

2019 -- H 5428

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY - CRUELTY TO ANIMALS

Introduced By: Representatives Fellela, Ucci, Messier, Serpa, and Lima

Date Introduced: February 14, 2019

Referred To: House Health, Education & Welfare

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.

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-year (10)
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 (c) Every owner, possessor, or person having charge of any animal may, upon conviction
3 of a violation of this section, be ordered to forfeit all rights to ownership of the animal to the
4 animal-control officer of the city or town in which the offense occurred or to a humane society
5 that owns and operates the shelter that provided the subject animal shelter subsequent to any
6 confiscation of that animal pursuant to this section.

7 (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.

9 (e) Every person who has been convicted of an offense provided for in chapter 1 of title 4
10 shall comply with any restitution award ordered by the court and; provided further, that, this order
11 shall be included in the conditions of probation. Failure of the defendant to comply with the order
12 shall be a basis for violating probation and this provision shall not be suspended or waived by the
13 court.

14 SECTION 2. Chapter 4-1 of the General Laws entitled "Cruelty to Animals" is hereby
15 amended by adding thereto the following section:

16 **4-1-44. Care of neglected animals by adoptive owner expenses.**

17 (a) Any adoptive owner of an animal who acquired the animal from any person who is
18 convicted, pleads guilty, or pleads nolo contendere, of abandonment, neglect, hazardous
19 accumulation as defined in § 4-1-1, or otherwise cruel treatment of the animal, shall be
20 reimbursed by the former owner of the animal subject to the neglect, for any reasonable expenses
21 for the care and treatment of the animal necessary to address the health issues associated with the
22 abuse.

23 SECTION 3. 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 provide that any person who is convicted of, or pleads nolo contendere to
2 a charge of cruelty to animals shall be required to reimburse any adoptive owner for reasonable
3 costs associated with treating the animals' injuries.

4 This act would take effect upon passage.

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