

2023 -- H 5919

LC002204

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS

Introduced By: Representatives Baginski, Casimiro, and Serpa

Date Introduced: March 01, 2023

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 4-1-3, 4-1-5 and 4-1-26 of the General Laws in Chapter 4-1 entitled
2 "Cruelty to Animals" are hereby amended to read as follows:

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

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

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

3 (c) University, college, or hospital research facilities licensed and/or inspected by the U.S.
4 Department of Agriculture or the U.S. Public Health Service of the Department of Health and
5 Human Services shall be exempt from the provisions of subsection (a) provided that they are in
6 good standing with the federal agency responsible for licensing or assurance of the facility.

7 [\(d\) Where the provisions of chapter 29 of title 12 the \("domestic violence prevention act"\)](#)
8 [are applicable, the penalties for violation of this section shall also include the penalties provided in](#)
9 [§ 12-29-5.](#)

10 **4-1-5. Malicious injury to or killing of animals.**

11 (a) Every person who cuts out the tongue or otherwise dismembers any animal maliciously;
12 or maliciously kills or wounds any animal; or maliciously administers poison to or exposes any
13 poisonous substance with intent that the poison shall be taken or swallowed by any animal; or who
14 maliciously exposes poisoned meat with intent that the poison meat is taken or swallowed by any
15 wild animal, shall be imprisoned not exceeding five (5) years or be fined not exceeding one
16 thousand dollars (\$1,000), and shall, in the case of any animal of another, be liable to the owner of
17 this animal for triple damages, to be recovered by civil action. In addition, any person convicted
18 under this section is required to serve fifty (50) hours of community restitution. The community
19 restitution penalty shall not be suspended or deferred and is mandatory.

20 (b) This section shall not apply to licensed hunters during hunting season or a licensed
21 business killing animals for human consumption.

22 [\(c\) Where the provisions of chapter 29 of title 12 the \("domestic violence prevention act"\)](#)
23 [are applicable, the penalties for violation of this section shall also include the penalties provided in](#)
24 [§ 12-29-5.](#)

25 **4-1-26. Abandonment of animals.**

26 (a) If any person having possession and/or control of an animal abandons that animal on a
27 street, road, highway or in a public place or on private property or from a motor vehicle, or in a
28 dwelling or any other building or structure without providing for the care of that animal, he or she
29 shall be punished in the manner provided in § 4-1-2 for each such offense. If this abandonment
30 results in the death of the animal, the person shall be punished in the manner provided in § 4-1-5.
31 Abandonment means the relinquishment of all right, title, claim, or possession of the animal with
32 the intention of not reclaiming it or resuming its ownership or possession.

33 (b) Any pound or animal shelter as defined under § 4-19-2, shall deem abandoned any
34 animal impounded and not redeemed by its owner within ten (10) days of impoundment if such

1 animal is wearing identification. Any animal impounded and not wearing identification shall be
2 deemed abandoned if not redeemed by its owner within five (5) days of impoundment. Any animal
3 deemed abandoned shall become the property of the impounding agency and may be adopted.

4 (c) Any pound or animal shelter shall make a prompt and reasonable attempt to locate and
5 notify the owner of the impounded animal, including scanning the animal for a microchip.

6 [\(d\) Where the provisions of chapter 29 of title 12 the \("domestic violence prevention act"\)](#)
7 [are applicable, the penalties for violation of this section shall also include the penalties provided in](#)
8 [§ 12-29-5.](#)

9 SECTION 2. Section 12-29-2 of the General Laws in Chapter 12-29 entitled "Domestic
10 Violence Prevention Act" is hereby amended to read as follows:

11 **12-29-2. Definitions.**

12 (a) "Domestic violence" includes, but is not limited to, any of the following crimes when
13 committed by one family or household member against another [or against property of another](#):

- 14 (1) Simple assault (§ 11-5-3);
- 15 (2) Felony assaults (chapter 5 of title 11);
- 16 (3) Vandalism (§ 11-44-1);
- 17 (4) Disorderly conduct (§ 11-45-1);
- 18 (5) Trespass (§ 11-44-26);
- 19 (6) Kidnapping (§ 11-26-1);
- 20 (7) Child-snatching (§ 11-26-1.1);
- 21 (8) Sexual assault (§§ 11-37-2, 11-37-4);
- 22 (9) Homicide (§§ 11-23-1 and 11-23-3);
- 23 (10) Violation of the provisions of a protective order entered pursuant to § 15-5-19, chapter
24 15 of title 15, or chapter 8.1 of title 8 where the respondent has knowledge of the order and the
25 penalty for its violation, or a violation of a no contact order issued pursuant to § 12-29-4;
- 26 (11) Stalking (chapter 59 of title 11);
- 27 (12) Refusal to relinquish or to damage or to obstruct a telephone (§ 11-35-14);
- 28 (13) Burglary and Unlawful Entry (chapter 8 of title 11);
- 29 (14) Arson (chapter 4 of title 11);
- 30 (15) Cyberstalking and cyberharassment (§ 11-52-4.2);
- 31 (16) Domestic assault by strangulation § 11-5-2.3; ~~and~~
- 32 (17) Electronic tracking of motor vehicles (§ 11-69-1);
- 33 [\(18\) Unnecessary cruelty \(§ 4-1-3\);](#)
- 34 [\(19\) Malicious injury to or killing of animals \(§ 4-1-5\); and](#)

1 [\(20\) Abandonment of animals \(§ 4-1-26\).](#)

2 (b) “Family or household member” means spouses, former spouses, adult persons related
3 by blood or marriage, adult persons who are presently residing together or who have resided
4 together in the past three (3) years, and persons who have a child in common regardless of whether
5 they have been married or have lived together, or persons who are, or have been, in a substantive
6 dating or engagement relationship within the past one year which shall be determined by the court’s
7 consideration of the following factors:

- 8 (1) The length of time of the relationship;
9 (2) The type of the relationship;
10 (3) The frequency of the interaction between the parties.

11 (c) “Protective order” means an order issued pursuant to § 15-5-19, chapter 15 of title 15,
12 or chapter 8.1 of title 8.

13 (d) “Victim” means a family or household member who has been subjected to domestic
14 violence.

15 SECTION 3. 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 any conviction of unnecessary cruelty to animals, malicious
2 injury or killing of animals, or abandonment of animals also carries the appropriate penalties
3 pursuant to the domestic violence prevention act, where applicable.

4 This act would take effect upon passage.

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