

2017 -- S 0390 SUBSTITUTE A AS AMENDED

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LC001610/SUB A
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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 ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS

Introduced By: Senators Jabour, Lombardi, Doyle, and Lynch Prata

Date Introduced: March 02, 2017

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 4-1-1, 4-1-3, 4-1-22 and 4-1-42 of the General Laws in Chapter 4-
2 1 entitled "Cruelty to Animals" are hereby amended to read as follows:

3 **4-1-1. Definitions -- Responsibility for agents and employees.**

4 (a) In this chapter and in §§ 4-4-9, 4-4-10, and 23-19-8:

5 (1) "Animal" and "animals" means every living creature except a human being;

6 (2) "Licensed graduate veterinarian" or "veterinarian" means a person licensed to engage
7 in the practice of veterinary medicine, surgery, and dentistry in this state who is a graduate of an
8 accredited veterinary medical, surgical, and dental school or college of a standard recognized by
9 the Rhode Island veterinary medical association; and

10 (3) "Owner", "person", and "whoever" means corporations as well as individuals.

11 (4) "Guardian" shall mean a person(s) having the same rights and responsibilities of an
12 owner, and both terms shall be used interchangeably. A guardian shall also mean a person who
13 possesses, has title to or an interest in, harbors or has control, custody or possession of an animal
14 and who is responsible for an animal's safety and well-being.

15 (5) Except for livestock as defined in subsection 4-26-3(6), "adequate living conditions"
16 shall mean a sanitary environment which is dry and free of accumulated feces and free of debris
17 and garbage that may clutter the environment, pose a danger or entangle the animal. The
18 environment in which the animal is kept must be consistent with federal regulatory requirements,
19 where applicable or generally recognized professional standards, where applicable, or otherwise

1 be of sufficient size so as not to inhibit comfortable rest, normal posture or range of movement,
2 and suitable to maintain the animal in a good state of health. "Adequate living conditions" for
3 livestock as defined in subsection 4-26-3(6) shall mean best management practices established,
4 no later than July 1, 2014, by the Rhode Island livestock welfare and care standards advisory
5 council.

6 [\(6\) Except for livestock as defined in §4-26-3, "hazardous accumulation of animals"](#)
7 [means the accumulation of a large number of animals, to a point where the owner, possessor or](#)
8 [person having the charge of custody of the aforementioned animals fails to or is unable to provide](#)
9 ["adequate living conditions" as defined herein, resulting in harm or danger to the health and](#)
10 [wellbeing of the animals.](#)

11 (b) The knowledge and acts of agents of and persons employed by corporations in regard
12 to animals transported, owned or employed by or in the custody of that corporation are held to be
13 the acts and knowledge of that corporation.

14 **4-1-3. Unnecessary cruelty.**

15 (a) Every owner, possessor, or person having the charge or custody of any animal, who
16 cruelly drives or works that animal when unfit for labor; or cruelly abandons that animal; or who
17 carries that animal or who fails to provide that animal with adequate living conditions as defined
18 in § 4-1-1; [or who engages in the hazardous accumulation of animals as defined in §4-1-1,](#) or
19 causes that animal to be carried, in or upon any vehicle or otherwise, in a cruel or inhuman
20 manner; or willfully, intentionally, maliciously, recklessly, and/or knowingly authorizes or
21 permits that animal to be subjected to unnecessary torture, suffering, or cruelty of any kind; or
22 who places, or causes to have placed, on any animal any substance that may produce irritation or
23 pain or that is declared a hazardous substance by the U.S. food and drug administration or by the
24 state department of health, shall be punished for each offense in the manner provided in § 4-1-2.
25 If the offense described in this section results in the death of the animal, the person shall be
26 punished in the manner provided in § 4-1-5. [If any owner, possessor, or person having the charge](#)
27 [or custody of any animal who is found guilty of or pleads nolo contendere to a violation of this](#)
28 [section and said violation involves the hazardous accumulation of animals, the court shall, in](#)
29 [imposing a penalty under this section, take into account whether the defendant's conduct could be](#)
30 [considered to be the result of a mental health disorder as defined in §27-38.2-2.](#)

31 (b) The substances proscribed by subsection (a) do not include any drug having curative
32 and therapeutic effect for disease in animals and that is prepared and intended for veterinary use.

33 (c) University, college, or hospital research facilities licensed and/or inspected by the
34 U.S. Department of Agriculture or the U.S. Public Health Service of the department of health and

1 human services shall be exempt from the provisions of subsection (a) provided that they are in
2 good standing with the federal agency responsible for licensing or assurance of the facility.

3 **4-1-22. Care of neglected animals by society -- Forfeiture of owner's rights --**

4 **Expenses.**

5 (a) An officer or agent of the Rhode Island Society for the Prevention of Cruelty to
6 Animals may lawfully take charge of any animal found abandoned or neglected or [hazardously](#)
7 [accumulated as defined in §4-1-1, or](#) that in the opinion of that officer or agent, is aged, maimed,
8 disabled, lame, sick, diseased, injured, unfit for the labor it is performing, or cruelly treated, and
9 shall give notice to the owner, if known, or his or her agents, and may provide suitable care.

10 (b) Every owner or agent, upon conviction, plea of guilty, or plea of nolo contendere, of
11 abandonment, neglect, [hazardous accumulation as defined in §4-1-1, or otherwise](#) cruel treatment
12 of any animal taken charge of by the Rhode Island Society for the Prevention of Cruelty to
13 Animals under this section, forfeits the rights to ownership or control of that animal to the Society
14 for disposition in any manner deemed suitable for that animal.

15 (c) Whenever any officer or agent of the Rhode Island Society for the Prevention of
16 Cruelty to Animals lawfully takes charge of any animal under this section, all reasonable
17 expenses for the care and treatment of the animal(s), while in the custody of the Society during
18 this time, shall be paid for by the owner, guardian, or his or her agent upon conviction, plea of
19 guilty, or plea of nolo contendere. The Society has the authority to commence a civil action for
20 damages against the owner or his or her agent thirty (30) days after a written demand for payment
21 of the expense of the suitable care of that animal has been sent and no payment has been received.

22 **4-1-42. Care of neglected animals by Department -- Forfeiture of owner's rights --**

23 **Expenses.**

24 (a) The director of environmental management, or any veterinarian employed by the
25 department of environmental management ("department"), may lawfully take charge of any
26 animal found abandoned or neglected or [hazardously accumulated as defined in §4-1-1, or](#) that, in
27 the opinion of the department, is aged, maimed, disabled, lame, sick, diseased, injured, unfit for
28 the labor it is performing, or cruelly treated, and shall give notice to the owner, if known, or his or
29 her agents, and may provide suitable care.

30 (b) Every owner, guardian, or agent, upon conviction, entry of a guilty plea, or plea of
31 nolo contendere, of abandonment, neglect, [hazardous accumulation as defined in §4-1-1, or](#)
32 [otherwise](#) cruel treatment of any animal taken charge of by the department under this section,
33 forfeits the right to ownership or control of that animal to the department for disposition in any
34 manner deemed suitable for that animal.

1 (c) Whenever the department lawfully takes charge of any animal under this section, all
2 reasonable expenses for the care and treatment of the animal(s), while in the custody of the
3 department during this time, shall be paid for by the owner, guardian, or his or her agent, upon
4 conviction, a plea of guilty or plea nolo contendere. The department has the authority to
5 commence a civil action for damages against the owner or his or her agent thirty (30) days after
6 written demand for payment of the expense of the suitable care of that animal has been sent and
7 no payment received.

8 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 add hoarding of animals to the list of cruelty to animal offenses, and~~
2 ~~would require a mental health evaluation for a person convicted of animal cruelty involving~~
3 ~~hoarding.~~

4 This act would add hazardous accumulation of animals to the list of cruelty to animal
5 offenses, and would require any sentencing judge to consider whether such conduct is the result
6 of a mental health disorder as defined in §27-38.2-2.

7 This act would take effect upon passage.

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