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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2007

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS

Introduced By: Representatives Lewiss, Lima, Segal, Fellela, and Gallison

Date Introduced: February 28, 2007

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 4-1-1, 4-1-2, 4-1-3 and 4-1-8 of the General Laws in Chapter 4-1  
2 entitled "Cruelty to Animals" are hereby amended to read as follows:

3 **4-1-1. Definitions -- Responsibility for agents and employees.** – (a) In this chapter and  
4 in sections 4-4-9, 4-4-10, and 23-19-8:

5 (1) "Animal" and "animals" means every living creature except a human being;

6 (2) "Licensed graduate veterinarian" or "veterinarian" means a person licensed to engage  
7 in the practice of veterinary medicine, surgery, and dentistry in this state who is a graduate of an  
8 accredited veterinary medical, surgical, and dental school or college of a standard recognized by  
9 the Rhode Island veterinary medical association; ~~and~~

10 (3) "Owner", "person", and "whoever" means corporations as well as individuals. ~~“;~~

11 (4) "Guardian" shall mean a person(s) having the same rights and responsibilities of an  
12 owner, and both terms shall be used interchangeably. A guardian shall also mean a person who  
13 possesses, has title to or an interest in, harbors or has control, custody or possession of an animal  
14 and who is responsible for an animal's safety and well-being. ~~;~~

15 (5) "Minimum care" means care sufficient to preserve the health and well-being of an  
16 animal and, except for emergencies or circumstances beyond the reasonable control of the owner  
17 and/or guardian, includes, but is not limited to, the following requirements:

18 (i) Adequate food as defined in section 4-19-2 (1).

19 (ii) Adequate water as defined in section 4-19-2 (2).

1           (iii) Access to a barn, house or other structure sufficient to protect the animal from wind,  
2 rain, snow, or sun that has adequate bedding to protect against cold and dampness.

3           (iv) Veterinary care deemed necessary by a reasonably prudent person to relieve distress  
4 from injury, neglect or disease.

5           (v) Continuous access to an area:

6           (A) With adequate space for exercise necessary for the health of the animal. Inadequate  
7 space may be indicated by evidence of debility, stress, or abnormal behavior patterns.

8           (B) With ambient temperature suitable for the health and species of the animal.

9           (C) With adequate ventilation.

10          (D) With regular diurnal lighting cycles of either natural or artificial light.

11          (E) Kept reasonably clean and free from excess waste or other contaminants that could  
12 affect the animal's health.

13          (6) "Person" is defined as in section 4-19-2 (18);

14          (7) "Physical injury" means physical trauma, impairment of condition, or pain  
15 inconsistent with reasonable handling or training techniques;

16          (8) "Physical trauma" means fractures, cuts, burns, punctures, bruises, or other wounds or  
17 illnesses produced by violence or by a thermal or chemical agent;

18          (9) "Possession" means to have physical custody or to exercise dominion or control over  
19 an animal;

20          (10) "Serious physical injury" means physical injury that creates a substantial risk of  
21 death or that causes protracted disfigurement, protracted impairment of health, or protracted loss  
22 or impairment of the function of a limb or bodily organ;

23          (11) "Torture" means an action taken for the primary purpose of inflicting pain;

24          (12) "Animal control officer," as defined in section 4-19-2 (11) and including agent  
25 pursuant to Rhode Island general laws sections 4-13-25, 4-13-33, 4-13-36, 4-13-37, and 4-19-15.  
26 Animal control officer shall also include the state veterinarian; and

27          (13) "Accepted husbandry practices" means any techniques, practices and protocol  
28 concerning the husbandry, farming, management, care, sheltering, treatment, slaughter, and  
29 ethanasia of a specific species of animal as accepted by the Rhode Island Department of  
30 Environmental Management (RIDEM), Division of Agriculture.

31           (b) The knowledge and acts of agents of and persons employed by corporations in regard  
32 to animals transported, owned or employed by or in the custody of that corporation are held to be  
33 the acts and knowledge of that corporation.

34           **4-1-2. Overwork, mistreatment, or failure to feed animals -- Shelter defined. -- (a)**

1 Whoever overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives  
2 of necessary sustenance, cruelly beats, mutilates or cruelly kills, or causes or procures to be so  
3 overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of  
4 necessary sustenance, cruelly beaten, mutilated or cruelly killed, any animal, and whoever,  
5 having the charge or custody of any animal, either as owner or otherwise, inflicts cruelty upon  
6 that animal, or ~~willfully~~ intentionally, knowingly, recklessly or with criminal negligence fails to  
7 provide that animal with proper food, drink, shelter or protection from the weather, shall, ~~for each~~  
8 ~~offense, be imprisoned not exceeding eleven (11) months, or be fined not less than fifty dollars~~  
9 ~~(\$50.00) nor exceeding five hundred dollars (\$500), or both.~~ be subject to the penalties defined in  
10 section 4-1-39.

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

16 ~~(c) Shelters means a structure used to house any animal which will provide sufficient~~  
17 ~~protection from inclement elements for the health and well being of the animal.~~

18 **4-1-3. Unnecessary cruelty.** -- (a) Every owner, possessor, or person having the charge  
19 or custody of any animal, who cruelly drives or works that animal when unfit for labor, or cruelly  
20 abandons that animal, or who carries that animal, or causes that animal to be carried, in or upon  
21 any vehicle or otherwise in a cruel or inhuman manner, or willfully authorizes or permits that  
22 animal to be subjected to unnecessary torture, suffering or cruelty of any kind, or who places or  
23 causes to have placed on any animal any substance that may produce irritation or pain, or that is  
24 declared a hazardous substance by the U.S. food and drug administration or by the state  
25 department of health, shall be punished for each offense in the manner provided in section ~~4-1-2~~  
26 4-1-39.

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

30 **4-1-8. Sale of chicks and ducklings -- Dyeing prohibited.** -- It is unlawful for any  
31 person to dye a chick, duckling, or other live poultry, or to have in his or her possession any  
32 chick, duckling, or other live poultry which has been dyed. No person shall sell or offer for sale  
33 any live chicks or ducklings under two (2) months of age in quantities of less than twelve (12),  
34 and provided further, that no person, firm, corporation or association shall offer live chicks or

1 ducklings under two (2) months of age as a bonus, or as an inducement to the sale of or in  
2 conjunction with the purchase of any article. Any person, firm, or corporation violating this  
3 section shall for each offense be punished in the manner provided in section 4-1-~~2~~39. No pet store  
4 shall sell chicks or ducklings in any quantity.

5 SECTION 2. Sections 4-1-4 and 4-1-26 of the General Laws in Chapter 41 entitled  
6 "Cruelty to Animals" are hereby repealed.

7 ~~**4-1-4. Abandonment of infirm animals.** -- If any maimed, sick, infirm, or disabled  
8 animal is abandoned to die, by any owner or person having charge of that animal, that person  
9 shall, for each offense, be punished in the manner provided in section 4-1-2.~~

10 ~~**4-1-26. Abandonment of animals.** -- If any person having possession and/or control of  
11 an animal abandons that animal on a street, road, highway or in a public place or on private  
12 property or from a motor vehicle, or in a dwelling or any other building or structure without  
13 providing for the care of that animal, he or she shall be punished in the manner provided in  
14 section 4-1-2 for each such offense. If this abandonment results in the death of the animal, the  
15 person shall be punished in the manner provided in section 4-1-5. Abandonment means the  
16 relinquishment of all right, title, claim, or possession of the animal with the intention of not  
17 reclaiming it or resuming its ownership or possession.~~

18 SECTION 3. Chapter 4-1 of the General Laws entitled "Cruelty to Animals" is hereby  
19 amended by adding thereto the following sections:

20 **4-1-2.1. Animal abuse in the second degree.** – (a) A person commits the crime of  
21 animal abuse in the second degree if, except as otherwise authorized by law, the person  
22 intentionally, knowingly, recklessly or with criminal negligence causes physical injury to an  
23 animal. Animal abuse in the second degree is a misdemeanor.

24 (b) Each act in violation of subsection (a) shall constitute a separate offense.

25 **4-1-2.2. Animal abuse in the first degree.** – (a) A person commits the crime of animal  
26 abuse in the first degree if, except as otherwise authorized by law, the person intentionally,  
27 knowingly, recklessly, or with criminal negligence:

28 (1) Causes serious physical injury to an animal; or

29 (2) Causes the death of an animal.

30 Animal abuse in the first degree is a felony.

31 (b) Each act in violation of subsection (a) shall constitute a separate offense.

32 **4-1-2.3. Aggravated animal abuse.** – (a) A person commits the crime of aggravated  
33 animal abuse if the person intentionally or knowingly:

34 (1) Tortures an animal; or

1 (2) Kills an animal under circumstances demonstrating malice aforethought.

2 Aggravated animal abuse in the first degree is a felony.

3 (b) Each act in violation of subsection (a) shall constitute a separate offense.

4 **4-1-2.4. Animal neglect in the second degree.** – (a) A person commits the crime of  
5 animal neglect in the second degree if, except as otherwise authorized by law, the person  
6 intentionally, knowingly, recklessly or with criminal negligence fails to provide minimum care  
7 for an animal in the person's possession.

8 Animal neglect in the second degree is a misdemeanor.

9 (b) Each act or omission in violation of subsection (a) shall constitute a separate offense.

10 **4-1-2.5. Animal neglect in the first degree.** – (a) A person commits the crime of animal  
11 neglect in the first degree if, except as otherwise authorized by law, the person intentionally,  
12 knowingly, recklessly or with criminal negligence:

13 (1) Fails to provide minimum care for an animal in the person's possession; and

14 (2) The failure to provide care results in serious physical injury to the animal.

15 Animal neglect in the first degree is a misdemeanor.

16 (b) Each act or omission in violation of subsection (a) shall constitute a separate offense.

17 **4-1-2.6. Aggravated animal neglect.** – (a) A person commits the crime of aggravated  
18 animal neglect if, except as otherwise authorized by law, the person intentionally, knowingly,  
19 recklessly or with criminal negligence:

20 (1) Fails to provide minimum care for an animal in the person's possession; and

21 (2) The failure to provide care results in the death of the animal.

22 Aggravated animal neglect is a felony.

23 (b) Each act or omission in violation of subsection (a) shall constitute a separate offense.

24 **4-1-26.1. Animal abandonment.** – (a) A person commits the crime of animal  
25 abandonment if the person intentionally, knowingly, recklessly or with criminal negligence leaves  
26 an animal at a location without providing for the animal's continued care.

27 Animal Abandonment is a misdemeanor. Animal Abandonment resulting in death is a  
28 felony.

29 (b) Each act in violation of subsection (a) shall constitute a separate offense.

30 **4-1-39. Penalties.** – (a) A person who commits a misdemeanor under the provisions of  
31 this chapter, may, upon conviction, be punished by imprisonment for a term not exceeding one  
32 (1) year, or by a fine of not more than one thousand dollars (\$1,000), or both.

33 (b) A person who commits a felony under the provisions of this chapter may, upon  
34 conviction be punished by imprisonment for a term of not less than one (1) year nor more than

1 five (5) years, or by a fine of not less than one thousand dollars (\$1,000) nor more than five  
2 thousand dollars (\$5,000), or both. Provided, that in the case of aggravating circumstances in a  
3 felony, the penalties may be increased to not more than ten (10) years imprisonment and/or a fine  
4 of not less than ten thousand dollars (\$10,000), or both.

5 (c) For purposes of subsection (b) herein, aggravating circumstances shall include the  
6 following:

7 (1) The person committing the animal abuse has previously been convicted of one (1) or  
8 more of the following offenses:

9 (i) Any animal protection statute offense of this state or the equivalent laws of another  
10 jurisdiction; or

11 (ii) Any domestic violence offense of this state or the equivalent laws of another  
12 jurisdiction;

13 (2) The person knowingly commits the animal abuse in the immediate presence of a  
14 minor child. For purposes of this paragraph, a minor child is in the immediate presence of the  
15 animal abuse if the abuse is seen or directly perceived in any other manner by the minor child.

16 **4-1-40. Defenses.** – (a) It is an affirmative defense that the defendant reasonably and  
17 humanely caused the death of an animal to end the immediate and intractable suffering of the  
18 animal.

19 (b) Self-defense shall be an affirmative defense.

20 (c) It shall be an affirmative defense if the defendant adhered to accepted husbandry  
21 practices.

22 (d) Ownership shall not be a defense.

23 (e) Guardianship shall not be a defense.

24 (f) Trespass shall not be a defense.

25 (g) Corporations and other nonhumans legal entities may be concurrently charged for acts  
26 in violation of the provisions of this chapter committed by their employees or agents when the act  
27 is committed in the normal course and scope of the employment or agency.

28 (h) It is no defense to the crime of animal abandonment that the defendant abandoned the  
29 animal at or near an animal shelter, veterinary clinic, or other place of shelter, if the defendant did  
30 not make reasonable arrangements for the care of the animal.

31 **4-1-41. Cost-of-care bonds.** – (a) The owner and/or guardian of an animal that has been  
32 impounded pending outcome of a criminal action charging a violation of the provisions of this  
33 chapter may prevent disposition of the animal by an animal shelter, humane society, or other  
34 animal care agency that has temporary custody of the animal, by posting a bond with the court in

1 an amount the court determines sufficient to provide for the animal's minimum care for at least  
2 thirty (30) days, including the day on which the animal was taken into custody. Such bond shall  
3 be filed with the court within ten (10) days after the animal is impounded. If a bond is not so  
4 posted, the custodial animal care agency shall determine final disposition of the animal in  
5 accordance with reasonable practices for the humane treatment of animals. At the end of the time  
6 for which expenses are covered by the bond, if the owner and/or guardian desires to prevent  
7 disposition of the animal by the custodial animal care agency, the owner and/or guardian shall  
8 post a new bond with the court within ten (10) days following the prior bond's expiration. If a  
9 new bond is not so posted, the custodial animal care agency shall determine final disposition of  
10 the animal in accordance with reasonable practices for the humane treatment of animals.  
11 Notwithstanding the provisions of this section or any other law to the contrary, whenever an  
12 emergency situation exists which requires the immediate euthanasia of an injured, dangerous or  
13 severely diseased animal, an animal control officer, veterinarian, special humane agent, or the  
14 designee of such, may humanely destroy the animal. The owner and/or guardian shall be liable  
15 for all costs of providing minimum care, or disposal of the animal

16 (b) If a bond has been posted in accordance with subsection (a) of this section, the  
17 custodial animal care agency may draw from the bond the actual reasonable costs incurred by the  
18 agency in providing minimum care to the impounded animal from the date of initial  
19 impoundment to the date of final disposition of the animal in the criminal action.

20 (c) Notwithstanding the foregoing, if the hearing is postponed beyond thirty (30) days,  
21 the court shall have the discretion to order a new bond or to release the animal pending the  
22 hearing.

23 **4-1-42. Law enforcement policies.** -- (a) All animal control officers shall have the  
24 authority to enforce the provisions of this chapter.

25 **4-1-43. Liens.** -- Any expense incurred in providing minimum care to an impounded  
26 animal shall become a lien on the animal and must be discharged before the animal is released to  
27 the owner and/or guardian following the acquittal of the owner and/or guardian or withdrawal of  
28 the criminal complaint. If the lien is not satisfied within seven (7) days following the resolution  
29 of the criminal case, the owner's and/or guardian's legal interest in the impounded animal shall  
30 immediately transfer to the custodial agency or person for further disposition in accordance with  
31 reasonable practices for the humane treatment of animals. Any additional expense above the  
32 value of the transferred interest in the animal may be recovered by the custodial agency or person  
33 in a civil action.

34 **4-1-44. Impoundment.** -- (a) Impoundment with a warrant:

1 If there is probable cause to believe that an animal is being subjected to treatment in  
2 violation of the provisions of this chapter, a special humane agent or other peace officer, after  
3 obtaining a search warrant, shall enter the premises where the animal is located and impound the  
4 animal.

5 (b) Impoundment without a warrant:

6 If a special humane agent or other peace officer witnesses a situation in which the special  
7 humane agent or peace officer determines that an animal's life is in jeopardy and immediate  
8 action is required to protect the animal's health or safety or the public health or safety, the special  
9 humane agent or peace officer may impound the animal without a warrant. The special humane  
10 agent or peace officer shall immediately take an animal impounded under this section to a  
11 licensed veterinarian for medical attention to stabilize the animal's condition and to assess the  
12 health of the animal.

13 (c) Any person or facility receiving an animal impounded pursuant to this section shall  
14 provide the animal with minimum care.

15 (d) A special humane agent or other animal control officer is not liable for any damages  
16 for entry under this section.

17 (e) Any owner and/or guardian of an animal that is impounded pursuant to this section  
18 shall, within seventy-two (72) hours following the impoundment, be given written notice of the  
19 impoundment and legal remedies available to the owner and/or guardian. The notice shall be  
20 given by posting at the place of impoundment, by delivery to a person residing at the place of  
21 impoundment, or by registered mail if the owner and/or guardian is unknown.

22 **4-1-45. Termination of unfit owner's and/or guardian's interest in an animal. -- (a)**  
23 If an animal is in the custody of an animal care agency as a result of alleged conduct in violation  
24 of the provisions of this chapter, in exigent circumstances, or for any other reason authorized by  
25 law, the custodial agency may file a petition for termination of the owner's and/or guardian's legal  
26 interest in the animal.

27 (b) The petitioner shall serve a true copy of the petition upon the owner and/or guardian  
28 of the animal, and to the prosecuting attorney if a prosecution pursuant to the provisions of this  
29 chapter arising out of the same facts is currently pending.

30 (c) Upon receipt of the petition pursuant to subsection (a), the court shall set a hearing on  
31 the petition. The hearing shall be conducted within fourteen (14) days of the filing of the petition.  
32 The animal is not subject to any other civil action pending the final judgment of the court under  
33 this section.

34 (d) The owner's and/or guardian's interest in the animal shall be terminated if the court

1 finds the petitioner has established, by a preponderance of the evidence, that the owner and/or  
2 guardian is unfit to possess the animal by reason of a single or recurrent incident of conduct or  
3 condition detrimental to the animal. In making such determination, the court shall consider, but is  
4 not limited to, the following:

5 (1) Emotional illness, mental illness, or mental deficiency of the owner and/or guardian  
6 of such nature and duration as to render the owner and/or guardian incapable of providing  
7 minimum care to the animal for extended periods of time.

8 (2) Conduct toward any animal of an abusive, neglectful, or sexual nature.

9 (3) Addictive or habitual use of intoxicating or controlled substances to the extent that the  
10 owner's and/or guardian's ability to provide minimum care has been impaired.

11 (4) Failure of the owner and/or guardian to provide minimum care to the animal.

12 (5) Criminal conduct that impairs the owner's and/or guardian's ability to provide  
13 minimum care to the animal.

14 (6) Abuse, neglect, abandonment, or the sexual assault of the animal by the owner and/or  
15 guardian.

16 (7) Conduct by the owner and/or guardian to aid or abet another person in the abuse,  
17 neglect, abandonment, or sexual assault of the animal.

18 (8) A conviction under the provisions of this chapter resulting from the treatment of the  
19 animal is prima facie evidence that the owner and/or guardian is unfit to possess the animal.

20 (e) Upon a finding by the court that the petitioner has established by a preponderance of  
21 the evidence that the owner and/or guardian of the animal is unfit to possess the animal, the court,  
22 in consideration of the best interest of the animal:

23 (1) Shall immediately terminate the owner's and/or guardian's legal interest in the animal  
24 and transfer such interest to the petitioner for further disposition in accordance with reasonable  
25 practices for humane treatment of animals.

26 (2) Shall enjoin the owner's and/or guardian's possession of any animal for a period of  
27 time consistent with section 4-1-47.

28 (3) Shall order the owner and/or guardian to repay the reasonable costs incurred by any  
29 person or agency in providing minimum care to the animal.

30 (4) May order that other animals that are in the possession of the owner and/or guardian  
31 and that were not taken into actual or constructive custody by the petitioner be transferred to the  
32 permanent custody of the petitioner or an appropriate person or animal care agency for further  
33 disposition in accordance with reasonable practices for the humane treatment of animals. A  
34 transfer of legal interest under this subsection constitutes a transfer of ownership.

1           (f) In placing an animal with a new owner and/or guardian, the petitioner shall give  
2 placement preference to any person who had prior contact with the animal, including, but not  
3 limited to, family members and friends of the former owner and/or guardian who the petitioner  
4 determines are capable of providing necessary, adequate and appropriate levels of care to the  
5 animal.

6           **4-1-46. Other penalties.** – (a) Community service. In addition to any other sentence it  
7 may impose, a court may order the defendant to participate in community service. If the court  
8 does order community service participation, no such participation shall occur at any humane  
9 society, animal shelter or other facility where an animal is present.

10           (b) Evaluation and treatment.

11           (1) In addition to any other sentence it may impose, a court shall order the defendant to  
12 undergo a psychiatric, psychological or mental health evaluation, and if warranted by the  
13 condition of the defendant, shall order the defendant to undergo appropriate care or treatment.

14           (2) All costs of the evaluation, care and treatment shall be borne by the defendant.

15           (c) Forfeiture. In addition to any other sentence it may impose, a court shall require a  
16 defendant convicted under the provisions of this chapter to forfeit all legal interest of the  
17 defendant of the animal subjected to the violation. The court shall award all such interest to the  
18 animal to a humane society, animal shelter or other organization that has as its principal purpose  
19 the humane treatment of animals.

20           (d) Offender registration and community notification.

21           (1) For purposes of this section, an “animal abuser” means a person over eighteen (18)  
22 years of age or, a minor who has been tried as an adult, who has been convicted of a felony  
23 violation of the provisions of this chapter or of the comparable statutes of another state.

24           (2) Any animal abuser physically within the boundaries of this state for more than ten  
25 (10) consecutive days shall be required to register, on the eleventh (11<sup>th</sup>) day, his or her current  
26 address, with the local law enforcement agency having jurisdiction over the city or town in which  
27 the person having the duty to register is located.

28           (3) Any previously registered animal abuser shall register, within ten (10) days of moving  
29 to a new residence, with the local law enforcement agency having jurisdiction over the city or  
30 town in which the person having the duty to register is located.

31           (4) When an animal abuser registers with the local law enforcement, the animal abuser  
32 shall provide the following registration information:

33           (i) The legal name and any other names or aliases that the animal abuser is using or has  
34 used;

- 1           (ii) The date of birth of the animal abuser;
- 2           (iii) The social security number of the animal abuser;
- 3           (iv) The current address or location of the animal abuser;
- 4           (v) The place of employment of the animal abuser;
- 5           (vi) The animal protection offense for which the animal abuser was convicted; and
- 6           (vii) The date and place of the animal protection offense conviction of the animal abuser.
- 7           (5) When an animal abuser registers with a local law enforcement agency, he or she shall
- 8 obtain:
- 9           (i) A photograph of the animal abuser and a complete set of the animal abuser's
- 10 fingerprints; and
- 11           (ii) A description of any tattoos, scars or other distinguishing features on the animal
- 12 abuser's body that would assist in identifying the animal abuser.
- 13           (6) Following an animal abuser's initial registration pursuant to the provisions of this
- 14 section, an animal abuser shall annually renew the animal abuser's registration with the local law
- 15 enforcement agency prior to December 31 of each subsequent calendar year for a period of fifteen
- 16 (15) years.
- 17           (7) An animal abuser who intentionally or knowingly fails to comply with the registration
- 18 requirements or provides false information when complying with the registration requirements set
- 19 forth in this section is guilty of a felony under this chapter.
- 20           (8) Each police department shall maintain a local registry of animal abusers in the
- 21 department's jurisdiction required to register pursuant to this section.
- 22           (i) The police department shall forward all registration information obtained from animal
- 23 abusers to the attorney general's office.
- 24           (ii) Within ten (10) days of receiving initial registration information from an animal
- 25 abuser, the police department shall contact every school, humane society, animal shelter and any
- 26 other business within a half-mile radius of the animal abuser's residence or location and provide
- 27 them with the animal abuser's registration information, with the exception of the animal abuser's
- 28 social security number.
- 29           (9) The attorney general's office shall maintain a central registry of animal abusers
- 30 required to register pursuant to the provisions of this section. The central registry of animal
- 31 abusers shall be made available to the public through internet access, telephone access, written
- 32 access and in-person access. All of the information contained in an animal abuser's registration,
- 33 with the exception of the animal abuser's social security number, shall be made available.

1 Records of each animal abuser's registration shall be maintained for the duration of the fifteen  
2 (15) year period in which the animal abuser is required to be registered.

3 **4-1-47. Possession of animals.** – (a) In addition to any other penalty imposed by law, a  
4 person convicted of any three (3) or more misdemeanor violations of the provisions of this  
5 chapter shall not possess or reside with any animal for a period of up to five (5) years following  
6 entry of the conviction.

7 Any offense under this subsection is a misdemeanor punishable by a fine not exceeding  
8 one thousand dollars (\$1,000) and forfeiture of the animal.

9 (b) In addition to any other penalty imposed by law, a person convicted of any felony  
10 violation of the provisions of this chapter shall not possess or reside with any animal for up to a  
11 period of fifteen (15) years following entry of the conviction. An offense under this subsection is  
12 a felony punishable by a fine not exceeding five thousand dollars (\$5,000) and forfeiture of the  
13 animal.

14 **4-1-48. Reimbursement of costs.** -- In addition to any other sentence it may impose, a  
15 court shall require a defendant convicted under provisions of this chapter to repay reasonable  
16 court costs incurred by any person or organization prior to judgment in impounding and providing  
17 minimum care for each animal subjected to mistreatment in violation of the provisions of this  
18 chapter, and for all costs of prosecution.

19 **4-1-49. Restitution.** -- In addition to any other sentence it may impose, a court shall  
20 order that restitution be made by the defendant to the owner and/or guardian of any animal  
21 subjected to mistreatment by the defendant in violation of the provisions of this chapter. The  
22 measure for restitution shall be the actual pecuniary value of such loss, including, but not limited  
23 to, the actual veterinary expenses, special supplies, and other costs incurred by the animal's owner  
24 and/or guardian in treating the animal and in attempting to restore the animal to good health or to  
25 otherwise ameliorate the effects of the violation.

26 **4-1-50. Civil cause of action.** -- (a) Any owner and/or guardian of an animal subjected  
27 to a violation of the provisions of this chapter, may bring a civil action to recover the damages  
28 sustained by the animal, owner and/or guardian. Damages may include, but are not limited to, the  
29 pecuniary value of the animal, veterinary expenses incurred on behalf of the animal, any other  
30 reasonable expenses incurred by the owner and/or guardian in attempting to mollify the effects of  
31 the violation, pain and suffering of the animal, emotional distress and any loss of companionship  
32 suffered by the owner and/or guardian. In addition to such actual damages as may be proven, the  
33 owner and/or guardian shall also be awarded for punitive damages a sum of not less than one  
34 thousand dollars (\$1,000) for each violation to which the animal was subjected. In addition, the

1 court shall award reasonable attorneys' fees and costs incurred by the owner and/or guardian in  
2 the prosecution of the action. The remedies provided in this section are in addition to, and do not  
3 replace or supplant, any other remedies allowed by law. The court may enter injunctive orders as  
4 are reasonably necessary to abate further violations by the defendant.

5 (b) Limits for noneconomic damages set out in subsection (a) shall not apply to causes of  
6 action for intentional infliction of emotional distress or any other civil action other than the direct  
7 and sole loss of a pet.

8 (c) Noneconomic damages awarded pursuant to this section shall include, but not be  
9 limited to, compensation for the loss of the reasonably expected society, companionship, love,  
10 and affection of the pet.

11 (d) This section shall not apply to any not-for-profit entity or governmental agency or  
12 their employees, negligently causing the death of a pet while acting on the behalf of public health  
13 or animal welfare; nor shall this section be construed to authorize any award of noneconomic  
14 damages in an action for professional negligence against a licensed veterinarian.

15 (e) Commencement of a cause of action under this section shall occur within three (3)  
16 years from the date on which injuries were committed and/or inflicted.

17 **4-1-51. Rhode Island DEM regulation – Exemption.** -- (a) Notwithstanding the  
18 foregoing, the provisions of this chapter shall not infringe upon the right to hunt, fish and trap in  
19 the state of Rhode Island in accordance with title 20 and all rules and regulations promulgated  
20 thereto.

21 (b) Notwithstanding the foregoing, the provisions of this chapter shall not apply to the  
22 proper sale and use of pesticide products on pests as defined in chapter 23-25-4.

23 **4-1-52. Severability.** -- If any provision of this act or the application thereof to any  
24 person or circumstance is held invalid, such invalidity shall not affect other provisions or  
25 applications of the act which can be given effect without the invalid provision or application, and  
26 to that end the provisions of this act are declared to be severable.

27 **4-1-53. Research - Exemption.** -- Notwithstanding the foregoing, the provisions of this  
28 chapter do not apply to research facilities registered pursuant to the provisions of 7 U.S.C.  
29 Section 2136 except when knowingly operating outside the provisions governing the treatment of  
30 animals or of a research or maintenance protocol approved by the institutional animal care and  
31 use committee of the facility. This section shall not apply to section 4-1-33.

- 1 SECTION 4. This act shall take effect upon passage and shall apply to civil actions filed
- 2 on or after the effective date of this act.

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LC01605  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS

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1           This act would define and provide penalties for various acts of animal abuse, cruelty and  
2 neglect, and would create a cause of action for the intentional or negligent death of a pet.

3           This act would take effect upon passage and would apply to civil actions filed on or after  
4 the effective date of this act.

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