

2018 -- H 8170 AS AMENDED

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LC005594
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY

Introduced By: Representatives Nardolillo, Shanley, Canario, Hull, and Quattrocchi

Date Introduced: May 04, 2018

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 4-1-2 and 4-1-40 of the General Laws in Chapter 4-1 entitled
2 "Cruelty to Animals" are 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.

14 **(b) Any person who has been previously convicted of an offense provided for in chapter**
15 **1 of title 4 shall, upon conviction of a second or subsequent violation within a ten (10) year**
16 **period, be imprisoned for a period not exceeding six (6) years, or fined not less than five hundred**
17 **dollars (\$500) and not exceeding five thousand dollars (\$5,000), or both. In addition, every**
18 **person convicted under chapter 1 of title 4 of a second or subsequent offense shall be required to**
19 **serve one hundred (100) hours of community restitution. The community restitution penalty shall**

1 not be suspended or deferred and is mandatory.

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would take away the discretion of the sentencing judge in cases involving
2 persons convicted of, or who entered a plea of nolo contendere to any misdemeanor or felony
3 under the provisions of state law relating to cruelty to animals, including the discretion to allow
4 such person to possess or reside with any animal for a period of up to five (5) years following
5 entry of the conviction, or a fine of not more than one thousand dollars (\$1,000), by
6 imprisonment for a term not more than one year, or both, and forfeiture of the animal(s).

7 This act would take effect upon passage.

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