entitled "Cruelty to
2 Animals" is hereby amended to read as follows:

3 **4-1-3.2. Animal confinement in motor vehicles prohibited.** -- (a) No owner or person
4 shall confine any animal in a motor vehicle that is done in a manner that places the animal in a
5 life-threatening or extreme health-threatening situation by exposing it to a prolonged period of
6 extreme heat or cold without proper ventilation or other protection from such heat or cold. In
7 order to protect the health and safety of an animal, an animal control officer, law enforcement
8 officer, or fire fighter who has probable cause to believe that this section is being violated shall
9 have the authority to enter such motor vehicle by any reasonable means necessary under the
10 circumstances after making a reasonable effort to locate the owner or other responsible person.

11 (b) A law enforcement or animal control officer may take all steps that are reasonably
12 necessary to remove an animal from a motor vehicle if the animal's health, safety, or well-being
13 appears to be in immediate danger from heat, cold, or lack of adequate ventilation and the
14 conditions could reasonably be expected to cause extreme suffering or death.

15 (c) Nothing in this section shall prevent a law enforcement officer or animal control
16 officer from removing an animal from a motor vehicle if the animal's safety appears to be in
17 immediate danger from heat, cold, lack of adequate ventilation, lack of food or water or other
18 circumstances that could reasonably be expected to cause suffering, disability, or death to the
19 animal. A law enforcement officer or animal control officer may enter the motor vehicle for the

1 sole purpose of rescue or release of the animal and may not search the vehicle unless otherwise
2 permitted by law.

3 (d) A law enforcement or animal control officer who removes an animal in accordance
4 with this section shall, in a secure and conspicuous location on or within the motor vehicle, leave
5 written notice bearing the officer's or agent's name and office and the address of the location
6 where the animal ~~may be retrieved. The owner may retrieve the animal only after payment of all~~
7 ~~charges that have accrued for the maintenance, care, medical treatment, and impoundment of the~~
8 ~~animal~~ is currently being treated and/or held.

9 (e) A law enforcement or animal control officer may hold the animal for up to seventy-
10 two (72) hours or until the date of the arraignment if the officer reasonably believes the animal
11 needs or requires any additional medical treatment and/or medical observation. The officer shall
12 provide written notice to the owner of the animal that a hearing relating to temporary and/or
13 permanent possession of the animal will be afforded at the arraignment.

14 (f) The district court shall, after hearing, determine if and when the owner may retrieve
15 the animal and the amount the owner must pay for the maintenance, care, medical treatment, and
16 impounding of the animal. The owner shall pay for all charges ordered by the court before taking
17 possession of the animal. The court may also order that the owner permanently surrender physical
18 possession and ownership of the animal.

19 ~~(e)~~(g) A law enforcement or animal control officer who removes an animal from a motor
20 vehicle pursuant to this section is immune from criminal or civil liability that might otherwise
21 result from the removal.

22 ~~(f)~~(h) Any person who knowingly violates this section shall be punished by
23 imprisonment for a term not exceeding one year or by a fine of no more than one thousand dollars
24 (\$1,000), or both.

25 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would authorize a law enforcement or animal control officer to hold an animal
2 confined in a motor vehicle up to seventy-two (72) hours pending a district court hearing as to
3 medical costs, fees, charges, and/or surrender of physical possession and ownership.

4 This act would take effect upon passage.

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