

2017 -- H 5061

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO ANIMAL AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS

Introduced By: Representatives Keable, Williams, Serpa, Lima, and Solomon

Date Introduced: January 11, 2017

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 4-1-31 of the General Laws in Chapter 4-1 entitled "Cruelty to
2 Animals" is hereby amended to read as follows:

3 **4-1-31. Assignment of state veterinarian.**

4 (a) Examination of fighting animals. A licensed veterinarian from the department of
5 environmental management, shall be made available to agents of the Rhode Island Society for the
6 Prevention of Cruelty to Animals at the request of the state police for the purpose of examining
7 any animal that those agents believe to have been involved in animal fighting in violation of §§ 4-
8 1-2, 4-1-8, 4-1-9 or 4-1-11.

9 (b) Right of entry where cruelty suspected. The director of the department of
10 environmental management, or any veterinarian employed by the department of environmental
11 management designated by the director for such purpose, having reason to suspect the existence
12 of cruelty to animals within the meaning of this chapter upon any grounds or premises, is hereby
13 authorized and empowered to enter upon those grounds or premises for enforcement of the
14 provisions of this chapter. For such inspections, the department shall, unless a search without a
15 warrant is otherwise allowed by law, seek a search warrant from an official of a court authorized
16 to issue warrants.

17 (c) The director of the department of environmental management may designate a
18 department veterinarian or veterinarians to act as animal advocates. A general agent or special
19 agent from the Rhode Island Society for the Prevention of Cruelty to Animals may also act in that

1 capacity.

2 (d) In any case, before any court, in which the custody or well-being of an animal is at
3 issue, the court shall appoint an animal advocate to make recommendations regarding the welfare
4 of the animal. The animal advocate shall make recommendations to any court before which the
5 custody or well-being of an animal is at issue.

6 (e) Any animal care facility licensed by the United States Department of Agriculture or
7 holding a public health service (PHS) assurance of compliance shall be exempt from the
8 provisions of this section.

9 (f) Right to seize animals that are the subject of cruel treatment. The director of
10 environmental management, or any veterinarian employed by the department of environmental
11 management ("department"), shall have the authority to examine any animal that is suspected of
12 being cruelly treated, mistreated, or neglected by its owner, guardian, or his or her agents in
13 violation of the provisions of chapter 1 of this title. Upon reasonable evidence to suggest that the
14 subject animal(s) has been cruelly treated, mistreated, or negligently treated by the owner,
15 guardian, or his or her agents, in violation of the provisions of chapter 1 of this title, the
16 department may lawfully take charge of that animal(s) and shall have the authority to seize said
17 animal(s). Any animal(s) so seized shall remain in the custody of the department during the
18 pendency of any civil or criminal investigation and remain in the custody of the department until
19 the adjudication of the matter. All reasonable expenses for the care and treatment of the
20 animal(s), while in the custody of the department during this time, shall be paid for by the owner,
21 guardian, or his or her agent upon conviction, entry of a guilty plea, or a plea of nolo contendere.
22 The department has the authority to commence a civil action for damages against the owner,
23 guardian, or his or her agent thirty (30) days after written demand for payment of the expenses of
24 the suitable care of that animal has been sent and no payment received.

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 require a court of competent jurisdiction to order the appointment of an
2 animal care advocate where animal cruelty is at issue.

3 This act would take effect upon passage.

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