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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- ANIMAL ABUSER REGISTRY  
ACT

Introduced By: Representatives Shekarchi, Serpa, Corvese, Ackerman, and Solomon

Date Introduced: January 29, 2016

Referred To: Committee on Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 4 of the General Laws entitled "ANIMALS AND ANIMAL  
2 HUSBANDRY" is hereby amended by adding thereto the following chapter:

3 CHAPTER 1.2

4 ANIMAL ABUSER REGISTRY ACT

5 **4-1.2-1. Title. --** This chapter shall be known and may be cited as the "Animal Abuser  
6 Registry Act".

7 **4-1.2-2. Legislative findings. --** (a) The general assembly finds and determines that  
8 animal cruelty is a serious problem resulting in the abuse of many animals each year and that  
9 while the state of Rhode Island has criminalized the cruel treatment of animals, animal abuse and  
10 cruelty continues to occur throughout the state.

11 (b) The general assembly further finds and determines that people who have abused  
12 animals in the past are likely to do so in the future and studies show that there is a nearly one  
13 hundred percent (100%) recidivism rate for certain types of abuse such as animal hoarding.

14 (c) The general assembly further finds and determines that individuals who abuse animals  
15 are statistically more likely to commit violent acts against humans and, in particular, the general  
16 assembly also determines that a strong correlation has been established linking individuals who  
17 abuse animals with incidents of domestic violence.

18 (d) The general assembly further finds and determines that animals in need of homes

1 need to be protected from potential abusers.

2 (e) The general assembly further finds and determines that it is in the best interest of the  
3 residents of the state of Rhode Island and their animals that an online registry be established  
4 identifying individuals residing in the state convicted of animal abuse crimes that will prevent  
5 those individuals convicted of animal cruelty from adopting, purchasing, or otherwise obtaining  
6 animals from any animal shelter, pet seller, or other person or entity involved in the exchange of  
7 animals by adoption, sale, or other means.

8 **4-1.2-3. Definitions.** -- The following terms shall have the meanings indicated:

9 (1) "Animal" means any living mammal (except a human being), bird, reptile, amphibian,  
10 or fish.

11 (2) "Animal abuse crime" means any of the crimes contained in title 4 "Animals and  
12 Animal Husbandry".

13 (3) "Animal abuse offender" means any person eighteen (18) years of age, or older,  
14 convicted of an animal abuse crime, except youthful offenders whose convictions or  
15 adjudications include sealed records.

16 (4) "Animal abuser registry" means the online registry established and maintained by the  
17 department of the attorney general for registering any person convicted of an animal abuse crime.

18 (5) "Animal shelter" means any public or privately owned organization including, but not  
19 limited to, any duly incorporated humane society, pound, animal protective association or animal  
20 rescue group which maintains buildings, structures, or other property for the purpose of harboring  
21 animals which may be stray, unwanted, lost, abandoned, or abused and seeks to find appropriate  
22 temporary or permanent homes for such animals.

23 (6) "Conviction" or "convicted" means any instance wherein:

24 (i) A judgment of conviction has been entered against any person; or

25 (ii) There has been a finding of guilty for any offense, regardless of whether an appeal is  
26 pending; or

27 (iii) There has been a plea of guilty or nolo contendere for any offense, regardless of  
28 whether an appeal is pending; or

29 (iv) There has been an admission of sufficient facts or a finding of delinquency of a  
30 minor for any offense, whether or not an appeal is pending.

31 (7) "Farm animal" means an animal used in the production of human or animal food, feed  
32 or fiber.

33 (8) "Pet seller" means any individual, person, partnership, firm, corporation or other legal  
34 entity which offers animals for sale or is engaged in the sale, exchange, or other transfer of

1 ownership of animals.

2 (9) "Service animal" means any dog or miniature horse that has been individually trained  
3 to do work or perform tasks for people with disabilities as defined by the "Americans with  
4 Disabilities Act of 1990" 42 U.S.C. ch. 126, §12101 et seq.

5 **4-1.2-4. Establishing an animal abuser registry.** -- (a) The attorney general is hereby  
6 authorized, empowered and directed to establish an online animal abuser registry that shall  
7 contain the names and residence information of all available animal abuse offenders living in  
8 Rhode Island who are convicted of an animal abuse crime on or after the effective date of this  
9 chapter. The online registry will be maintained by the attorney general's office and shall be listed  
10 on the attorney general's official website. The online animal abuser registry shall also contain  
11 links to other registries to be used as informational resources by animal shelters, pet sellers, or  
12 other persons when they shall sell, exchange or otherwise transfer the ownership of any animal.

13 (b) The registry shall contain the required information about each animal abuse offender  
14 for a period of fifteen (15) years following their release from incarceration or, if not incarcerated,  
15 from the date of the judgment of conviction. Any currently or previously registered animal abuse  
16 offender convicted of a subsequent animal abuse crime shall be placed on the animal abuser  
17 registry for life following the second conviction. Upon notification to the state attorney general of  
18 a successful appeal of a conviction of an animal abuse crime by an individual who has been  
19 required to register pursuant to this chapter, the registration information for that individual shall  
20 be removed from the animal abuser registry within five (5) days following the notification.

21 **4-1.2-5. Registry requirements.** -- (a) All animal abuse offenders who reside in Rhode  
22 Island and who are convicted of an animal abuse crime on or after the effective date of this  
23 chapter must register with the animal abuser registry within five (5) days of their release from  
24 incarceration or, if not incarcerated, from the date of the judgment of conviction.

25 (b) Whenever a person is convicted of an animal abuse crime, the prosecuting department  
26 shall forward to the attorney general's office the name and address of the convicted person along  
27 with the name of the animal abuse crime the person was convicted of, thereby notifying the  
28 attorney general's office that the person is required to register with the animal abuser registry.

29 (c) Each person required to register with the animal abuser registry shall submit the  
30 following information to the attorney general's office:

31 (1) Their name and any aliases they may be known by;

32 (2) Their residence address;

33 (3) Their date of birth; and

34 (4) A photograph of the front of their head and shoulders not less than two inches (2") by

1 three inches (3") or a digital image commonly known as a digital photograph of the front of their  
2 head and shoulders.

3 (d) Every person required to register with the animal abuser registry shall update their  
4 registry information within five (5) days of any change of residential address and/or upon any  
5 official change of name.

6 (e) Every person required to register with the animal abuser registry shall pay a fee of one  
7 hundred twenty-five dollars (\$125) to the attorney general's office at the time of registration. All  
8 such fees shall be used to help pay the administrative and maintenance costs of maintaining the  
9 registry.

10 (f) The attorney general is hereby authorized and empowered to promulgate such rules  
11 and regulations as may be necessary to implement the animal abuser registry.

12 **4-1.2-6. Prohibition of animal shelters and pet sellers from transferring animal**  
13 **ownership to animal abuse offenders. --** (a) No animal shelter, pet seller, or other person or  
14 entity located in this state shall sell, exchange or otherwise transfer the ownership of any animal  
15 to any person having resided in this state and listed as an animal abuse offender on the animal  
16 abuser registry, nor shall such animal abuse offender be allowed to retain possession of any  
17 currently owned animals. Prior to the sale, exchange, or other transfer of ownership of any  
18 animal, the animal shelter, pet seller, or other person or entity is required to examine the animal  
19 abuser registry to confirm that the name of the potential owner of the animal is not listed.

20 (b) This section shall not apply to farm animals for farmers, nor to service animals for  
21 people with disabilities.

22 **4-1.2-7. Penalties. --** (a) Any animal abuse offender required to register with the animal  
23 abuser registry who fails to so register shall be guilty of a misdemeanor punishable by  
24 incarceration for a period of not more than one year, a fine not to exceed one thousand dollars  
25 (\$1,000), or both.

26 (b) Any animal abuse offender who violates the prohibition against possessing, owning,  
27 adopting, or purchasing an animal, except for farm animals for farmers, and service animals for  
28 people with disabilities, shall be guilty of a misdemeanor punishable by incarceration for a period  
29 of not more than one year, a fine not to exceed one thousand dollars (\$1,000), or both.

30 (c) Any animal shelter, pet seller or other individual or entity that violates §4-1.2-6 shall  
31 be guilty of a violation and subject to a fine not to exceed one thousand (\$1,000) dollars. It shall  
32 not be a violation of this chapter if the animal shelter, pet seller, or other individual or entity  
33 checked with the animal abuser registry and the name did not appear thereon.

34 **4-1.2-8. Severability. --** If any provision of this chapter or the application thereof to any

1 person or circumstances is held invalid, such invalidity shall not affect other provisions or  
2 applications of the chapter, which can be given effect without the invalid provision or application,  
3 and to this end the provisions of this chapter are declared to be severable.

4 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 -- ANIMAL ABUSER REGISTRY  
ACT

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1           This act would create the "Animal Abuser Registry Act" which would require all persons  
2 convicted of animal abuse to register with an online registry to be established and maintained by  
3 the attorney general's office.

4           This act would take effect upon passage.

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