

2022 -- S 2443 SUBSTITUTE A

LC004817/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY - CRUELTY TO ANIMALS

Introduced By: Senators Ruggerio, McCaffrey, Coyne, Archambault, Goodwin,
Valverde, and Lombardo

Date Introduced: March 01, 2022

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 4-1-22 of the General Laws in Chapter 4-1 entitled "Cruelty to
2 Animals" is hereby amended to read as follows:

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 Animals
6 may lawfully take charge of and shall provide adequate care to any animal found abandoned or
7 neglected or hazardously accumulated as defined in § 4-1-1, or that in the opinion of that officer or
8 agent, is aged, maimed, disabled, lame, sick, diseased, injured, unfit for the labor it is performing,
9 or cruelly treated, and shall give notice to the owner or guardian, if known, ~~or his or her agents, and~~
10 ~~may provide suitable care.~~

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

16 (c) Whenever any officer or agent of the Rhode Island Society for the Prevention of Cruelty
17 to Animals lawfully takes charge of any animal under this section, all reasonable expenses for the
18 care and treatment of the animal(s), while in the custody of the Society during this time, shall be
19 paid for by the owner, or guardian, ~~or his or her agent upon conviction, plea of guilty, or plea of~~

1 ~~nolo contendere~~. The Society has the authority to commence a civil action for damages against the
2 owner or his or her agent thirty (30) days after a written demand for payment of the expense of the
3 suitable care of that animal has been sent and no payment has been received. The written demand
4 shall state that the failure to pay or make arrangements to pay for the care of that animal may result
5 in forfeiture of ownership of the animal. The cost of such care and treatment that is billed to the
6 owner or guardian shall be reasonable and related to equivalent services provided by veterinary
7 care and animal sheltering, feeding and boarding services in this state.

8 (d) The owner or guardian of any animal that is in the charge of the Rhode Island Society
9 for the Prevention of Cruelty to Animals pursuant to the authority granted in this section may,
10 within sixty (60) days following the date that the society gives notice of the taking of possession of
11 the animal, petition the district court for an order to return custody of the animal to the owner or
12 guardian.

13 (e) Upon the filing of such petition, the court shall cause a summons to be issued requiring
14 an authorized representative of the Society for the Prevention of Cruelty to Animals to appear in
15 court at the time and place named, which summons shall be served not less than fourteen (14) days
16 before the date of the hearing.

17 (f) At the hearing on the petition, the court shall consider:

18 (1) The animal's condition;

19 (2) The care required to maintain the animal safely and in an appropriate environment; and

20 (3) The ability of the petitioner to provide or arrange for the adequate care of the animal,
21 including during the time any criminal charges related to or arising from the seizure are pending.

22 (g) If, after hearing, the court finds that the owner or guardian of the animal has the ability
23 to properly care for or arrange for the adequate care of the animal during the pendency of the
24 criminal charges, the court may allow the owner or guardian of the animal to have or arrange for
25 the adequate care, custody and control of the animal pending the final determination of the related
26 criminal charges subject to such restrictions and conditions as the court determines to be reasonable
27 or necessary.

28 (h) All issues will be decided upon a preponderance of the evidence.

29 (i) In the event that the court orders an animal returned to the owner or guardian following
30 the hearing, the owner or guardian will not be required to pay for the cost of care incurred prior to
31 the date of the hearing unless and until such time as there has been a conviction, plea of guilty, or
32 plea of nolo contendere, of abandonment, neglect, hazardous accumulation as defined in § 4-1-1,
33 or otherwise cruel treatment in the related criminal proceeding.

34 (j) In the event that the owner or guardian fails to petition for custody of the animal within

1 [sixty \(60\) days of notice of the taking or fails to pay within sixty \(60\) days of the written demand](#)
2 [for payment, the Rhode Island Society for Prevention of Cruelty to Animals may petition the court](#)
3 [for transfer of ownership of the animal to the Rhode Island Society for Prevention of Cruelty to](#)
4 [Animals. If the owner or guardian fails to respond to the petition for transfer of ownership the court](#)
5 [shall transfer ownership to the society.](#)

6 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 provide that owners of animals in the custody of the Rhode Island Society
2 for the Prevention of Cruelty to Animals (RISPCA) shall pay reasonable expenses for the animal's
3 care or the animal may be forfeited to the RISPCA. This act further provides that the owner of an
4 animal in RISPCA custody may file an action in the district court for return of the animal and in
5 the event that the owner or guardian fails to petition for custody of the animal within sixty (60)
6 days of notice, or fails to pay within sixty (60) days of written demand, the RISPCA would be able
7 to petition the court for transfer of ownership of the animal.

8 This act would take effect upon passage.

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