

2018 -- H 7168

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LC003411
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS

Introduced By: Representatives O'Brien, McEntee, Serpa, Marshall, and Keable

Date Introduced: January 12, 2018

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

3 **4-1-2. Overwork, mistreatment, or failure to feed animals -- Shelter defined.**

4 (a) Whoever overdrives, overloads, drives when overloaded, overworks, tortures,
5 torments, deprives of necessary sustenance, cruelly beats, mutilates or cruelly kills, or causes or
6 procures to be so overdriven, overloaded, driven when overloaded, overworked, tortured,
7 tormented, deprived of necessary sustenance, cruelly beaten, or mutilated, any animal, and
8 whoever, having the charge or custody of any animal, either as owner or otherwise, inflicts
9 cruelty upon that animal, or willfully fails to provide that animal with proper food, drink, shelter,
10 or protection from the weather, shall, for each offense, be imprisoned not exceeding eleven (11)
11 months, or be fined not less than fifty dollars (\$50.00) nor exceeding five hundred dollars (\$500),
12 or both. If the offense described in this section results in the death of the animal, the person shall
13 be punished in the manner provided in § 4-1-5. Any person who has been previously convicted of
14 an offense provided for in chapter 1 of title 4 shall, upon conviction of a second violation within a
15 ten (10) year period, be imprisoned for a period not exceeding six (6) years, or fined not less than
16 five hundred dollars (\$500) and not exceeding five thousand dollars (\$5,000), or both. In addition,
17 every person convicted under chapter 1 of title 4 of a second or subsequent offense shall be
18 required to serve one hundred (100) hours of community restitution. The community restitution
19 penalty shall not be suspended or deferred and is mandatory.

1 (b) Every owner, possessor, or person having charge of any animal may, upon conviction
2 of a violation of this section, be ordered to forfeit all rights to ownership of the animal to the
3 animal-control officer of the city or town in which the offense occurred or to a humane society
4 that owns and operates the shelter that provided the subject animal shelter subsequent to any
5 confiscation of said animal pursuant to this section.

6 (c) Shelter means a structure used to house any animal that will provide sufficient
7 protection from inclement elements for the health and well being of the animal.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS

1 This act would increase the penalty for repeat convictions for animal cruelty to a
2 maximum of six (6) years imprisonment or a fine of up to five thousand dollars (\$5,000) and one
3 hundred (100) hours community restitution.

4 This act would take effect upon passage.

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