

# ANIMAL PROTECTION LAWS OF PUERTO RICO

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*This chapter contains Puerto Rico's general animal protection and related statutes with an effective date on or before September 1, 2017. It begins with an overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories. Within the first thirteen of these categories, the relevant part of each statute is italicized. Category 14 provides a non-italicized version of each of the previously referenced statutes, in numerical order. The penalties and related provisions for categories 12 and 13 are generally located within each of those respective sections.*

*Puerto Rico may employ similar provisions within other non-animal-specific criminal and civil statutes; may have other more specific statutes in addition to those included; and may have a variety of animal-related regulations in effect. Because the law is continually evolving, always review an official source for the most current language of any statute.*

## PUERTO RICO

### 1. GENERAL PROHIBITIONS \*

(1)

Abandonment

5 L.P.R.A. § 1664

(2)

Confinement

5 L.P.R.A. § 1665

(3)

Neglect

5 L.P.R.A. § 1666

(4)

Motorist's Duty to Injured Animal

5 L.P.R.A. § 1666(d)

(5)

Aggravated Neglect

5 L.P.R.A. § 1667

(6)

Abuse

5 L.P.R.A. § 1668

(7)

Third-Degree Abuse

5 L.P.R.A. § 1669

(8)

Aggravated Abuse

5 L.P.R.A. § 1670

(9)

Poisoning

5 L.P.R.A. § 1674

**PUERTO RICO** *continued*

<p><i>Animals Covered in Definition</i></p>	<p>“[A]ny mammal, bird, reptile, amphibian, fish, cetacean, and any other superior phyla animal in captivity or under the control of any person, or any animal protected by Federal or Commonwealth laws or by municipal ordinances.” 5 L.P.R.A. § 1660</p>
<p><i>Classification of Crimes</i></p>	<p>(1) Fourth-degree felony</p> <p>[Severe bodily injury or death]: Third-degree felony</p> <p>(2) Misdemeanor</p> <p>(3) Misdemeanor</p> <p>(4) Misdemeanor</p> <p>(5) Fourth-degree felony</p> <p>(6) Fourth-degree felony</p> <p>[Repeat offenders (any animal protection offense, domestic violence, child or elder abuse offense) or committing the offense in the presence of a minor]: Third-degree felony</p>

**PUERTO RICO** *continued*

*Classification of Crimes continued*

(7)  
Third-degree felony  
  
[Repeat offenders (any animal protection offense, domestic violence, child or elder abuse offense) or committing the offense in the presence of a minor]:  
Second-degree felony

(8)  
Second-degree felony  
  
[Repeat offenders (any animal protection offense, domestic violence, child or elder abuse offense) or committing the offense in the presence of a minor]:  
Second-degree felony with no rights to alternative sentencing

(9)  
[Use of poison without precautions]:  
Misdemeanor

[Use of poison without precautions, 2<sup>nd</sup> offense]:  
Misdemeanor

[Use of poison without precautions, subsequent offenses]:  
Fourth-degree felony

[Use of poison without precautions resulting in severe bodily injury]:  
Fourth-degree felony

[Willful administration of poison resulting in death or severe bodily injury]:  
Third-degree felony

**PUERTO RICO** *continued*

**2. MAXIMUM PENALTIES** \*\*

(1)  
3 years imprisonment  
*and/or*  
\$5,000 fine  
5 L.P.R.A. § 1664(b)

[Severe bodily injury or death]:  
8 years imprisonment  
*and/or*  
\$8,000 fine  
5 L.P.R.A. § 1664(c)

(2)  
[1<sup>st</sup> offense]:  
90 days fine  
*and/or*  
90 days community service  
*and/or*  
90 days house arrest  
*and/or*  
\$2,000 fine  
5 L.P.R.A. § 1665(b),(d)

[2<sup>nd</sup> offense]:  
6 months imprisonment  
*and/or*  
\$4,000 fine  
5 L.P.R.A. § 1665(c),(d)

(3)  
6 months imprisonment  
*and/or*  
\$5,000 fine  
*or*  
Probation or another alternative to  
imprisonment  
*and*  
\$2,000 fine  
5 L.P.R.A. § 1666(b),(c)

**PUERTO RICO** *continued*

**2. MAXIMUM PENALTIES** \*\* *continued*

(4)  
90 days fine  
*and/or*  
90 days community service  
*and/or*  
90 days house arrest  
*and/or*  
5 L.P.R.A. § 1666(d)

(5)  
3 years imprisonment  
*and/or*  
Probation or another alternative to imprisonment  
*and*  
\$3,000 fine  
5 L.P.R.A. § 1667

(6)  
3 years imprisonment  
*and/or*  
Probation or another alternative to imprisonment  
*and*  
\$3,000 fine  
5 L.P.R.A. § 1668(b)

[Repeat offenders (any animal protection offense, domestic violence, child or elder abuse offense) or committing the offense in the presence of a minor]:  
8 years imprisonment  
*and/or*  
Probation or another alternative to imprisonment  
*and*  
\$10,000 fine  
5 L.P.R.A. § 1668(c)

**PUERTO RICO** *continued*

**2. MAXIMUM PENALTIES** \*\* *continued*

(7)  
8 years imprisonment  
*and/or*  
Probation or another alternative to imprisonment  
*and*  
\$10,000 fine  
5 L.P.R.A. § 1669(b)

[Repeat offenders (any animal protection offense, domestic violence, child or elder abuse offense) or committing the offense in the presence of a minor]:  
15 years imprisonment  
*and/or*  
Probation or another alternative to imprisonment  
*and*  
\$15,000 fine  
5 L.P.R.A. § 1669(c)

(8)  
15 years imprisonment  
*and/or*  
Probation or another alternative to imprisonment  
*and*  
\$20,000 fine  
5 L.P.R.A. § 1670(b)

[Repeat offenders (any animal protection offense, domestic violence, child or elder abuse offense) or committing the offense in the presence of a minor]:  
15 years imprisonment  
5 L.P.R.A. § 1670(c)

**PUERTO RICO** *continued*

**2. MAXIMUM PENALTIES** \*\* *continued*

(9)

[Use of poison without precautions]:

90 days fine

*and/or*

90 days community service

*and/or*

90 days house arrest

*and/or*

5 L.P.R.A. § 1674(a)

[Use of poison without precautions,  
2<sup>nd</sup> offense]:

6 months imprisonment

*and/or*

\$5,000 fine

5 L.P.R.A. § 1674(a)

[Use of poison without precautions,  
subsequent offenses]:

3 years imprisonment

33 L.P.R.A. § 4644

[Use of poison without precautions resulting  
in severe bodily injury];

3 years imprisonment

33 L.P.R.A. § 4644

*or*

Probation or another alternative to  
imprisonment

*and*

\$5,000 fine

5 L.P.R.A. § 1674(b)

**PUERTO RICO** *continued*

<p><b>2. MAXIMUM PENALTIES</b> ** <i>continued</i></p>	<p>(9) <i>continued</i>                  [Willful administration of poison resulting in death or severe bodily injury]:                  Third-degree felony                  8 years imprisonment                  33 L.P.R.A. § 4644(c)  <i>or</i>                  Probation or another alternative to imprisonment  <i>and</i>                  \$10,000 fine                  5 L.P.R.A. § 1674(c)(i)(a)</p> <p>-----</p> <p>Entities are sanctioned with the same punishments as individuals                  5 L.P.R.A. § 1673</p> <p>-----</p> <p>If a person is unable to pay a fine, he must serve time in jail, 1 day per \$50                  5 L.P.R.A. § 1683</p>
<p><b>3. EXEMPTIONS</b> ***</p>	<p>-----</p>
<p><b>4. COUNSELING / EVALUATIONS</b> †</p>	<p>-----</p>
<p><b>5. PROTECTIVE ORDERS</b> †</p>	<p>5 L.P.R.A. §§ 1678, 1679(a)</p>
<p><b>6. RESTITUTION / REIMBURSEMENT OF COSTS / BONDING &amp; LIENS</b> †</p>	<p>Expenses for the care of a seized animal is a lien upon the animal; all costs shall be paid before animal may be returned if no conviction or charges are dropped.                  5 L.P.R.A. § 1681</p> <p>A civil action to collect costs of care may be brought by agency or person who cared for the seized animal.                  5 L.P.R.A. § 1681</p>

**PUERTO RICO** *continued*

<p><b>6. RESTITUTION / REIMBURSEMENT OF COSTS / BONDING &amp; LIENS</b> † <i>Continued</i></p>	<p>All funds generated from fines shall be distributed among shelters to provide direct animal care services. 5 L.P.R.A. § 1684</p> <p>In addition to the penalty imposed on the convict for the crime committed, the court may impose the penalty of restitution. 33 L.P.R.A. § 4689</p>
<p><b>7. <u>SEIZURE / ON-SITE SUPERVISION</u></b></p>	<p>Upon being accused of abuse, the court or law enforcement may seize the animal from the accused while the case is pending. The court may take other measures to protect and aid in the welfare of the animal. 5 L.P.R.A. § 1679</p>
<p><b>8. <u>FORFEITURE / POSSESSION</u></b> †</p>	<p>The owner of a corporation of other legal entity found guilty of animal abuse may not engage in “animal affairs.” 5 L.P.R.A. § 1673</p> <p>Failure to pay a lien for costs of care for a seized animal within 30 days following the resolution of the criminal case results in forfeiture of the animal. 5 L.P.R.A. § 1681</p>
<p><b>9. <u>CROSS ENFORCEMENT / REPORTING</u></b></p>	<p>-----</p>
<p><b>10. <u>VETERINARIAN REPORTING / IMMUNITY</u></b></p>	<p>-----</p>

**PUERTO RICO** *continued*

<p><b>11. <u>LAW ENFORCEMENT POLICIES</u></b></p>	<p>Municipalities shall assign “top priority” to cases involving abuse and negligence of stray animals; regional administrators shall coordinate efforts to identify, prevent and treat persons involved in violence against animals. 5 L.P.R.A. § 1661</p> <p>When an animal is in an emergency situation, municipalities shall provide necessary and adequate assistance to law enforcement and other government and private agencies. 5 L.P.R.A. § 1662</p> <p>The government shall coordinate and cooperate with NGOs to help against violence toward animals. 5 L.P.R.A. § 1663</p>
<p><b>12. <u>SEXUAL ASSAULT</u></b></p>	<p>Bestiality is a fourth degree felony. 33 L.P.R.A. § 4773</p>
<p><b>13. <u>FIGHTING</u></b></p>	<p>Various animal fighting offenses, including spectatorship, are second-degree felonies; increased penalties for repeat offenders (fighting, other animal abuse, domestic violence, child or elder abuse), committing the offense in the presence of a minor, or if the animal dies as a result of the fight. 5 L.P.R.A. § 1671</p> <p>EDITOR’S NOTE: Cockfighting remains legal in Puerto Rico under 15 L.P.R.A. § 301.</p>

**PUERTO RICO** *continued*

<b><i>Other Felony Provisions Affecting Animals</i></b> ‡	<p>Certain types of trapping 5 L.P.R.A. § 1675</p> <p>Selling animals on streets, roads or public places 5 L.P.R.A. § 1680</p> <p>Breeding animals without a license 5 L.P.R.A. § 1680</p> <p>Inhumane transportation of animals 5 L.P.R.A. § 1672</p>
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\* Jurisdictions may have other more specific statutes in addition to the general animal protection statutes referenced in this table.  
 \*\* Despite statutory maximums, states and territories may employ sentencing guidelines that may significantly alter the allowable sentence.  
 \*\*\* Exemptions: 1-veterinary practice, 2-research animals, 3-wildlife, 4-traditional farm animal husbandry practices, 5-slaughter, 6-pest control, 7-rodeo, 8-zoos/circuses, 9-other.  
 † This table generally references only those provisions that are within each jurisdiction’s animal protection statutes. Jurisdictions may employ similar provisions within other non-animal-specific criminal and civil statutes, and may also have a variety of animal-related regulations in effect.  
 ‡ This list is not exhaustive; states and territories may authorize felony penalties for other crimes involving animals not included in this table.

## 1. GENERAL PROHIBITIONS

### 5 L.P.R.A. § 1660 (2017). Definitions.

*For the purposes of this chapter, the following terms shall have the meaning stated below:*

- a. "Abandonment".—Means the voluntary dereliction or remissness, whether temporary or permanent, of the responsibilities of the animal's custodian.*
- b. "Animal".—Means any mammal, bird, reptile, amphibian, fish, cetacean, and any other superior phyla animal in captivity or under the control of any person, or any animal protected by Federal or Commonwealth laws or by municipal ordinances.*
- c. "Stray Animal".—An animal with no known custodian.*
- d. "Safety Collar".—Means a collar that applies pressure to the neck of the animal when the animal pulls in a direction against the will of the custodian, or when the custodian pulls to temporarily restrain the animal's movement.*
- e. "Continuous Care".—Means the preventive care that a prudent person would minister on an animal to prevent injuries, diseases or permanent severe or deadly conditions.*
- f. "Minimal Care".—Means sufficient care to preserve the health and welfare of an animal, except for emergencies or circumstances beyond the reasonable control of the custodian. This includes but is not limited to the requirements stated below:*
  - i. Quantity and quality of enough food to allow for the growth or maintenance of the normal body weight of the animal.*
  - ii. Open and proper access to drinking water, at a temperature that is fit for drinking and in sufficient amount to satisfy the needs of the animal.*
  - iii. Access to a stable, house or any other structure able to protect the animal from bad weather conditions, as well as an appropriate place to sleep that protects the animal from excessive cold, heat and humidity.*
  - iv. Being provided with the veterinary care that a prudent person would deem necessary to protect the animal from suffering; this includes vaccination and preventive care.*

v. *Continuous access to an area. Continuous access to an area is:*

a) *For the animal to have an adequate space to exercise as necessary for its health. Inadequate spaces lead to weakness, stress or abnormal patterns of behavior.*

b) *A temperature agreeable with the animal's health, in attention of its natural habitat.*

c) *Proper ventilation.*

d) *Regular daylight cycles, whether by means of natural or artificial lighting.*

e) *A clean environment, free from excessive waste or other pollutants that might affect the animal's health.*

g. *“Commercial Animal Breeder”.—A natural or juridical person engaged in breeding animals for sale.*

h. *“Provisional Custody”.—Means the custody granted by a judge in a custody or possession deprivation action, or when a protection order is issued against the animal's custodian, for a defined term, subject to review until the conclusion of the proceedings.*

i. *“Emergency”.—Means any situation the animal may be experiencing which poses an imminent risk to its safety, health or bodily integrity.*

j. *“Euthanasia”.—Means a humane method which inflicts a quick and painless death.*

k. *“Custodian”.—Means the natural or juridical person who has the control, custody, possession or ownership over an animal.*

l. *“Bodily Injury”.—Means physical trauma, or a loss of or decrease in functions or pain not consistent with reasonable training and management techniques.*

m. *“Severe Bodily Injury”.—Means a bodily injury that poses the risk of death or which causes disfigurement, a prolonged health condition, or a prolonged loss and/or disability in terms of the functions of an extremity or a bodily organ.*

n. *“Abuse”.—Means all acts or omissions of a person, whether or not the custodian, which cause or places the animal at risk of sustaining harm to its health and to its bodily and/or emotional integrity. The necessary efforts contemplated in Act No. 241 of 1999, known as the New Puerto Rico Wildlife Act, and in Regulation No. 6765 of March 12, 2004, as amended, of the Department of Natural and Environmental Resources, are hereby excluded from this definition.*

- o. “Negligence”.—Means a kind of abuse consisting in the dereliction of the duties or the remissness in exercising the powers of adequately providing minimal and continuous care to an animal; to be remiss in the duties of providing care and supervision.*
- p. “Police Officer” or “Animal Control Officer”.—Includes any member of a force established under any law to discharge police functions, duties or powers under the Commonwealth of Puerto Rico. This includes, without the listing being construed as a limitation, the members of the Puerto Rico Police, municipal police officers, the members of the Rangers Corps of the Department of Natural and Environmental Resources, the inspectors of the Department of Consumer Affairs, and the inspectors of the Department of Health and the Commonwealth Animal Control Office (OECA, Spanish acronym).*
- q. “Protection Order”.—Means any mandate issued in writing under the seal of a Court, whereby measures are pronounced against an animal abuser so that he/she abstains from engaging in or carrying out certain acts or conducts that constitute abuse and/or neglect.*
- r. “Person”.—Means an individual, corporation, trust, association, society or any other legal entity, whether natural or juridical.*
- s. “Possession”.—Means to have the physical custody or to exercise dominion or control over an animal.*
- t. “Imminent Risk”.—Means any situation that endangers the health, safety, or physical or emotional welfare of an animal.*
- u. “Unnecessary Suffering”.—Means to cause a suffering that is not necessary to ensure the safety, health, or welfare of the animal or other beings within its environment.*
- v. “Torture”.—Means an action taken with the prime purpose of inflicting or prolonging pain.*
- w. “Physical Trauma”.—Means fractures, cuts, burns, bruises or other bodily injuries and/or wounds in the animal’s body.*
- x. “Veterinarian”.—Means a person that holds a degree as Doctor in Veterinary Medicine, licensed by the Veterinarian Examining Board, and a member in good standing of the Veterinarians’ College.*

**5 L.P.R.A. § 1664 (2017). Abandonment of an Animal.**

*a. If a person willfully, knowingly, carelessly or with criminal negligence, leaves an animal in a location with the intention of dereliction, said person is committing the crime of abandoning an animal.*

*b. Abandonment of an animal is a fourth-degree felony that entails the punishment of imprisonment ranging from six (6) months and one (1) day to three (3) years.*

*i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from one thousand (1,000) to five thousand (5,000) dollars.*

*c. If, as a consequence of the abandonment of an animal, the animal sustains severe bodily injury or dies, the crime shall be deemed to be a third-degree felony that entails the punishment of imprisonment ranging from three (3) years and one (1) day to eight (8) years.*

*i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from three thousand (3,000) to eight thousand (8,000) dollars.*

**5 L.P.R.A. § 1665 (2017). Confinement of Animals.**

*a. Any person with the control over an animal shall provide the animal with an adequate space within the property of the custodian that allows for free movement.*

*b. Any person who confines, binds or otherwise limits the movement of an animal, and in so doing, causes unnecessary suffering, shall be guilty of a misdemeanor that entails the imposition of an individual fine, not to exceed ninety (90) days, a fine or a daily punishment by community service not to exceed ninety (90) days or home confinement or house arrest in calendar days up to ninety (90) days, or a combination of these punishments, which shall sum up to not more than ninety (90) days. Provided, further, that to walk the animal, a collar and leash is mandatory in order to control the animal, in pertinent cases, without causing harm or suffering, except for animals weighing over 60 pounds, which require a “safety collar.”*

*c. Instances of recidivism in this crime shall be punished by imprisonment for up to six (6) months.*

*d. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from five hundred (500) to two thousand (2,000) dollars. Thereafter, for each instance of recidivism, the sum of the last fine imposed by the Court shall double.*

**5 L.P.R.A. § 1666 (2017). Abuse by Negligence.**

*a. A person shall be deemed to be negligent if said person knowingly, carelessly or negligently fails to provide minimal care to an animal in the possession of said person.*

*b. Neglecting animals constitutes a misdemeanor that entails a fine of up to five thousand (5,000) dollars or imprisonment for up to six (6) months, or both penalties, in the discretion of the Court.*

*c. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from five hundred (500) to two thousand (2,000) dollars.*

*d. A person is negligent if he/she runs with his/her car over a dog, cat, horse and/or head of cattle and does not take the necessary measures for the animal to be tended to or, in case of having inflicted death, the necessary measures to have the animal removed, provided he/she is not placing his/her safety at risk. Among the steps to be followed are the following: calling an animal round-up center in the municipality, and if such information should not be available, calling the Police. Any person who fails to comply with this subsection shall be guilty of a misdemeanor that entails the imposition of an individual fine not to exceed ninety (90) days, a fine or a daily punishment by community service not to exceed ninety (90) days or home confinement or house arrest in calendar days for up to ninety (90) days, or a combination of these punishments, which shall sum up to not more than ninety (90) days.*

**5 L.P.R.A. § 1667 (2017). Aggravated Negligence against Animals.**

*a. A person shall be guilty of aggravated negligence when willfully, knowingly, carelessly or with criminal negligence:*

*i. Fails to provide minimal care to an animal in the possession of said person and failure to provide such care results in severe bodily injury or death of the animal. This crime is typified as a fourth-degree felony that entails the imposition of a punishment by imprisonment ranging from six (6) months and one (1) day to three (3) years.*

*a) If upon conviction, the accused qualifies and avails him/herself of serving time on probation or any alternative method other than jail imprisonment, the penalty shall entail a mandatory fine ranging from one thousand (1,000) to three thousand (3,000) dollars.*

**5 L.P.R.A. § 1668 (2017). Animal Abuse.**

*a. A person is guilty of the crime of animal abuse if the person willfully, knowingly, carelessly or with criminal negligence inflicts any bodily injury or suffering on the animal.*

*b. Animal abuse is considered to be a fourth-degree felony that entails the imposition of punishment by imprisonment ranging from six (6) months and one (1) day to three (3) years.*

*i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from one thousand (1,000) to three thousand (3,000) dollars.*

*c. Notwithstanding the provisions of subsection (b) of this Section, animal abuse constitutes a third-degree felony that entails the imposition of punishment by imprisonment ranging from three (3) years and one (1) day to eight (8) years if:*

*i. The person who is committing the crime of animal abuse has been previously convicted of one or more offenses relative to:*

*a) Any law concerning animal protection in Puerto Rico or equivalent laws or regulations from any other jurisdiction; or*

*b) Any statute of Puerto Rico concerning domestic violence, child abuse or elderly abuse, or equivalent laws from another jurisdiction; or*

*c) The person knowingly abuses an animal in the immediate presence of a minor. For the purposes of this subclause, a minor is in the immediate presence of an instance of animal abuse if such an instance is seen or directly perceived in any manner by the minor.*

*1. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from three thousand (3,000) to ten thousand (10,000) dollars.*

**5 L.P.R.A. § 1669 (2017). Third-Degree Animal Abuse.**

*a. A person shall be guilty of the crime of animal abuse in its third-degree felony modality if a person willfully, knowingly, carelessly or with criminal negligence:*

*i. Inflicts a severe bodily injury; or*

*ii. Inflicts death on an animal.*

**b. This crime entails punishment by imprisonment ranging from three (3) years and one (1) day to eight (8) years.**

**i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from three thousand (3,000) to ten thousand (10,000) dollars.**

*c. Notwithstanding the provisions of subsection (a) of this Section, animal abuse shall be typified as a second-degree felony that entails the imposition of punishment by imprisonment ranging from eight (8) years and one (1) day to fifteen (15) years if:*

*i. The person committing the crime of animal abuse has been previously convicted of one or more offenses relative to:*

*a) Any law concerning animal protection in Puerto Rico or equivalent laws or regulations from another jurisdiction; or*

*b) Any statute of Puerto Rico concerning domestic violence, child abuse or elderly abuse, or equivalent laws from another jurisdiction; or*

*c) The person knowingly abuses an animal in the immediate presence of a minor. For purposes of this subclause, a minor is in the immediate presence of an instance of animal abuse if such an instance is seen or directly perceived in any manner by the minor.*

**1. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from ten thousand (10,000) to fifteen thousand (15,000) dollars.**

**5 L.P.R.A. § 1670 (2017). Aggravated Animal Abuse.**

*a. A person shall be guilty of the crime of aggravated animal abuse if the person willfully or knowingly:*

*i. Tortures an animal; or*

*ii. Kills an animal under circumstances that show there was malice aforethought or a gross disregard for life.*

*b. Aggravated animal abuse is typified as a second-degree felony that entails punishment by imprisonment for a term of not less than eight (8) years and one (1) day and not more than fifteen (15) years.*

*i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from ten thousand (10,000) to twenty thousand (20,000) dollars.*

*c. Notwithstanding the provisions of subsection (b) of this Section, aggravated animal abuse shall be typified as a second-degree felony without the right to alternate benefits other than jail imprisonment if:*

*i. The person committing the crime of animal abuse has been previously convicted of one or more offenses relative to:*

*a) Any law concerning animal protection in Puerto Rico or equivalent laws or regulations of another jurisdiction; or*

*b) Any statute of Puerto Rico concerning domestic violence, child abuse or elderly abuse, or equivalent laws from another jurisdiction; or*

*c) The person knowingly abuses an animal in the immediate presence of a minor. For purposes of this subclause, a minor shall be in the immediate presence of an instance of animal abuse if such an instance is seen or directly perceived in any manner by the minor.*

**5 L.P.R.A. § 1674 (2017). Poisoning.**

*a. If any person should use any kind of poison, even if he/she hires a third party for such a purpose, without making the necessary provisions to prevent bodily injuries to animals other than pests, he/she shall be accused of a misdemeanor that entails the imposition of an individual fine not to exceed ninety (90) days, a fine or a daily punishment by community service not to exceed ninety (90) days, or home confinement or house arrest in calendar days for up to ninety (90) days, or a combination of these punishments, which shall sum up to not more than ninety (90) days. The fact that the animal has entered his/her premises shall not constitute a defense. Instances of recidivism shall be typified as misdemeanors that entail a fine of up to five thousand (5,000) dollars and/or punishment by imprisonment for up to six (6) months. A subsequent instance of recidivism shall be typified as a fourth-degree felony.*

*b. Poisoning an animal constitutes a fourth-degree felony if:*

*i. An animal ingests the poison laid out without proper precautions and this results in a severe bodily injury of the animal.*

a) If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from one thousand (1,000) to five thousand (5,000) dollars.

*c. Poisoning an animal is typified as a third-degree felony if:*

*i. There is a willful administration to any animal of any poison or poisonous substance that causes a severe bodily injury or death.*

a) If upon conviction under subsection (c), the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from three thousand (3,000) to ten thousand (10,000) dollars.

## 2. PENALTIES

### 5 L.P.R.A. § 1664 (2017). Abandonment of an Animal.

a. If a person willfully, knowingly, carelessly or with criminal negligence, leaves an animal in a location with the intention of dereliction, said person is committing the crime of abandoning an animal.

*b. Abandonment of an animal is a fourth-degree felony that entails the punishment of imprisonment ranging from six (6) months and one (1) day to three (3) years.*

*i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from one thousand (1,000) to five thousand (5,000) dollars.*

*c. If, as a consequence of the abandonment of an animal, the animal sustains severe bodily injury or dies, the crime shall be deemed to be a third-degree felony that entails the punishment of imprisonment ranging from three (3) years and one (1) day to eight (8) years.*

*i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from three thousand (3,000) to eight thousand (8,000) dollars.*

### 5 L.P.R.A. § 1665 (2017). Confinement of Animals.

a. Any person with the control over an animal shall provide the animal with an adequate space within the property of the custodian that allows for free movement.

*b. Any person who confines, binds or otherwise limits the movement of an animal, and in so doing, causes unnecessary suffering, shall be guilty of a misdemeanor that entails the imposition of an individual fine, not to exceed ninety (90) days, a fine or a daily punishment by community service not to exceed ninety (90) days or home confinement or house arrest in calendar days up to ninety (90) days, or a combination of these punishments, which shall sum up to not more than ninety (90) days. Provided, further, that to walk the animal, a collar and leash is mandatory in order to control the animal, in pertinent cases, without causing harm or suffering, except for animals weighing over 60 pounds, which require a "safety collar."*

*c. Instances of recidivism in this crime shall be punished by imprisonment for up to six (6) months.*

*d. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from five hundred (500) to two thousand (2,000) dollars. Thereafter, for each instance of recidivism, the sum of the last fine imposed by the Court shall double.*

**5 L.P.R.A. § 1666 (2017). Abuse by Negligence.**

a. A person shall be deemed to be negligent if said person knowingly, carelessly or negligently fails to provide minimal care to an animal in the possession of said person.

*b. Neglecting animals constitutes a misdemeanor that entails a fine of up to five thousand (5,000) dollars or imprisonment for up to six (6) months, or both penalties, in the discretion of the Court.*

*c. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from five hundred (500) to two thousand (2,000) dollars.*

*d. A person is negligent if he/she runs with his/her car over a dog, cat, horse and/or head of cattle and does not take the necessary measures for the animal to be tended to or, in case of having inflicted death, the necessary measures to have the animal removed, provided he/she is not placing his/her safety at risk. Among the steps to be followed are the following: calling an animal round-up center in the municipality, and if such information should not be available, calling the Police. Any person who fails to comply with this subsection shall be guilty of a misdemeanor that entails the imposition of an individual fine not to exceed ninety (90) days, a fine or a daily punishment by community service not to exceed ninety (90) days or home confinement or house arrest in calendar days for up to ninety (90) days, or a combination of these punishments, which shall sum up to not more than ninety (90) days.*

**5 L.P.R.A. § 1667 (2017). Aggravated Negligence against Animals.**

a. A person shall be guilty of aggravated negligence when willfully, knowingly, carelessly or with criminal negligence:

i. Fails to provide minimal care to an animal in the possession of said person and failure to provide such care results in severe bodily injury or death of the animal. *This crime is typified as a fourth-degree felony that entails the imposition of a punishment by imprisonment ranging from six (6) months and one (1) day to three (3) years.*

*a) If upon conviction, the accused qualifies and avails him/herself of serving time on probation or any alternative method other than jail imprisonment, the penalty shall entail a mandatory fine ranging from one thousand (1,000) to three thousand (3,000) dollars.*

**5 L.P.R.A. § 1668 (2017). Animal Abuse.**

a. A person is guilty of the crime of animal abuse if the person willfully, knowingly, carelessly or with criminal negligence inflicts any bodily injury or suffering on the animal.

*b. Animal abuse is considered to be a fourth-degree felony that entails the imposition of punishment by imprisonment ranging from six (6) months and one (1) day to three (3) years.*

*i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from one thousand (1,000) to three thousand (3,000) dollars.*

*c. Notwithstanding the provisions of subsection (b) of this Section, animal abuse constitutes a third-degree felony that entails the imposition of punishment by imprisonment ranging from three (3) years and one (1) day to eight (8) years if:*

*i. The person who is committing the crime of animal abuse has been previously convicted of one or more offenses relative to:*

*a) Any law concerning animal protection in Puerto Rico or equivalent laws or regulations from any other jurisdiction; or*

*b) Any statute of Puerto Rico concerning domestic violence, child abuse or elderly abuse, or equivalent laws from another jurisdiction; or*

*c) The person knowingly abuses an animal in the immediate presence of a minor. For the purposes of this subclause, a minor is in the immediate presence of an instance of animal abuse if such an instance is seen or directly perceived in any manner by the minor.*

*1. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from three thousand (3,000) to ten thousand (10,000) dollars.*

**5 L.P.R.A. § 1669 (2017). Third-Degree Animal Abuse.**

a. A person shall be guilty of the crime of animal abuse in its third-degree felony modality if a person willfully, knowingly, carelessly or with criminal negligence:

i. Inflicts a severe bodily injury; or

ii. Inflicts death on an animal.

*b. This crime entails punishment by imprisonment ranging from three (3) years and one (1) day to eight (8) years.*

*i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from three thousand (3,000) to ten thousand (10,000) dollars.*

*c. Notwithstanding the provisions of subsection (a) of this Section, animal abuse shall be typified as a second-degree felony that entails the imposition of punishment by imprisonment ranging from eight (8) years and one (1) day to fifteen (15) years if:*

*i. The person committing the crime of animal abuse has been previously convicted of one or more offenses relative to:*

*a) Any law concerning animal protection in Puerto Rico or equivalent laws or regulations from another jurisdiction; or*

*b) Any statute of Puerto Rico concerning domestic violence, child abuse or elderly abuse, or equivalent laws from another jurisdiction; or*

*c) The person knowingly abuses an animal in the immediate presence of a minor. For purposes of this subclause, a minor is in the immediate presence of an instance of animal abuse if such an instance is seen or directly perceived in any manner by the minor.*

*1. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from ten thousand (10,000) to fifteen thousand (15,000) dollars.*

**5 L.P.R.A. § 1670 (2017). Aggravated Animal Abuse.**

a. A person shall be guilty of the crime of aggravated animal abuse if the person willfully or knowingly:

i. Tortures an animal; or

ii. Kills an animal under circumstances that show there was malice aforethought or a gross disregard for life.

*b. Aggravated animal abuse is typified as a second-degree felony that entails punishment by imprisonment for a term of not less than eight (8) years and one (1) day and not more than fifteen (15) years.*

*i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from ten thousand (10,000) to twenty thousand (20,000) dollars.*

*c. Notwithstanding the provisions of subsection (b) of this Section, aggravated animal abuse shall be typified as a second-degree felony without the right to alternate benefits other than jail imprisonment if:*

*i. The person committing the crime of animal abuse has been previously convicted of one or more offenses relative to:*

*a) Any law concerning animal protection in Puerto Rico or equivalent laws or regulations of another jurisdiction; or*

*b) Any statute of Puerto Rico concerning domestic violence, child abuse or elderly abuse, or equivalent laws from another jurisdiction; or*

*c) The person knowingly abuses an animal in the immediate presence of a minor. For purposes of this subclause, a minor shall be in the immediate presence of an instance of animal abuse if such an instance is seen or directly perceived in any manner by the minor.*

**5 L.P.R.A. § 1673 (2017). Animal Abuse by Juridical Entities.**

*a. Any entity, whether engaged or not in animal affairs, that abuses an animal, shall be sanctioned with the same punishments, according to the type of crime as established in this Act.*

*i. Should the entity be found guilty, in addition to the punishments that apply pursuant to this Act, the person who owns the entity thus found guilty may not engage in any animal affairs.*

**5 L.P.R.A. § 1674 (2017). Poisoning.**

*a. If any person should use any kind of poison, even if he/she hires a third party for such a purpose, without making the necessary provisions to prevent bodily injuries to animals other than pests, he/she shall be accused of a misdemeanor that entails the imposition of an individual fine not to exceed ninety (90) days, a fine or a daily punishment by community service not to exceed ninety (90) days, or home confinement or house arrest in calendar days for up to ninety (90) days, or a combination of these punishments, which shall sum up to not more than ninety (90) days. The fact that the animal has entered his/her premises shall not constitute a defense.*

*Instances of recidivism shall be typified as misdemeanors that entail a fine of up to five thousand (5,000) dollars and/or punishment by imprisonment for up to six (6) months. A subsequent instance of recidivism shall be typified as a fourth-degree felony.*

b. Poisoning an animal constitutes a fourth-degree felony if:

i. An animal ingests the poison laid out without proper precautions and this results in a severe bodily injury of the animal.

*a) If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from one thousand (1,000) to five thousand (5,000) dollars.*

c. Poisoning an animal is typified as a third-degree felony if:

i. There is a willful administration to any animal of any poison or poisonous substance that causes a severe bodily injury or death.

*a) If upon conviction under subsection (c), the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from three thousand (3,000) to ten thousand (10,000) dollars.*

### **33 L.P.R.A. § 4644 (2017). Classification.**

*Crimes are classified as misdemeanors and felonies.*

*A misdemeanor entails an individual fine of up to five thousand dollars (\$5,000) or imprisonment for up to ninety (90) days. A felony, in all its classifications which are specified below, comprises all other crimes.*

*A felony entails imprisonment for more than six (6) months and, according to the corresponding penalty, is classified in four (4) degrees, as follows:*

*(a) First degree felony.— The penalty for which is imprisonment for a term of ninety-nine (99) years.*

*(b) Second degree felony.— The penalty for which is imprisonment for a term fluctuating between eight (8) years and one (1) day and fifteen (15) years. Second degree murder, sexual assault, aggravated kidnapping, child kidnapping and aggravated robbery, when damage is inflicted against the victim or if it takes place in the domicile of the victim, shall be severe second degree felonies with a penalty of imprisonment of between fifteen (15) years and one day and twenty-five (25) years.*

*(c) Third degree felony.— The penalty for which is imprisonment fluctuating between three*

*(3) years and one (1) day and eight (8) years.*

*(d) Fourth degree felony.— The penalty for which is imprisonment fluctuating between six (6) months and one day and three (3) years.*

*However, other types of penalty besides imprisonment may be imposed for felonies and misdemeanors.*

*The felonies typified in special laws maintain the classification of felony and the corresponding penalty if they entail a penalty of imprisonment for more than six (6) months or a fine of more than five thousand dollars (\$5,000), unless otherwise provided by law.*

*Misdemeanors typified in special laws maintain the classification of misdemeanor and the corresponding penalty if they entail a penalty that does not exceed six (6) months or a fine that does not exceed five thousand dollars (\$5,000), or both penalties.*

### **33 L.P.R.A. § 4689 (2017). Restitution.**

*The penalty of restitution consists of the court imposed obligation to compensate the victim for the damages and losses caused to his/her person or property as a consequence of the crime. The penalty of restitution does not include suffering and mental anguish.*

*The court may order that the penalty of restitution be compensated in money, through the rendering of services, the delivery of the illegally appropriated property or the equivalent, if the property is not available.*

*If the penalty of restitution is compensated in money, the sum thereof shall be established by the court taking into consideration the following: the total amount of damages to be restored, the allocated participation of the convicted person if there were several perpetrators of the criminal act, the convicted person's ability to pay and all other elements that allow an adequate adjustment to the circumstances of the case and the condition of the convicted person.*

*The penalty of restitution shall be paid immediately. Nevertheless, at the request of the sentenced person and at the discretion of the court, taking into consideration the financial situation of the convict, it may be paid in full or in installments within a reasonable term after the date on which the sentence becomes effective.*

### **5 L.P.R.A. § 1683 (2017). Payments of Fines.**

*It is hereby established that, if the person convicted should be unable to pay any fine imposed by the Court, the person shall have to serve time in jail, to be computed on the basis of fifty dollars (\$50.00) per day.*

**3. EXEMPTIONS**

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**4. COUNSELING / EVALUATIONS**

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## **5. PROTECTIVE ORDERS**

### **5 L.P.R.A. § 1678 (2017). Protection Orders.**

*a. In all cases in which a person is accused of domestic violence or child abuse, the Court shall, by petition of party, issue a protection order for the petitioner so that he/she be the sole custodian of the animal. The Court shall order the accused to keep far away from the animal and prohibit contact of any kind.*

*b. A violation of the protection order shall be considered to be a fourth-degree felony.*

*i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from one thousand (1,000) to three thousand (3,000) dollars.*

### **5 L.P.R.A. § 1679 (2017). Pre-Conviction Provisions.**

a. When a person has been accused of acts that constitute animal abuse, the Court or the law enforcement officers may, as a precautionary and preventive measure in benefit of the animal, remove or order the provisional removal of the animal while the case is heard. *Likewise, the Court may take or order the precautionary measures it deems convenient and necessary for the protection and welfare of the animal, including the issue of a protection order.* The animal shall be handed over to the shelter of the municipality of residence of the custodian or to the private organization that intervened in the animal abuse situation, if the organization so requests.

b. If after a trial on its merits or a hearing, the existence of abuse against the animal is not proven, the animal shall be returned to its custodian.

## **6. RESTITUTION / REIMBURSEMENT OF COSTS / BONDING & LIENS**

### **5 L.P.R.A. § 1681 (2017). Liens.**

*a. Any expense incurred to provide minimal care to a seized animal shall constitute a lien on the animal and the costs of such care shall be paid in full by the custodian before the animal is returned to him/her after having been found not guilty or after criminal charges have been dismissed. If the costs are not paid in full within thirty (30) days after the criminal case has been resolved, the legal custody of the seized animal by the custodian shall be immediately transferred to the agency or person who has custody, which shall take steps for its possible adoption. The costs of providing care to the animal shall continue to be the responsibility of the custodian against whom the agency or person with custody may bring a civil action for collection of money owed.*

### **5 L.P.R.A. § 1684 (2017). Compensation Fund.**

*The moneys originating from the fines shall be deposited into a special fund that shall be administered by the OECA, to be distributed among municipal shelters to provide direct animal care services.*

### **33 L.P.R.A. § 4689 (2017). Restitution.**

The penalty of restitution consists of the court imposed obligation to compensate the victim for the damages and losses caused to his/her person or property as a consequence of the crime. The penalty of restitution does not include suffering and mental anguish.

The court may order that the penalty of restitution be compensated in money, through the rendering of services, the delivery of the illegally appropriated property or the equivalent, if the property is not available.

If the penalty of restitution is compensated in money, the sum thereof shall be established by the court taking into consideration the following: the total amount of damages to be restored, the allocated participation of the convicted person if there were several perpetrators of the criminal act, the convicted person's ability to pay and all other elements that allow an adequate adjustment to the circumstances of the case and the condition of the convicted person.

The penalty of restitution shall be paid immediately. Nevertheless, at the request of the sentenced person and at the discretion of the court, taking into consideration the financial situation of the convict, it may be paid in full or in installments within a reasonable term after the date on which the sentence becomes effective.

## **7. SEIZURE / ON-SITE SUPERVISION**

### **5 L.P.R.A. § 1679 (2017). Pre-Conviction Provisions.**

*a. When a person has been accused of acts that constitute animal abuse, the Court or the law enforcement officers may, as a precautionary and preventive measure in benefit of the animal, remove or order the provisional removal of the animal while the case is heard. Likewise, the Court may take or order the precautionary measures it deems convenient and necessary for the protection and welfare of the animal, including the issue of a protection order. The animal shall be handed over to the shelter of the municipality of residence of the custodian or to the private organization that intervened in the animal abuse situation, if the organization so requests.*

*b. If after a trial on its merits or a hearing, the existence of abuse against the animal is not proven, the animal shall be returned to its custodian.*

## **8. FORFEITURE / POSSESSION**

### **5 L.P.R.A. § 1673 (2017). Animal Abuse by Juridical Entities.**

a. Any entity, whether engaged or not in animal affairs, that abuses an animal, shall be sanctioned with the same punishments, according to the type of crime as established in this chapter.

*i. Should the entity be found guilty, in addition to the punishments that apply pursuant to this Act, the person who owns the entity thus found guilty may not engage in any animal affairs.*

### **5 L.P.R.A. § 1681 (2017). Liens.**

*a. Any expense incurred to provide minimal care to a seized animal shall constitute a lien on the animal and the costs of such care shall be paid in full by the custodian before the animal is returned to him/her after having been found not guilty or after criminal charges have been dismissed. If the costs are not paid in full within thirty (30) days after the criminal case has been resolved, the legal custody of the seized animal by the custodian shall be immediately transferred to the agency or person who has custody, which shall take steps for its possible adoption. The costs of providing care to the animal shall continue to be the responsibility of the custodian against whom the agency or person with custody may bring a civil action for collection of money owed.*

**9. CROSS ENFORCEMENT / REPORTING**

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**10. VETERINARIAN REPORTING / IMMUNITY**

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## **11. LAW ENFORCEMENT POLICIES**

### **5 L.P.R.A. § 1661 (2017). Responsibilities and Coordination with Other Agencies.**

*In order to guarantee the fullest compliance with this chapter, the municipalities of the Commonwealth of Puerto Rico must comply with the provisions of the Autonomous Municipalities Act, §§ 4001 et seq. of Title 21, and these shall assign top priority to handling situations that come to their attention and which involve abuse and/or negligence of stray animals. The municipalities, in coordination with the Central Municipal Affairs Office (OCAM, Spanish acronym), shall be under the obligation to assign top priority to handling situations that involve the abuse of stray animals, as well as round-ups and care. OCAM shall coordinate efforts with other government and private agencies when services are required in relation to the identification, prevention or treatment of persons involved in acts of violence against animals. Such coordination shall include joint planning, public education and information services, use of one another's facilities, training sessions and joint activities for the betterment of the personnel and of case evaluation and management.*

### **5 L.P.R.A. § 1662 (2017). Emergency Management.**

*When an animal is in an emergency situation, it shall be the responsibility of the municipality where the animal is located, to provide the necessary and adequate assistance to the Police and to the personnel of the government and/or private agency intervening in the emergency. All municipalities are under the obligation to develop a plan covering animal emergency management, round-ups and protection, under penalty of not being provided with funds from the Commonwealth Animal Control Office, or of having such funds cancelled. Such a management plan shall be drafted within one (1) year from the date of effectiveness of this chapter.*

### **5 L.P.R.A. § 1663 (2017). Coordination and Cooperation with Non-Government Organizations.**

*The Government of Puerto Rico, its public corporations, departments, agencies and instrumentalities and officials shall take the initiative to:*

- a. Facilitate and maintain continuous efforts to incorporate the views of [non-governmental] and community entities into the various aspects of their services;*
- b. Foster the participation of representatives from these entities, as well as persons whom these organizations have served, in the planning, development, offering and evaluation of services pertaining to persons involved in animal abuse;*

*c. Establish collaboration agreements with the [non-governmental] organizations that provide projects to render services to animals and/or families involved in violence against or negligence of animals, as well as to abusive youths and adults. These agreements may be established but are not to be limited to the following areas: design and establishment of procedures conducive to promoting and guaranteeing animal welfare; protection and safety plans; support services for the prevention and management of family violence for persons, families, communities, and the Island;*

*d. Offer all the support these entities need in order to guarantee their participation and make multi-sector collaboration possible in all compliance items of this chapter, while respecting the autonomy of said organizations.*

## **12. SEXUAL ASSAULT**

### **33 L.P.R.A. § 4773 (2017). Bestiality.**

Any person who performs, or incites, coerces or assists another person to perform any type of sexual penetration with an animal shall incur a fourth degree felony.

### 13. FIGHTING

#### 5 L.P.R.A. § 1671 (2017). Animal Fights.

*a. No person shall cause, sponsor, organize, conduct or promote events in which any animal fights, threatens or injures another animal for sport, entertainment, financial gain or any other purpose, except for cockfights, practice which is regulated by §§ 301 et seq. of Title 15.*

*b. For purposes of this Section, a person promotes an event in which an animal fights, threatens or injures another animal for sport, entertainment, financial gain, among others, if the person:*

*i. Is knowingly present or bets in such an event in which an animal fights, threatens or injures another animal for sport, entertainment, financial gain, among others;*

*ii. The custodian trains, transports, possesses, breeds or fits an animal with the intention of involving said animal in an event in which the animal is to fight, threaten or injure another animal for sport, entertainment, financial gain, among others;*

*iii. Allows knowingly for any kind of event in which an animal fights, threatens or injures another animal for sport, entertainment, financial gain, among others, to take place in any location that is owned or controlled by the person, among others;*

*iv. Allows knowingly for an animal used for such an event in which an animal fights, threatens or injures another animal for sport, entertainment, or financial gain, among others, to be maintained, lodged, trained or transported in any place or vehicle owned or controlled by the person;*

*v. Uses knowingly any means of communication with the purpose of promoting such an event in which an animal fights, threatens or injures another animal for sport, entertainment, financial gain, among others; or*

*vi. Possesses knowingly an animal used to fight, threaten or injure another animal for sport, entertainment, financial gain, among others, or any mechanism intended to reinforce the animal's ability to fight, threaten or injure for sport, entertainment, financial gain, among others.*

*c. Any person who engages in any of the efforts described in this Section shall be accused of inciting or participating in animal fights, which is typified as a second-degree felony.*

*i. If upon conviction under any of its modalities, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from ten thousand (10,000) to twenty-five thousand (25,000) dollars. If the owner of the location is a recidivist, the property shall be seized to the benefit of the Commonwealth of Puerto Rico.*

*d. Notwithstanding the provisions of subsection (c) of this Section, the crime shall be typified as a second-degree felony without the right to alternate benefits other than jail imprisonment if:*

*i. The person committing the crime of animal abuse has been previously convicted of one or more offenses relative to:*

*a) Any law concerning animal protection in Puerto Rico or equivalent laws or regulations from another jurisdiction;*

*b) Any statute of Puerto Rico concerning domestic violence, child abuse or elderly abuse, or equivalent laws from another jurisdiction; or*

*c) The person knowingly carries out any of the activities mentioned in this subsection concerning animal fights in the immediate presence of a minor. For purposes of this subclause, a minor is in the immediate presence of an instance of animal abuse if such an instance is seen or directly perceived in any manner by the minor; or*

*d) If as a consequence of such a fight, the animal dies.*

*e. The Puerto Rico Police shall seize all animals, equipment, material and/or money present at the location where the animal fights are held, without distinction as to who is the owner of the materials or the money or who are the animals' custodians. For this action, the procedure established in §§ 1723 et seq. of Title 34, known as the Uniform Seizure Act of 1998, shall be followed.*

*f. The animals thus seized shall be evaluated by the Department of Health, which shall make an assessment as to the dangerousness of the animals, and should the Department determine that said animals are dangerous, the Department shall dispose of the same by euthanasia practiced by a veterinarian. Otherwise, the Department shall hand them over to a shelter, which shall have full discretion as to whether to accept or reject the animals, with the purpose, if possible, of putting them up for adoption.*

## 14. REFERENCED STATUTES

### 5 L.P.R.A. § 1660 (2017). Definitions.

For the purposes of this chapter, the following terms shall have the meaning stated below:

- a. “Abandonment”.—Means the voluntary dereliction or remissness, whether temporary or permanent, of the responsibilities of the animal’s custodian.
- b. “Animal”.—Means any mammal, bird, reptile, amphibian, fish, cetacean, and any other superior phyla animal in captivity or under the control of any person, or any animal protected by Federal or Commonwealth laws or by municipal ordinances.
- c. “Stray Animal”.—An animal with no known custodian.
- d. “Safety Collar”.—Means a collar that applies pressure to the neck of the animal when the animal pulls in a direction against the will of the custodian, or when the custodian pulls to temporarily restrain the animal’s movement.
- e. “Continuous Care”.—Means the preventive care that a prudent person would minister on an animal to prevent injuries, diseases or permanent severe or deadly conditions.
- f. “Minimal Care”.—Means sufficient care to preserve the health and welfare of an animal, except for emergencies or circumstances beyond the reasonable control of the custodian. This includes but is not limited to the requirements stated below:
  - i. Quantity and quality of enough food to allow for the growth or maintenance of the normal body weight of the animal.
  - ii. Open and proper access to drinking water, at a temperature that is fit for drinking and in sufficient amount to satisfy the needs of the animal.
  - iii. Access to a stable, house or any other structure able to protect the animal from bad weather conditions, as well as an appropriate place to sleep that protects the animal from excessive cold, heat and humidity.
  - iv. Being provided with the veterinary care that a prudent person would deem necessary to protect the animal from suffering; this includes vaccination and preventive care.
  - v. Continuous access to an area. Continuous access to an area is:

- a) For the animal to have an adequate space to exercise as necessary for its health. Inadequate spaces lead to weakness, stress or abnormal patterns of behavior.
  - b) A temperature agreeable with the animal's health, in attention of its natural habitat.
  - c) Proper ventilation.
  - d) Regular daylight cycles, whether by means of natural or artificial lighting.
  - e) A clean environment, free from excessive waste or other pollutants that might affect the animal's health.
- g. "Commercial Animal Breeder".—A natural or juridical person engaged in breeding animals for sale.
- h. "Provisional Custody".—Means the custody granted by a judge in a custody or possession deprivation action, or when a protection order is issued against the animal's custodian, for a defined term, subject to review until the conclusion of the proceedings.
- i. "Emergency".—Means any situation the animal may be experiencing which poses an imminent risk to its safety, health or bodily integrity.
- j. "Euthanasia".—Means a humane method which inflicts a quick and painless death.
- k. "Custodian".—Means the natural or juridical person who has the control, custody, possession or ownership over an animal.
- l. "Bodily Injury".—Means physical trauma, or a loss of or decrease in functions or pain not consistent with reasonable training and management techniques.
- m. "Severe Bodily Injury".—Means a bodily injury that poses the risk of death or which causes disfigurement, a prolonged health condition, or a prolonged loss and/or disability in terms of the functions of an extremity or a bodily organ.
- n. "Abuse".—Means all acts or omissions of a person, whether or not the custodian, which cause or places the animal at risk of sustaining harm to its health and to its bodily and/or emotional integrity. The necessary efforts contemplated in Act No. 241 of 1999, known as the New Puerto Rico Wildlife Act, and in Regulation No. 6765 of March 12, 2004, as amended, of the Department of Natural and Environmental Resources, are hereby excluded from this definition.

- o. “Negligence”.—Means a kind of abuse consisting in the dereliction of the duties or the remissness in exercising the powers of adequately providing minimal and continuous care to an animal; to be remiss in the duties of providing care and supervision.
- p. “Police Officer” or “Animal Control Officer”.—Includes any member of a force established under any law to discharge police functions, duties or powers under the Commonwealth of Puerto Rico. This includes, without the listing being construed as a limitation, the members of the Puerto Rico Police, municipal police officers, the members of the Rangers Corps of the Department of Natural and Environmental Resources, the inspectors of the Department of Consumer Affairs, and the inspectors of the Department of Health and the Commonwealth Animal Control Office (OECA, Spanish acronym).
- q. “Protection Order”.—Means any mandate issued in writing under the seal of a Court, whereby measures are pronounced against an animal abuser so that he/she abstains from engaging in or carrying out certain acts or conducts that constitute abuse and/or neglect.
- r. “Person”.—Means an individual, corporation, trust, association, society or any other legal entity, whether natural or juridical.
- s. “Possession”.—Means to have the physical custody or to exercise dominion or control over an animal.
- t. “Imminent Risk”.—Means any situation that endangers the health, safety, or physical or emotional welfare of an animal.
- u. “Unnecessary Suffering”.—Means to cause a suffering that is not necessary to ensure the safety, health, or welfare of the animal or other beings within its environment.
- v. “Torture”.—Means an action taken with the prime purpose of inflicting or prolonging pain.
- w. “Physical Trauma”.—Means fractures, cuts, burns, bruises or other bodily injuries and/or wounds in the animal’s body.
- x. “Veterinarian”.—Means a person that holds a degree as Doctor in Veterinary Medicine, licensed by the Veterinarian Examining Board, and a member in good standing of the Veterinarians’ College.

### **5 L.P.R.A. § 1661 (2017). Responsibilities and Coordination with Other Agencies.**

In order to guarantee the fullest compliance with this chapter, the municipalities of the Commonwealth of Puerto Rico must comply with the provisions of the Autonomous Municipalities Act, §§ 4001 et seq. of Title 21, and these shall assign top priority to handling situations that come to their attention and which involve abuse and/or negligence of stray animals. The municipalities, in coordination with the Central Municipal Affairs Office (OCAM, Spanish acronym), shall be under the obligation to assign top priority to handling situations that involve the abuse of stray animals, as well as round-ups and care. OCAM shall coordinate efforts with other government and private agencies when services are required in relation to the identification, prevention or treatment of persons involved in acts of violence against animals. Such coordination shall include joint planning, public education and information services, use of one another's facilities, training sessions and joint activities for the betterment of the personnel and of case evaluation and management.

### **5 L.P.R.A. § 1662 (2017). Emergency Management.**

When an animal is in an emergency situation, it shall be the responsibility of the municipality where the animal is located, to provide the necessary and adequate assistance to the Police and to the personnel of the government and/or private agency intervening in the emergency. All municipalities are under the obligation to develop a plan covering animal emergency management, round-ups and protection, under penalty of not being provided with funds from the Commonwealth Animal Control Office, or of having such funds cancelled. Such a management plan shall be drafted within one (1) year from the date of effectiveness of this chapter.

### **5 L.P.R.A. § 1663 (2017). Coordination and Cooperation with Non-Government Organizations.**

The Government of Puerto Rico, its public corporations, departments, agencies and instrumentalities and officials shall take the initiative to:

- a. Facilitate and maintain continuous efforts to incorporate the views of [non-governmental] and community entities into the various aspects of their services;
- b. Foster the participation of representatives from these entities, as well as persons whom these organizations have served, in the planning, development, offering and evaluation of services pertaining to persons involved in animal abuse;

c. Establish collaboration agreements with the [non-governmental] organizations that provide projects to render services to animals and/or families involved in violence against or negligence of animals, as well as to abusive youths and adults. These agreements may be established but are not to be limited to the following areas: design and establishment of procedures conducive to promoting and guaranteeing animal welfare; protection and safety plans; support services for the prevention and management of family violence for persons, families, communities, and the Island;

d. Offer all the support these entities need in order to guarantee their participation and make multi-sector collaboration possible in all compliance items of this chapter, while respecting the autonomy of said organizations.

### **5 L.P.R.A. § 1664 (2017). Abandonment of an Animal.**

a. If a person willfully, knowingly, carelessly or with criminal negligence, leaves an animal in a location with the intention of dereliction, said person is committing the crime of abandoning an animal.

b. Abandonment of an animal is a fourth-degree felony that entails the punishment of imprisonment ranging from six (6) months and one (1) day to three (3) years.

i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from one thousand (1,000) to five thousand (5,000) dollars.

c. If, as a consequence of the abandonment of an animal, the animal sustains severe bodily injury or dies, the crime shall be deemed to be a third-degree felony that entails the punishment of imprisonment ranging from three (3) years and one (1) day to eight (8) years.

i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from three thousand (3,000) to eight thousand (8,000) dollars.

### **5 L.P.R.A. § 1665 (2017). Confinement of Animals.**

a. Any person with the control over an animal shall provide the animal with an adequate space within the property of the custodian that allows for free movement.

b. Any person who confines, binds or otherwise limits the movement of an animal, and in so doing, causes unnecessary suffering, shall be guilty of a misdemeanor that entails the imposition of an individual fine, not to exceed ninety (90) days, a fine or a daily punishment by community service not to exceed ninety (90) days or home confinement or house arrest in calendar days up to ninety (90) days, or a combination of these punishments, which shall sum up to not more than ninety (90) days. Provided, further, that to walk the animal, a collar and leash is mandatory in order to control the animal, in pertinent cases, without causing harm or suffering, except for animals weighing over 60 pounds, which require a “safety collar.”

c. Instances of recidivism in this crime shall be punished by imprisonment for up to six (6) months.

d. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from five hundred (500) to two thousand (2,000) dollars. Thereafter, for each instance of recidivism, the sum of the last fine imposed by the Court shall double.

**5 L.P.R.A. § 1666 (2017). Abuse by Negligence.**

a. A person shall be deemed to be negligent if said person knowingly, carelessly or negligently fails to provide minimal care to an animal in the possession of said person.

b. Neglecting animals constitutes a misdemeanor that entails a fine of up to five thousand (5,000) dollars or imprisonment for up to six (6) months, or both penalties, in the discretion of the Court.

c. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from five hundred (500) to two thousand (2,000) dollars.

d. A person is negligent if he/she runs with his/her car over a dog, cat, horse and/or head of cattle and does not take the necessary measures for the animal to be tended to or, in case of having inflicted death, the necessary measures to have the animal removed, provided he/she is not placing his/her safety at risk. Among the steps to be followed are the following: calling an animal round-up center in the municipality, and if such information should not be available, calling the Police. Any person who fails to comply with this subsection shall be guilty of a misdemeanor that entails the imposition of an individual fine not to exceed ninety (90) days, a fine or a daily punishment by community service not to exceed ninety (90) days or home confinement or house arrest in calendar days for up to ninety (90) days, or a combination of these punishments, which shall sum up to not more than ninety (90) days.

**5 L.P.R.A. § 1667 (2017). Aggravated Negligence against Animals.**

a. A person shall be guilty of aggravated negligence when willfully, knowingly, carelessly or with criminal negligence:

i. Fails to provide minimal care to an animal in the possession of said person and failure to provide such care results in severe bodily injury or death of the animal. This crime is typified as a fourth-degree felony that entails the imposition of a punishment by imprisonment ranging from six (6) months and one (1) day to three (3) years.

a) If upon conviction, the accused qualifies and avails him/herself of serving time on probation or any alternative method other than jail imprisonment, the penalty shall entail a mandatory fine ranging from one thousand (1,000) to three thousand (3,000) dollars.

**5 L.P.R.A. § 1668 (2017). Animal Abuse.**

a. A person is guilty of the crime of animal abuse if the person willfully, knowingly, carelessly or with criminal negligence inflicts any bodily injury or suffering on the animal.

b. Animal abuse is considered to be a fourth-degree felony that entails the imposition of punishment by imprisonment ranging from six (6) months and one (1) day to three (3) years.

i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from one thousand (1,000) to three thousand (3,000) dollars.

c. Notwithstanding the provisions of subsection (b) of this Section, animal abuse constitutes a third-degree felony that entails the imposition of punishment by imprisonment ranging from three (3) years and one (1) day to eight (8) years if:

i. The person who is committing the crime of animal abuse has been previously convicted of one or more offenses relative to:

a) Any law concerning animal protection in Puerto Rico or equivalent laws or regulations from any other jurisdiction; or

b) Any statute of Puerto Rico concerning domestic violence, child abuse or elderly abuse, or equivalent laws from another jurisdiction; or

c) The person knowingly abuses an animal in the immediate presence of a minor. For the purposes of this subclause, a minor is in the immediate presence of an instance of animal abuse if such an instance is seen or directly perceived in any manner by the minor.

1. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from three thousand (3,000) to ten thousand (10,000) dollars.

**5 L.P.R.A. § 1669 (2017). Third-Degree Animal Abuse.**

a. A person shall be guilty of the crime of animal abuse in its third-degree felony modality if a person willfully, knowingly, carelessly or with criminal negligence:

i. Inflicts a severe bodily injury; or

ii. Inflicts death on an animal.

b. This crime entails punishment by imprisonment ranging from three (3) years and one (1) day to eight (8) years.

i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from three thousand (3,000) to ten thousand (10,000) dollars.

c. Notwithstanding the provisions of subsection (a) of this Section, animal abuse shall be typified as a second-degree felony that entails the imposition of punishment by imprisonment ranging from eight (8) years and one (1) day to fifteen (15) years if:

i. The person committing the crime of animal abuse has been previously convicted of one or more offenses relative to:

a) Any law concerning animal protection in Puerto Rico or equivalent laws or regulations from another jurisdiction; or

b) Any statute of Puerto Rico concerning domestic violence, child abuse or elderly abuse, or equivalent laws from another jurisdiction; or

c) The person knowingly abuses an animal in the immediate presence of a minor. For purposes of this subclause, a minor is in the immediate presence of an instance of animal abuse if such an instance is seen or directly perceived in any manner by the minor.

1. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from ten thousand (10,000) to fifteen thousand (15,000) dollars.

**5 L.P.R.A. § 1670 (2017). Aggravated Animal Abuse.**

a. A person shall be guilty of the crime of aggravated animal abuse if the person willfully or knowingly:

i. Tortures an animal; or

ii. Kills an animal under circumstances that show there was malice aforethought or a gross disregard for life.

b. Aggravated animal abuse is typified as a second-degree felony that entails punishment by imprisonment for a term of not less than eight (8) years and one (1) day and not more than fifteen (15) years.

i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from ten thousand (10,000) to twenty thousand (20,000) dollars.

c. Notwithstanding the provisions of subsection (b) of this Section, aggravated animal abuse shall be typified as a second-degree felony without the right to alternate benefits other than jail imprisonment if:

i. The person committing the crime of animal abuse has been previously convicted of one or more offenses relative to:

a) Any law concerning animal protection in Puerto Rico or equivalent laws or regulations of another jurisdiction; or

b) Any statute of Puerto Rico concerning domestic violence, child abuse or elderly abuse, or equivalent laws from another jurisdiction; or

c) The person knowingly abuses an animal in the immediate presence of a minor. For purposes of this subclause, a minor shall be in the immediate presence of an instance of animal abuse if such an instance is seen or directly perceived in any manner by the minor.

**5 L.P.R.A. § 1671 (2017). Animal Fights.**

a. No person shall cause, sponsor, organize, conduct or promote events in which any animal fights, threatens or injures another animal for sport, entertainment, financial gain or any other purpose, except for cockfights, practice which is regulated by §§ 301 et seq. of Title 15.

b. For purposes of this Section, a person promotes an event in which an animal fights, threatens or injures another animal for sport, entertainment, financial gain, among others, if the person:

i. Is knowingly present or bets in such an event in which an animal fights, threatens or injures another animal for sport, entertainment, financial gain, among others;

ii. The custodian trains, transports, possesses, breeds or fits an animal with the intention of involving said animal in an event in which the animal is to fight, threaten or injure another animal for sport, entertainment, financial gain, among others;

iii. Allows knowingly for any kind of event in which an animal fights, threatens or injures another animal for sport, entertainment, financial gain, among others, to take place in any location that is owned or controlled by the person, among others;

iv. Allows knowingly for an animal used for such an event in which an animal fights, threatens or injures another animal for sport, entertainment, or financial gain, among others, to be maintained, lodged, trained or transported in any place or vehicle owned or controlled by the person;

v. Uses knowingly any means of communication with the purpose of promoting such an event in which an animal fights, threatens or injures another animal for sport, entertainment, financial gain, among others; or

vi. Possesses knowingly an animal used to fight, threaten or injure another animal for sport, entertainment, financial gain, among others, or any mechanism intended to reinforce the animal's ability to fight, threaten or injure for sport, entertainment, financial gain, among others.

c. Any person who engages in any of the efforts described in this Section shall be accused of inciting or participating in animal fights, which is typified as a second-degree felony.

i. If upon conviction under any of its modalities, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from ten thousand (10,000) to twenty-five thousand (25,000) dollars. If the owner of the location is a recidivist, the property shall be seized to the benefit of the Commonwealth of Puerto Rico.

d. Notwithstanding the provisions of subsection (c) of this Section, the crime shall be typified as a second-degree felony without the right to alternate benefits other than jail imprisonment if:

i. The person committing the crime of animal abuse has been previously convicted of one or more offenses relative to:

a) Any law concerning animal protection in Puerto Rico or equivalent laws or regulations from another jurisdiction;

b) Any statute of Puerto Rico concerning domestic violence, child abuse or elderly abuse, or equivalent laws from another jurisdiction; or

c) The person knowingly carries out any of the activities mentioned in this subsection concerning animal fights in the immediate presence of a minor. For purposes of this subclause, a minor is in the immediate presence of an instance of animal abuse if such an instance is seen or directly perceived in any manner by the minor; or

d) If as a consequence of such a fight, the animal dies.

e. The Puerto Rico Police shall seize all animals, equipment, material and/or money present at the location where the animal fights are held, without distinction as to who is the owner of the materials or the money or who are the animals' custodians. For this action, the procedure established in §§ 1723 et seq. of Title 34, known as the Uniform Seizure Act of 1998, shall be followed.

f. The animals thus seized shall be evaluated by the Department of Health, which shall make an assessment as to the dangerousness of the animals, and should the Department determine that said animals are dangerous, the Department shall dispose of the same by euthanasia practiced by a veterinarian. Otherwise, the Department shall hand them over to a shelter, which shall have full discretion as to whether to accept or reject the animals, with the purpose, if possible, of putting them up for adoption.

#### **5 L.P.R.A. § 1673 (2017). Animal Abuse by Juridical Entities.**

a. Any entity, whether engaged or not in animal affairs, that abuses an animal, shall be sanctioned with the same punishments, according to the type of crime as established in this chapter.

i. Should the entity be found guilty, in addition to the punishments that apply pursuant to this chapter, the person who owns the entity thus found guilty may not engage in any animal affairs.

**5 L.P.R.A. § 1674 (2017). Poisoning.**

a. If any person should use any kind of poison, even if he/she hires a third party for such a purpose, without making the necessary provisions to prevent bodily injuries to animals other than pests, he/she shall be accused of a misdemeanor that entails the imposition of an individual fine not to exceed ninety (90) days, a fine or a daily punishment by community service not to exceed ninety (90) days, or home confinement or house arrest in calendar days for up to ninety (90) days, or a combination of these punishments, which shall sum up to not more than ninety (90) days. The fact that the animal has entered his/her premises shall not constitute a defense. Instances of recidivism shall be typified as misdemeanors that entail a fine of up to five thousand (5,000) dollars and/or punishment by imprisonment for up to six (6) months. A subsequent instance of recidivism shall be typified as a fourth-degree felony.

b. Poisoning an animal constitutes a fourth-degree felony if:

i. An animal ingests the poison laid out without proper precautions and this results in a severe bodily injury of the animal.

a) If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from one thousand (1,000) to five thousand (5,000) dollars.

c. Poisoning an animal is typified as a third-degree felony if:

i. There is a willful administration to any animal of any poison or poisonous substance that causes a severe bodily injury or death.

a) If upon conviction under subsection (c), the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from three thousand (3,000) to ten thousand (10,000) dollars.

**5 L.P.R.A. § 1678 (2017). Protection Orders.**

a. In all cases in which a person is accused of domestic violence or child abuse, the Court shall, by petition of party, issue a protection order for the petitioner so that he/she be the sole custodian of the animal. The Court shall order the accused to keep far away from the animal and prohibit contact of any kind.

b. A violation of the protection order shall be considered to be a fourth-degree felony.

i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from one thousand (1,000) to three thousand (3,000) dollars.

**5 L.P.R.A. § 1679 (2017). Pre-Conviction Provisions.**

a. When a person has been accused of acts that constitute animal abuse, the Court or the law enforcement officers may, as a precautionary and preventive measure in benefit of the animal, remove or order the provisional removal of the animal while the case is heard. Likewise, the Court may take or order the precautionary measures it deems convenient and necessary for the protection and welfare of the animal, including the issue of a protection order. The animal shall be handed over to the shelter of the municipality of residence of the custodian or to the private organization that intervened in the animal abuse situation, if the organization so requests.

b. If after a trial on its merits or a hearing, the existence of abuse against the animal is not proven, the animal shall be returned to its custodian.

**5 L.P.R.A. § 1681 (2017). Liens.**

a. Any expense incurred to provide minimal care to a seized animal shall constitute a lien on the animal and the costs of such care shall be paid in full by the custodian before the animal is returned to him/her after having been found not guilty or after criminal charges have been dismissed. If the costs are not paid in full within thirty (30) days after the criminal case has been resolved, the legal custody of the seized animal by the custodian shall be immediately transferred to the agency or person who has custody, which shall take steps for its possible adoption. The costs of providing care to the animal shall continue to be the responsibility of the custodian against whom the agency or person with custody may bring a civil action for collection of money owed.

**5 L.P.R.A. § 1683 (2017). Payments of Fines.**

It is hereby established that, if the person convicted should be unable to pay any fine imposed by the Court, the person shall have to serve time in jail, to be computed on the basis of fifty dollars (\$50.00) per day.

**5 L.P.R.A. § 1684 (2017). Compensation Fund.**

The moneys originating from the fines shall be deposited into a special fund that shall be administered by the OECA, to be distributed among municipal shelters to provide direct animal care services.

### **33 L.P.R.A. § 4644 (2017). Classification.**

Crimes are classified as misdemeanors and felonies.

A misdemeanor entails an individual fine of up to five thousand dollars (\$5,000) or imprisonment for up to ninety (90) days. A felony, in all its classifications which are specified below, comprises all other crimes.

A felony entails imprisonment for more than six (6) months and, according to the corresponding penalty, is classified in four (4) degrees, as follows:

(a) *First degree felony*.— The penalty for which is imprisonment for a term of ninety-nine (99) years.

(b) *Second degree felony*.— The penalty for which is imprisonment for a term fluctuating between eight (8) years and one (1) day and fifteen (15) years. Second degree murder, sexual assault, aggravated kidnapping, child kidnapping and aggravated robbery, when damage is inflicted against the victim or if it takes place in the domicile of the victim, shall be severe second degree felonies with a penalty of imprisonment of between fifteen (15) years and one day and twenty-five (25) years.

(c) *Third degree felony*.— The penalty for which is imprisonment fluctuating between three (3) years and one (1) day and eight (8) years.

(d) *Fourth degree felony*.— The penalty for which is imprisonment fluctuating between six (6) months and one day and three (3) years.

However, other types of penalty besides imprisonment may be imposed for felonies and misdemeanors.

The felonies typified in special laws maintain the classification of felony and the corresponding penalty if they entail a penalty of imprisonment for more than six (6) months or a fine of more than five thousand dollars (\$5,000), unless otherwise provided by law.

Misdemeanors typified in special laws maintain the classification of misdemeanor and the corresponding penalty if they entail a penalty that does not exceed six (6) months or a fine that does not exceed five thousand dollars (\$5,000), or both penalties.

### **33 L.P.R.A. § 4689 (2017). Restitution.**

The penalty of restitution consists of the court imposed obligation to compensate the victim for the damages and losses caused to his/her person or property as a consequence of the crime. The penalty of restitution does not include suffering and mental anguish.

The court may order that the penalty of restitution be compensated in money, through the rendering of services, the delivery of the illegally appropriated property or the equivalent, if the property is not available.

If the penalty of restitution is compensated in money, the sum thereof shall be established by the court taking into consideration the following: the total amount of damages to be restored, the allocated participation of the convicted person if there were several perpetrators of the criminal act, the convicted person's ability to pay and all other elements that allow an adequate adjustment to the circumstances of the case and the condition of the convicted person.

The penalty of restitution shall be paid immediately. Nevertheless, at the request of the sentenced person and at the discretion of the court, taking into consideration the financial situation of the convict, it may be paid in full or in installments within a reasonable term after the date on which the sentence becomes effective.

**33 L.P.R.A. § 4773 (2017). Bestiality.**

Any person who performs, or incites, coerces or assists another person to perform any type of sexual penetration with an animal shall incur a fourth degree felony.