

# ANIMAL PROTECTION LAWS OF RHODE ISLAND

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1. [GENERAL PROHIBITIONS](#)
  2. [PENALTIES](#)
  3. [EXEMPTIONS](#)
  4. [COUNSELING / EVALUATIONS](#)
  5. [PROTECTIVE ORDERS](#)
  6. [RESTITUTION / REIMBURSEMENT OF COSTS / BONDING & LIENS](#)
  7. [SEIZURE / ON-SITE SUPERVISION](#)
  8. [FORFEITURE / POSSESSION](#)
  9. [CROSS ENFORCEMENT / REPORTING](#)
  10. [VETERINARIAN REPORTING / IMMUNITY](#)
  11. [LAW ENFORCEMENT POLICIES](#)
  12. [SEXUAL ASSAULT](#)
  13. [FIGHTING](#)
  14. [REFERENCED STATUTES](#)
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*This chapter contains Rhode Island's general animal protection and related statutes with effective dates on or before September 1, 2017. It begins with a detailed 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.*

*Rhode Island 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.*

## RHODE ISLAND

<p><b>1. <u>GENERAL PROHIBITIONS</u></b> *</p>	<p>(1) Overwork, mistreatment, or neglect R.I. GEN. LAWS § 4-1-2</p> <p>(2) Unnecessary cruelty R.I. GEN. LAWS § 4-1-3</p> <p>(3) Animal confinement in motor vehicles R.I. GEN. LAWS § 4-1-3.2</p> <p>(4) Abandonment of infirm animals R.I. GEN. LAWS § 4-1-4</p> <p>(5) Malicious injury to or killing of animals R.I. GEN. LAWS § 4-1-5</p> <p>(6) Abandonment of animals R.I. GEN. LAWS § 4-1-26</p>
<p><i>Animals Covered in Definition</i></p>	<p>“[E]very living creature except a human being” R.I. GEN. LAWS § 4-1-1(a)(1)</p>
<p><i>Classification of Crimes</i></p>	<p>(1), (2), (4), (6) [If animal survives]: Misdemeanor</p> <p>[If animal dies]: Felony</p> <p>(3) Misdemeanor</p> <p>(5) Felony</p>

## RHODE ISLAND *continued*

### 2. MAXIMUM PENALTIES \*\*

(1), (2), (6)  
 [If animal survives]:  
 11 months imprisonment  
*and/or*  
 \$500 fine  
 R.I. GEN. LAWS § 4-1-2  
 R.I. GEN. LAWS § 4-1-3  
 R.I. GEN. LAWS § 4-1-26

[If animal dies]:  
 5 years imprisonment  
*or*  
 \$1,000 fine  
*and*  
 treble civil damages if animal owned by  
 another  
*and*  
 50 hours community service  
 R.I. GEN. LAWS § 4-1-3  
 R.I. GEN. LAWS § 4-1-5  
 R.I. GEN. LAWS § 4-1-26

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(3)  
 1 year imprisonment  
*and/or*  
 \$1,000 fine  
 R.I. GEN. LAWS § 4-1-3.2

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(4)  
 11 months imprisonment  
*and/or*  
 \$500 fine  
 R.I. GEN. LAWS § 4-1-2

## RHODE ISLAND *continued*

<b>2. MAXIMUM PENALTIES</b> ** <i>Continued</i>	(5) 5 years imprisonment <i>or</i> \$1,000 fine <i>and</i> treble civil damages if animal owned by another <i>And</i> 50 hours community service R.I. GEN. LAWS § 4-1-5
<b>3. <u>EXEMPTIONS</u></b> ***	2 R.I. GEN. LAWS § 4-1-3(c)  4, 6 R.I. GEN. LAWS § 4-1-5(b)
<b>4. <u>COUNSELING / EVALUATIONS</u></b> <sup>H</sup>	Court may order a psychiatric evaluation and counseling, at offender's expense. R.I. GEN. LAWS § 4-1-36
<b>5. <u>PROTECTIVE ORDERS</u></b> <sup>H</sup>	-----
<b>6. <u>RESTITUTION / REIMBURSEMENT OF COSTS / BONDING &amp; LIENS</u></b> <sup>H</sup>	Defendant convicted of malicious injury or killing of animals belonging to another is liable for triple damages to the animal's owner. R.I. GEN. LAWS § 4-1-5(a)  The necessary expenses incurred in the care and disposing of seized birds or animals may be allowed and paid in the same manner that costs in criminal prosecutions are paid. R.I. GEN. LAWS § 4-1-15

## **RHODE ISLAND** *continued*

<p><b>6. RESTITUTION / REIMBURSEMENT OF COSTS / BONDING &amp; LIENS <sup>H</sup></b> <i>Continued</i></p>	<p>Person making arrest and caring for animals shall have a lien on the animals for the cost of their care. R.I. GEN. LAWS § 4-1-18</p> <p>Upon conviction, owner is charged with costs of care for animals seized. R.I. GEN. LAWS §§ 4-1-22(c), 4-1-42(c)</p>
<p><b>7. <u>SEIZURE / ON-SITE SUPERVISION</u></b></p>	<p>Person making arrest for animal cruelty shall properly care and provide for the animals. R.I. GEN. LAWS § 4-1-18</p> <p>If there is reasonable cause to believe animals are being cruelly treated, the court shall issue a search warrant. R.I. GEN. LAWS § 4-1-19</p> <p>Humane agents may take charge of any animals found neglected or abused. R.I. GEN. LAWS § 4-1-22(a)</p> <p>Director of environmental management, or any veterinarian employed by Department may examine any animal that is suspected of being cruelly treated, mistreated, or neglected by its owner and seize that animal. R.I. GEN. LAWS §§ 4-1-31(f), 4-1-42(a)</p>
<p><b>8. <u>FORFEITURE / POSSESSION</u> <sup>H</sup></b></p>	<p>Upon conviction, animal may be forfeited. R.I. GEN. LAWS § 4-1-2(b)</p> <p>Any claimant aggrieved by a sentence of forfeiture of a district court may, before the execution of that sentence, appeal to the superior court. R.I. GEN. LAWS § 4-1-14</p>

## **RHODE ISLAND** *continued*

<p><b>8. FORFEITURE / POSSESSION <sup>H</sup></b> <i>Continued</i></p>	<p>Any animals seized shall be forfeited to the society upon conviction. R.I. GEN. LAWS §§ 4-1-22(b), 4-1-42(c)</p> <p>Upon conviction, the court may order an offender not to possess or reside with any animal for up to 5 years for a misdemeanor, and up to 15 years for a felony. R.I. GEN. LAWS § 4-1-40</p> <p>An owner or manager of real property who requires tenants to declaw or devocalize any animal on the premises may be prohibited from owning or possessing animals. R.I. GEN. LAWS § 4-1-41(b)</p>
<p><b>9. <u>CROSS ENFORCEMENT / REPORTING</u></b></p>	<p>-----</p>
<p><b>10. <u>VETERINARIAN REPORTING / IMMUNITY</u></b></p>	<p>Any licensed veterinarian who makes a good faith report concerning any animal that the veterinarian knows or reasonably believes to be abandoned, neglected, or abused, shall be immune from civil or criminal liability. R.I. GEN. LAWS § 4-1-37</p>
<p><b>11. <u>LAW ENFORCEMENT POLICIES</u></b></p>	<p>Any person violating animal cruelty laws may be arrested and held without a warrant. R.I. GEN. LAWS § 4-1-18</p> <p>Any deputy sheriff, constable or police officer shall prosecute all cases of animal mistreatment. R.I. GEN. LAWS § 4-1-20</p>

**RHODE ISLAND** *continued*

<b>11. LAW ENFORCEMENT POLICIES</b> <i>Continued</i>	<p>Humane agents may arrest offenders, serve search warrants and carry firearms. R.I. GEN. LAWS § 4-1-21</p> <p>State veterinarian may request a warrant and enter premises for cruelty investigation purposes. R.I. GEN. LAWS § 4-1-31(b)-(d)</p>
<b>12. <u>SEXUAL ASSAULT</u></b>	<p>Any person who commits the “crime against nature with any beast” shall be imprisoned between 7 and 20 years. R.I. GEN. LAWS § 11-10-1</p>
<b>13. <u>FIGHTING</u></b>	<p>Various animal fighting activities are felonies. R.I. GEN. LAWS § 4-1-9</p> <p>Possession or training of fighting animals is a felony. R.I. GEN. LAWS § 4-1-10</p> <p>Attendance at bird or animal fight is a felony. R.I. GEN. LAWS § 4-1-11</p> <p>Law enforcement officers may enter any premises where there is an animal fighting exhibition, and without a warrant, arrest all persons present, and take possession of the animals. R.I. GEN. LAWS § 4-1-12</p> <p>Animals seized from animal fighting exhibitions may be forfeited. R.I. GEN. LAWS § 4-1-13</p>

## RHODE ISLAND *continued*

<p><b>13. FIGHTING</b> <i>Continued</i></p>	<p>Any claimant aggrieved by a sentence of forfeiture of a district court may, before the execution of that sentence, appeal to the superior court. R.I. GEN. LAWS § 4-1-14</p> <p>State veterinarian shall be made available to assist in animal fighting investigations. R.I. GEN. LAWS § 4-1-31</p>
<p><i>NOTES</i></p>	<p>Cruelty to police animals is punishable by a fine of \$500 and/or one year imprisonment. R.I. GEN. LAWS § 4-1-30</p> <p>State veterinarian or designee (including a humane agent) may be appointed to act as animal advocate to “make recommendations to any court before which the custody or well-being of an animal is at issue.” R.I. GEN. LAWS § 4-1-31</p> <p>Wherever the word “owner” appears in these provisions, it shall also mean and may be interchanged with the word “guardian” as defined in § 4-1-1. R.I. GEN. LAWS § 4-1-38</p> <p>No city or town may enact an ordinance specific to any breed of dog or cat. R.I. GEN. LAWS § 4-13-43</p>

\* States may have other more specific statutes in addition to the general animal protection statutes referenced in this table.

\*\* Despite statutory maximums, states often 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.

H This table generally references only those provisions that are within each state’s animal protection statutes. States 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.

I This list is not exhaustive; states may authorize felony penalties for other crimes involving animals not included in this table.



## **1. GENERAL PROHIBITIONS**

### **R.I. GEN. LAWS § 4-1-1 (2017). Definitions—Responsibility for agents and employees.**

*(a) In this chapter and in §§ 4-4-9, 4-4-10, and 23-19-8:*

*(1) “Animal” and “animals” means every living creature except a human being;*

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

*(3) “Owner”, “person”, and “whoever” means corporations as well as individuals.*

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

*(5) Except for livestock as defined in subsection 4-26-3(7), “adequate living conditions” shall mean a sanitary environment which is dry and free of accumulated feces and free of debris and garbage that may clutter the environment, pose a danger or entangle the animal. The environment in which the animal is kept must be consistent with federal regulatory requirements, where applicable or generally recognized professional standards, where applicable, or otherwise be of sufficient size so as not to inhibit comfortable rest, normal posture or range of movement, and suitable to maintain the animal in a good state of health. “Adequate living conditions” for livestock as defined in subsection 4-26-3(7) shall mean best management practices established, no later than July 1, 2014, by the Rhode Island livestock welfare and care standards advisory council.*

*(6) Except for livestock as defined in §4-26-3, “hazardous accumulation of animals” means the accumulation of a large number of animals, to a point where the owner, possessor or person having the charge of custody of the aforementioned animals fails to or is unable to provide “adequate living conditions” as defined herein, resulting in harm or danger to the health and wellbeing of the animals.*

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

**R.I. GEN. LAWS § 4-1-2 (2017). Overwork, mistreatment, or failure to feed animals—  
“Shelter” defined.**

(a) *Whoever overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or cruelly kills, or causes or procures to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, or mutilated, any animal, and whoever, having the charge or custody of any animal, either as owner or otherwise, inflicts cruelty upon that animal, or willfully fails to provide that animal with proper food, drink, shelter, or protection from the weather, shall, for each offense, be imprisoned not exceeding eleven (11) months, or be fined not less than fifty dollars (\$ 50.00) nor exceeding five hundred dollars (\$ 500), or both. If the offense described in this section results in the death of the animal, the person shall be punished in the manner provided in § 4-1-5.*

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

(c) *Shelter means a structure used to house any animal that will provide sufficient protection from inclement elements for the health and well being of the animal.*

**R.I. GEN. LAWS § 4-1-3 (2017). Unnecessary cruelty.**

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

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

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

**R.I. GEN. LAWS § 4-1-3.2 (2017). Animal confinement in motor vehicles prohibited.**

*(a) No owner or person shall confine any animal in a motor vehicle which is done in a manner that places the animal in a life threatening or extreme health threatening situation by exposing it to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold.* In order to protect the health and safety of an animal, an animal control officer, law enforcement officer or fire fighter who has probable cause to believe that this section is being violated shall have the authority to enter such motor vehicle by any reasonable means necessary under the circumstances, after making a reasonable effort to locate the owner or other responsible person.

(b) A law enforcement or animal control officer may take all steps that are reasonably necessary to remove an animal from a motor vehicle if the animal's health, safety, or wellbeing appears to be in immediate danger from heat, cold, or lack of adequate ventilation and the conditions could reasonably be expected to cause extreme suffering or death.

(c) Nothing in this section shall prevent a law enforcement officer or animal control officer from removing an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal. A law enforcement officer or animal control officer may enter the motor vehicle for the sole purpose of rescue or release of the animal and may not search the vehicle unless otherwise permitted by law.

(d) A law enforcement or animal control officer who removes an animal in accordance with this section shall, in a secure and conspicuous location on or within the motor vehicle, leave written notice bearing the officer's or agent's name and office, and the address of the location where the animal may be retrieved. The owner may retrieve the animal only after payment of all charges that have accrued for the maintenance, care, medical treatment, and impoundment of the animal.

(e) A law enforcement or animal control officer who removes an animal from a motor vehicle pursuant to this section is immune from criminal or civil liability that might otherwise result from the removal.

(f) Any person who knowingly violates this section shall be punished by imprisonment for a term not exceeding one year or by a fine of no more than one thousand dollars (\$1,000), or both.

**R.I. GEN. LAWS § 4-1-4 (2017). Abandonment of infirm animals.**

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

**R.I. GEN. LAWS § 4-1-5 (2017). Malicious injury to or killing of animals.**

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

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

**R.I. GEN. LAWS § 4-1-26 (2017). Abandonment of animals from motor vehicles, dwelling houses, streets, roads, highways, public places, private property or other buildings or structures.**

*If any person having possession and/or control of an animal shall abandon that animal on a street, road, highway or in a public place or on private property or from a motor vehicle, or in a dwelling or any other building or structure without providing for the care of that animal, he or she shall be punished in the manner provided in § 4-1-2 for each such offense. *Provided* however, if such abandonment results in the death of said animal, the person shall be punished in the manner provided in § 4-1-5. Abandonment shall mean the relinquishment of all right, title, claim or possession of the animal with the intention of not reclaiming it or resuming its ownership or possession.*

## **2. PENALTIES**

### **R.I. GEN. LAWS § 4-1-2 (2017). Overwork, mistreatment, or failure to feed animals—“shelter” defined.**

(a) Whoever overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or cruelly kills, or causes or procures to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, or mutilated, any animal, and whoever, having the charge or custody of any animal, either as owner or otherwise, inflicts cruelty upon that animal, or willfully fails to provide that animal with proper food, drink, shelter, or protection from the weather, shall, for each offense, *be imprisoned not exceeding eleven (11) months, or be fined not less than fifty dollars (\$ 50.00) nor exceeding five hundred dollars (\$ 500), or both. If the offense described in this section results in the death of the animal, the person shall be punished in the manner provided in § 4-1-5.*

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

(c) Shelter means a structure used to house any animal that will provide sufficient protection from inclement elements for the health and well being of the animal.

### **R.I. GEN. LAWS § 4-1-3 (2017). Unnecessary cruelty.**

(a) Every owner, possessor, or person having the charge or custody of any animal, who cruelly drives or works that animal when unfit for labor; or cruelly abandons that animal; or who carries that animal, or who fails to provide that animal with adequate living conditions as defined in § 4-1-1; or who engages in the hazardous accumulation of animals as defined in § 4-1-1, or causes that animal, to be carried, in or upon any vehicle or otherwise, in a cruel or inhuman manner; or willfully, intentionally, maliciously, recklessly, and/or knowingly authorizes or permits that animal to be subjected to unnecessary torture, suffering, or cruelty of any kind; or who places, or causes to have placed, on any animal any substance that may produce irritation or pain or that is declared a hazardous substance by the U.S. Food and Drug Administration or by the state department of health, *shall be punished for each offense in the manner provided in § 4-1-2. If the offense described in this section results in the death of the animal, the person shall be punished in the manner provided in § 4-1-5. If any owner, possessor, or person having the charge or custody*

*of any animal who is found guilty of or pleads nolo contendere to a violation of this section and said violation involves the hazardous accumulation of animals, the court shall, in imposing a penalty under this section, take into account whether the defendant's conduct could be considered to be the result of a mental health disorder as defined in § 27-38.2-2.*

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

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

**R.I. GEN. LAWS § 4-1-3.2 (2017). Animal confinement in motor vehicles prohibited.**

(a) No owner or person shall confine any animal in a motor vehicle which is done in a manner that places the animal in a life threatening or extreme health threatening situation by exposing it to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of an animal, an animal control officer, law enforcement officer or fire fighter who has probable cause to believe that this section is being violated shall have the authority to enter such motor vehicle by any reasonable means necessary under the circumstances, after making a reasonable effort to locate the owner or other responsible person.

(b) A law enforcement or animal control officer may take all steps that are reasonably necessary to remove an animal from a motor vehicle if the animal's health, safety, or wellbeing appears to be in immediate danger from heat, cold, or lack of adequate ventilation and the conditions could reasonably be expected to cause extreme suffering or death.

(c) Nothing in this section shall prevent a law enforcement officer or animal control officer from removing an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal. A law enforcement officer or animal control officer may enter the motor vehicle for the sole purpose of rescue or release of the animal and may not search the vehicle unless otherwise permitted by law.

(d) A law enforcement or animal control officer who removes an animal in accordance with this section shall, in a secure and conspicuous location on or within the motor vehicle, leave written notice bearing the officer's or agent's name and office, and the address of the location where the animal may be retrieved. The owner may retrieve the animal only after payment of all charges that have accrued for the maintenance, care, medical treatment, and impoundment of the animal.

(e) A law enforcement or animal control officer who removes an animal from a motor vehicle

pursuant to this section is immune from criminal or civil liability that might otherwise result from the removal.

*(f) Any person who knowingly violates this section shall be punished by imprisonment for a term not exceeding one year or by a fine of no more than one thousand dollars (\$1,000), or both.*

**R.I. GEN. LAWS § 4-1-5 (2017). Malicious injury to or killing of animals.**

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

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

**R.I. GEN. LAWS § 4-1-26 (2017). Abandonment of animals from motor vehicles, dwelling houses, streets, roads, highways, public places, private property or other buildings or structures.**

If any person having possession and/or control of an animal shall abandon that animal on a street, road, highway or in a public place or on private property or from a motor vehicle, or in a dwelling or any other building or structure without providing for the care of that animal, *he or she shall be punished in the manner provided in § 4-1-2 for each such offense.* Provided however, if such abandonment results in the death of said animal, *the person shall be punished in the manner provided in § 4-1-5.* Abandonment shall mean the relinquishment of all right, title, claim or possession of the animal with the intention of not reclaiming it or resuming its ownership or possession.

**R.I. GEN. LAWS § 11-1-2 (2017). Felony, misdemeanor—Petty misdemeanor, and violation distinguished.**

*Unless otherwise provided, any criminal offense which at any given time may be punished by imprisonment for a term of more than one year, or by a fine of more than one thousand dollars (\$1,000), is hereby declared to be a felony; any criminal offense which may be punishable by imprisonment for a term not exceeding one year, or by a fine of not more than one thousand dollars (\$1,000), or both, is hereby declared to be a misdemeanor; any criminal offense which may be punishable by imprisonment for a term not exceeding six (6) months or by a fine of not more than five hundred dollars (\$500), or both, is hereby declared to be a petty misdemeanor; and any offense which may be punished by a fine only of not more than five hundred dollars (\$500) is hereby declared to be a violation.*



### 3. EXEMPTIONS

#### **R.I. GEN. LAWS § 4-1-3 (2017). Unnecessary cruelty.**

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

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

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

#### **R.I. GEN. LAWS § 4-1-5 (2017). Malicious injury to or killing of animals.**

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

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

#### **4. COUNSELING / EVALUATIONS**

##### **R.I. GEN. LAWS § 4-1-36 (2017). Psychiatric counseling.**

*Any person found guilty of violating any of the provisions of this chapter may, in addition to any penalties imposed, be evaluated to determine the need for psychiatric or psychological counseling, and, if determined appropriate by the court, to receive psychiatric or psychological counseling at his or her own expense.*

## **5. PROTECTIVE ORDERS**

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

### **R.I. GEN. LAWS § 4-1-5 (2017). Malicious injury to or killing of animals.**

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

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

### **R.I. GEN. LAWS § 4-1-15 (2017). Expense of care of seized birds or animals.**

*The necessary expenses incurred in the care and disposing of seized birds or animals may be allowed and paid in the same manner that costs in criminal prosecutions are paid.*

### **R.I. GEN. LAWS § 4-1-18 (2017). Arrest of violators without warrant—Care of animals.**

Any person violating the provisions of this chapter may be arrested on view and be held without a warrant; provided, that an arrest or detention without warrant shall not continue longer than twenty-four (24) hours; and the person making an arrest, with or without a warrant, shall use reasonable diligence to give notice thereof to the owner of animals found in the charge or custody of the person arrested, and shall properly care and provide for those animals until the owner thereof shall take charge of them, provided the owner shall do so within thirty (30) days from the date of the notice. *The person making an arrest shall have a lien on those animals for the expense of their care and provision.*

**R.I. GEN. LAWS § 4-1-22 (2017). Care of neglected animals by society—Forfeiture of owner’s rights—Expenses.**

(a) An officer or agent of the Rhode Island society for the prevention of cruelty to animals may lawfully take charge of any animal found abandoned or neglected or hazardously accumulated as defined in §4-1-1, or which in the opinion of that officer or agent is aged, maimed, disabled, lame, sick, diseased, injured, unfit for the labor it is performing, or cruelly treated, and shall give notice to the owner, if known, or his agents, and may provide suitable care.

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

*(c) Whenever any officer or agent of the Rhode Island Society for the Prevention of Cruelty to Animals lawfully takes charge of any animal under this section, all reasonable expenses for the care and treatment of the animal(s), while in the custody of the Society during this time, shall be paid for by the owner, guardian, or his or her agent upon conviction, plea of guilty, of plea of nolo contendere. The Society has the authority to commence a civil action for damages against the owner or his or her agent thirty (30) days after a written demand for payment of the expense of the suitable care of that animal has been sent and no payment has been received.*

**R.I. GEN. LAWS § 4-1-42 (2017). Care of neglected animals by Department--Forfeiture of owner's rights--Expenses.**

(a) The director of environmental management, or any veterinarian employed by the department of environmental management (“department”), may lawfully take charge of any animal found abandoned or neglected or hazardously accumulated as defined in § 4-1-1, or that, in the opinion of the department, is aged, maimed, disabled, lame, sick, diseased, injured, unfit for the labor it is performing, or cruelly treated, and shall give notice to the owner, if known, or his or her agents, and may provide suitable care.

(b) Every owner, guardian, or agent, upon conviction, entry of a guilty plea, or plea of nolo contendere, of abandonment, neglect, hazardous accumulation as defined in § 4-1-1, or otherwise cruel treatment of any animal taken charge of by the department under this section, forfeits the right to ownership or control of that animal to the department for disposition in any manner deemed suitable for that animal.

(c) Whenever the department lawfully takes charge of any animal under this section, all reasonable expenses for the care and treatment of the animal(s), while in the custody of the department during this time, shall be paid for by the owner, guardian, or his or her agent, upon conviction, a plea of guilty or plea nolo contendere. *The department has the authority to commence a civil action for damages against the owner or his or her agent thirty (30) days after written demand for payment of the expense of the suitable care of that animal has been sent and no payment received.*

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

### **R.I. GEN. LAWS § 4-1-18 (2017). Arrest of violators without warrant—Care of animals.**

*Any person violating the provisions of this chapter may be arrested on view and be held without a warrant; provided, that an arrest or detention without warrant shall not continue longer than twenty-four (24) hours; and the person making an arrest, with or without a warrant, shall use reasonable diligence to give notice thereof to the owner of animals found in the charge or custody of the person arrested, and shall properly care and provide for those animals until the owner thereof shall take charge of them, provided the owner shall do so within thirty (30) days from the date of the notice. The person making an arrest shall have a lien on those animals for the expense of their care and provision.*

### **R.I. GEN. LAWS § 4-1-19 (2017). Issuance of search warrants.**

*Whenever complaint is made on oath to any magistrate authorized to issue warrants in criminal cases, that the complainant believes and has reasonable cause to believe that the laws in relation to cruelty to animals have been or are being violated in any building or place, the magistrate, if satisfied that there is reasonable cause for that belief, shall issue a search warrant, authorizing any officer, competent to serve a warrant, to search the building or place; but no search shall be made after sunset, unless specially authorized by the magistrate upon satisfactory cause shown.*

### **R.I. GEN. LAWS § 4-1-22 (2017). Care of neglected animals by society—Forfeiture of owner's rights—Expenses.**

*(a) An officer or agent of the Rhode Island society for the prevention of cruelty to animals may lawfully take charge of any animal found abandoned or neglected or hazardously accumulated as defined in §4-1-1, or which in the opinion of that officer or agent is aged, maimed, disabled, lame, sick, diseased, injured, unfit for the labor it is performing, or cruelly treated, and shall give notice to the owner, if known, or his agents, and may provide suitable care.*

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



(c) Whenever any officer or agent of the Rhode Island Society for the Prevention of Cruelty to Animals lawfully takes charge of any animal under this section, all reasonable expenses for the care and treatment of the animal(s), while in the custody of the Society during this time, shall be paid for by the owner, guardian, or his or her agent upon conviction, plea of guilty, of plea of nolo contendere. The Society has the authority to commence a civil action for damages against the owner or his or her agent thirty (30) days after a written demand for payment of the expense of the suitable care of that animal has been sent and no payment has been received.

**R.I. GEN. LAWS § 4-1-31 (2017). Assignment of State Veterinarian.**

(a) Examination of fighting animals.—A licensed veterinarian from the department of environmental management, shall be made available to agents of the Rhode Island Society for the Prevention of Cruelty to Animals at the request of the state police for the purpose of examining any animal that those agents believe to have been involved in animal fighting in violation of §§ 4-1-2, 4-1-8, 4-1-9 or 4-1-11.

(b) Right of entry where cruelty suspected.—The director of the department of environmental management, or any veterinarian employed by the department of environmental management designated by the director for such purpose, having reason to suspect the existence of cruelty to animals within the meaning of this chapter upon any grounds or premises, is hereby authorized and empowered to enter upon those grounds or premises for enforcement of the provisions of this chapter. For such inspections, the department shall, unless a search without a warrant is otherwise allowed by law, seek a search warrant from an official of a court authorized to issue warrants.

(c) The director of the department of environmental management may designate a department veterinarian or veterinarians to act as animal advocates. A general agent or special agent from the Rhode Island Society for the Prevention of Cruelty to Animals may also act in that capacity.

(d) The animal advocate shall make recommendations to any court before which the custody or well-being of an animal is at issue.

(e) Any animal care facility licensed by the United States Department of Agriculture or holding a public health service (PHS) assurance of compliance shall be exempt from the provisions of this section.

*(f) Right to seize animals that are the subject of cruel treatment. The director of environmental management, or any veterinarian employed by the department of environmental management ("department"), shall have the authority to examine any animal that is suspected of being cruelly treated, mistreated, or neglected by its owner, guardian, or his or her agents in violation of the provisions of chapter 1 of this title. Upon reasonable evidence to suggest that the subject animal(s) has been cruelly treated, mistreated, or negligently treated by the owner, guardian, or his or her agents, in violation of the provisions of chapter 1 of this title, the department may lawfully take charge of that animal(s) and shall have the authority to seize said animal(s). Any animal(s) so seized shall remain in the custody of the department during the pendency of any civil or criminal investigation and remain in the custody of the department until the adjudication of the matter. All reasonable expenses for the care and treatment of the animal(s), while in the custody of the department during this time, shall be paid for by the owner, guardian, or his or her agent upon conviction, entry of a guilty plea, or a plea of nolo contendere. The department has the authority to commence a civil action for damages against the owner, guardian, or his or her agent thirty (30) days after written demand for payment of the expenses of the suitable care of that animal has been sent and no payment received.*

**RI GEN. LAWS § 4-1-42 (2017). Care of neglected animals by Department--Forfeiture of owner's rights--Expenses.**

*(a) The director of environmental management, or any veterinarian employed by the department of environmental management ("department"), may lawfully take charge of any animal found abandoned or neglected or hazardously accumulated as defined in § 4-1-1, or that, in the opinion of the department, is aged, maimed, disabled, lame, sick, diseased, injured, unfit for the labor it is performing, or cruelly treated, and shall give notice to the owner, if known, or his or her agents, and may provide suitable care.*

(b) Every owner, guardian, or agent, upon conviction, entry of a guilty plea, or plea of nolo contendere, of abandonment, neglect, hazardous accumulation as defined in § 4-1-1, or otherwise cruel treatment of any animal taken charge of by the department under this section, forfeits the right to ownership or control of that animal to the department for disposition in any manner deemed suitable for that animal.

(c) Whenever the department lawfully takes charge of any animal under this section, all reasonable expenses for the care and treatment of the animal(s), while in the custody of the department during this time, shall be paid for by the owner, guardian, or his or her agent, upon conviction, a plea of guilty or plea nolo contendere. The department has the authority to commence a civil action for damages against the owner or his or her agent thirty (30) days after written demand for payment of the expense of the suitable care of that animal has been sent and no payment received.

## **8. FORFEITURE / POSSESSION**

### **R.I. GEN. LAWS § 4-1-2 (2017). Overwork, mistreatment, or failure to feed animals—“shelter” defined.**

(a) Whoever overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or cruelly kills, or causes or procures to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, or mutilated, any animal, and whoever, having the charge or custody of any animal, either as owner or otherwise, inflicts cruelty upon that animal, or willfully fails to provide that animal with proper food, drink, shelter, or protection from the weather, shall, for each offense, be imprisoned not exceeding eleven (11) months, or be fined not less than fifty dollars (\$ 50.00) nor exceeding five hundred dollars (\$ 500), or both. If the offense described in this section results in the death of the animal, the person shall be punished in the manner provided in § 4-1-5.

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

(c) Shelter means a structure used to house any animal that will provide sufficient protection from inclement elements for the health and well being of the animal.

### **R.I. GEN. LAWS § 4-1-14 (2017). Appeal of sentence of forfeiture.**

*Any claimant aggrieved by a sentence of forfeiture of a district court may, before the execution of that sentence, appeal to the superior court in the manner provided with reference to criminal appeals from district courts.*

### **R.I. GEN. LAWS § 4-1-22 (2017). Care of neglected animals by society—Forfeiture of owner’s rights—Expenses.**

(a) An officer or agent of the Rhode Island society for the prevention of cruelty to animals may lawfully take charge of any animal found abandoned or neglected or hazardedly accumulated as defined in §4-1-1, or which in the opinion of that officer or agent is aged, maimed, disabled, lame, sick, diseased, injured, unfit for the labor it is performing, or cruelly treated, and shall give notice to the owner, if known, or his agents, and may provide suitable care.

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

*(c) Whenever any officer or agent of the Rhode Island Society for the Prevention of Cruelty to Animals lawfully takes charge of any animal under this section, all reasonable expenses for the care and treatment of the animal(s), while in the custody of the Society during this time, shall be paid for by the owner, guardian, or his or her agent upon conviction, plea of guilty, of plea of nolo contendere. The Society has the authority to commence a civil action for damages against the owner or his or her agent thirty (30) days after a written demand for payment of the expense of the suitable care of that animal has been sent and no payment has been received.*

**R.I. GEN. LAWS § 4-1-40 (2017). Possession of animals.**

*(a) In addition to any other penalty imposed by law, a person convicted of, or who entered a plea of nolo contendere to, any misdemeanor violation under the provisions of this chapter may, based on the discretion of the sentencing judge, not possess or reside with any animal for a period of up to five (5) years following entry of the conviction or upon acceptance of a plea of nolo contendere by the court. Any offense under this subsection is a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000), by imprisonment for a term not more than one year, or both, and forfeiture of the animal(s).*

*(b) In addition to any other penalty imposed by law, a person convicted of, or who entered a plea of nolo contendere to, any felony violation under the provisions of this chapter may, based on the discretion of the sentencing judge, not possess or reside with any animal for a period of up to fifteen (15) years following entry of the conviction or upon acceptance of a plea of nolo contendere by the court. Any offense under this section is a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000), by imprisonment for a term not more than one year, or both, and forfeiture of the animal(s).*

**R.I. GEN. LAWS § 4-1-41 (2017). Devocalization or declawing as requirement for property occupancy prohibited.**

*(a) No person or corporation that occupies, owns, manages, or provides services in connection with any real property, including the individual's or corporation's agents or successors-in-interest, may do any of the following if the person or corporation allows an animal on the subject premises:*

(1) Advertise, through any means, the availability of real property for occupancy in a manner designed to discourage application for occupancy of that real property because the applicant's animal has not been declawed or devocalized;

(2) Refuse to allow the occupancy of any real property, refuse to negotiate the occupancy of any real estate property, or to otherwise make unavailable or deny to any other person the occupancy of any real property because of that person's refusal to declaw or devocalize any animal; or

(3) Require any tenant or occupant of real property to declaw or devocalize any animal allowed on the premises.

(b) Any person found in violation of this section shall be fined not more than one thousand dollars (\$ 1,000). *In addition to any other penalty provided by law, a person fined under this section may be barred from owning or possessing any animals, or living on the same property with someone who owns or possesses animals, for a period of time deemed appropriate by the court, and be required to take humane education, pet ownership and dog training classes as ordered by the court.*

(c) Nothing contained within this section shall be construed as forbidding a person or corporation that occupies, owns, manages, or provides services in connection with any real property, including the individual's or corporation's agents or successors-in-interest, from prohibiting any animal on the premises.

**RI GEN. LAWS § 4-1-42 (2017). Care of neglected animals by Department--Forfeiture of owner's rights--Expenses.**

(a) The director of environmental management, or any veterinarian employed by the department of environmental management ("department"), may lawfully take charge of any animal found abandoned or neglected or hazardously accumulated as defined in § 4-1-1, or that, in the opinion of the department, is aged, maimed, disabled, lame, sick, diseased, injured, unfit for the labor it is performing, or cruelly treated, and shall give notice to the owner, if known, or his or her agents, and may provide suitable care.

(b) Every owner, guardian, or agent, upon conviction, entry of a guilty plea, or plea of nolo contendere, of abandonment, neglect, hazardous accumulation as defined in § 4-1-1, or otherwise cruel treatment of any animal taken charge of by the department under this section, forfeits the right to ownership or control of that animal to the department for disposition in any manner deemed suitable for that animal.

*(c) Whenever the department lawfully takes charge of any animal under this section, all reasonable expenses for the care and treatment of the animal(s), while in the custody of the department during this time, shall be paid for by the owner, guardian, or his or her agent, upon conviction, a plea of guilty or plea nolo contendere. The department has the authority to commence a civil action for damages against the owner or his or her agent thirty (30) days after written demand for payment of the expense of the suitable care of that animal has been sent and no payment received.*

## **9. CROSS ENFORCEMENT / REPORTING**

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## **10. VETERINARIAN REPORTING / IMMUNITY**

### **R.I. GEN. LAWS § 4-1-37 (2017). Immunity from suit.**

*Any Rhode Island licensed veterinarian shall be held harmless from either criminal or civil liability arising out of any reports, either oral or written, made to local and/or state police, animal control officials or officers of private organizations devoted to humane treatment of animals, concerning any animal that the veterinarian knows or reasonably believed to be abandoned, neglected, or abused, and shall be immune from suit by reason of making the report. Provided, however, that a veterinarian who participates or reports in bad faith or with malice shall not be protected under the provisions of this section.*



## **11. LAW ENFORCEMENT POLICIES**

### **R.I. GEN. LAWS § 4-1-18 (2017). Arrest of violators without warrant—Care of animals.**

*Any person violating the provisions of this chapter may be arrested on view and be held without a warrant; provided, that an arrest or detention without warrant shall not continue longer than twenty-four (24) hours; and the person making an arrest, with or without a warrant, shall use reasonable diligence to give notice thereof to the owner of animals found in the charge or custody of the person arrested, and shall properly care and provide for those animals until the owner thereof shall take charge of them, provided the owner shall do so within thirty (30) days from the date of the notice. The person making an arrest shall have a lien on those animals for the expense of their care and provision.*

### **R.I. GEN. LAWS § 4-1-20 (2017). Duty of police officers—Fines paid to society for prevention of cruelty to animals.**

*Any deputy sheriff, town constable or police officer shall prosecute all violations of this chapter that come to his or her knowledge and all fines and forfeitures resulting from the complaint of any officer or agent of the Society for the Prevention of Cruelty to Animals under this chapter, shall enure and be paid over to the society in aid of the benevolent objects for which it was incorporated.*

### **R.I. GEN. LAWS § 4-1-21 (2017). Powers of agents of Society for Prevention of Cruelty to Animals.**

*The general agent of the Rhode Island society for the prevention of cruelty to animals and any number of special agents as may be appointed by that society shall have the same power and authority to arrest as any officer authorized to serve criminal process for the purpose of enforcing any of the laws of this state in relation to cruelty to animals, that power and authority to extend throughout the state, and they may serve any search warrant issued under the provisions of § 4-1-19 and may search any building or place named in that warrant. A general agent and any special agents may, for the purpose of carrying out their duties, possess and carry pistols as defined in § 11-47-2, and the provisions of § 11-47-8 shall not apply to them. Any person who shall interfere with or obstruct any of those agents in the discharge of their duty shall be guilty of obstructing an officer and punished as provided in § 11-32-1.*

**R.I. GEN. LAWS § 4-1-31 (2017). Assignment of State Veterinarian.**

- (a) Examination of fighting animals.—A licensed veterinarian from the department of environmental management, shall be made available to agents of the Rhode Island Society for the Prevention of Cruelty to Animals at the request of the state police for the purpose of examining any animal that those agents believe to have been involved in animal fighting in violation of §§ 4-1-2, 4-1-8, 4-1-9 or 4-1-11.
- (b) Right of entry where cruelty suspected.—The director of the department of environmental management, or any veterinarian employed by the department of environmental management designated by the director for such purpose, having reason to suspect the existence of cruelty to animals within the meaning of this chapter upon any grounds or premises, is hereby authorized and empowered to enter upon those grounds or premises for enforcement of the provisions of this chapter. For such inspections, the department shall, unless a search without a warrant is otherwise allowed by law, seek a search warrant from an official of a court authorized to issue warrants.*
- (c) The director of the department of environmental management may designate a department veterinarian or veterinarians to act as animal advocates. A general agent or special agent from the Rhode Island Society for the Prevention of Cruelty to Animals may also act in that capacity.*
- (d) The animal advocate shall make recommendations to any court before which the custody or well-being of an animal is at issue.*
- (e) Any animal care facility licensed by the United States Department of Agriculture or holding a public health service (PHS) assurance of compliance shall be exempt from the provisions of this section.
- (f) Right to seize animals that are the subject of cruel treatment. The director of environmental management, or any veterinarian employed by the department of environmental management (“department”), shall have the authority to examine any animal that is suspected of being cruelly treated, mistreated, or neglected by its owner, guardian, or his or her agents in violation of the provisions of chapter 1 of this title. Upon reasonable evidence to suggest that the subject animal(s) has been cruelly treated, mistreated, or negligently treated by the owner, guardian, or his or her agents, in violation of the provisions of chapter 1 of this title, the department may lawfully take charge of that animal(s) and shall have the authority to seize said animal(s). Any animal(s) so seized shall remain in the custody of the department during the pendency of any civil or criminal investigation and remain in the custody of the department until the adjudication of the matter. All reasonable expenses for the care and treatment of the animal(s), while in the custody of the department during this time, shall be paid for by the owner, guardian, or his or her agent upon conviction, entry of a guilty plea, or a plea of nolo contendere. The department has the authority to commence a civil action for damages against the owner, guardian, or his or her agent thirty (30) days after written demand for payment of the expenses of the suitable care of that animal has been sent and no payment received.

## **12. SEXUAL ASSAULT**

### **R.I. GEN. LAWS § 11-10-1 (2017). Abominable and detestable crime against nature.**

*Every person who shall be convicted of the abominable and detestable crime against nature, with any beast, shall be imprisoned not exceeding twenty (20) years nor less than seven (7) years.*

## **13. FIGHTING**

### **R.I. GEN. LAWS § 4-1-9 (2017). Animal fighting.**

*Any person who causes or encourages the fighting of any bird, dog, or animal with any other bird, dog, or animal, or keeps or maintains any place for the fighting of birds, dogs, or animals, or who knowingly permits, or suffers, any fight to be had on his or her premises or on premises under his or her control, or makes any bet or lays any wager of any kind upon the result of that fight, shall be fined not exceeding one thousand dollars (\$1,000) or be imprisoned not exceeding two (2) years, or both, for the first offense, and for any subsequent offense shall be fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) or be imprisoned not exceeding two (2) years, or both.*

### **R.I. GEN. LAWS § 4-1-10 (2017). Possession or training of fighting animals.**

*Whoever owns, possesses, keeps or trains any bird, dog, or other animal, with the intent that that bird, dog, or animal engages in an exhibition of fighting, shall be fined not exceeding one thousand dollars (\$1,000) and/or be imprisoned not exceeding two (2) years for the first offense, and for any subsequent offense shall be fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) or be imprisoned not exceeding two (2) years, or both.*

### **R.I. GEN. LAWS § 4-1-11 (2017). Attendance at bird or animal fight.**

*Whoever is present at any place, building, or tenement where preparations are being made for an exhibition of the fighting of birds or animals, with the intent being present at that exhibition, or is present at that exhibition, shall be fined not exceeding one thousand five hundred dollars (\$1,500) or imprisoned for not more than two (2) years, or both.*

### **R.I. GEN. LAWS § 4-1-12 (2017). Entry of premises where bird or animal fights are conducted—Arrest—Seizure of birds or animals.**

*Any deputy sheriff, town sergeant, town constable, police officer, or any officer authorized to serve criminal process may enter any place, building, or tenement anywhere within the state where there is an exhibition of the fighting of birds or animals, or where preparations are being made for that exhibition, and, without a warrant, arrest all persons present and take possession of the birds or animals engaged in fighting and all birds or animals found there and intended to be used or engaged in fighting. Those persons shall be kept in custody in jail or other convenient place not more than twenty-four (24) hours, Sundays and legal holidays excepted, at or before the expiration of which time those persons shall be brought before a district court or the superior court and proceeded against according to law.*

**R.I. GEN. LAWS § 4-1-13 (2017). Forfeiture of fighting birds or animals.**

*After the seizure of any birds or animals as provided in § 4-1-12, application shall be made to a district court or the superior court for a sentence of forfeiture of the birds or animals; and if, upon the hearing of the application, it is found that the birds or animals, at the time of their seizure, were engaged in fighting at an exhibition or were owned, possessed, or kept by any person with the intent that they should be engaged in fighting at an exhibition, sentence of forfeiture shall be pronounced against them. Any officer authorized to serve criminal process shall sell them in any manner that the court orders, and pay the proceeds of that sale, after the payment of costs, including costs of seizure and keeping of those birds or animals, to the general treasurer for the use of the state. Whenever a seizure and application for sentence of forfeiture is made by or results from the complaint or information of any officer or agent of the society for the prevention of cruelty to animals, the proceeds of that sale shall be paid over to the society. Should it be found that any seized birds or animals are of no use or value, they shall be set at large, or otherwise disposed of, as the court may direct. The claimant is allowed to appear in the proceedings upon any application for a sentence of forfeiture. All seized birds or animals not sentenced for forfeiture shall be delivered to the owner.*

**R.I. GEN. LAWS § 4-1-14 (2017). Appeal of sentence of forfeiture.**

*Any claimant aggrieved by a sentence of forfeiture of a district court may, before the execution of that sentence, appeal to the superior court in the manner provided with reference to criminal appeals from district courts.*

**R.I. GEN. LAWS § 4-1-31 (2017). Assignment of State Veterinarian.**

*(a) Examination of fighting animals.—A licensed veterinarian from the department of environmental management, shall be made available to agents of the Rhode Island Society for the Prevention of Cruelty to Animals at the request of the state police for the purpose of examining any animal that those agents believe to have been involved in animal fighting in violation of §§ 4-1-2, 4-1-8, 4-1-9 or 4-1-11.*

*(b) Right of entry where cruelty suspected.—The director of the department of environmental management, or any veterinarian employed by the department of environmental management designated by the director for such purpose, having reason to suspect the existence of cruelty to animals within the meaning of this chapter upon any grounds or premises, is hereby authorized and empowered to enter upon those grounds or premises for enforcement of the provisions of this chapter. For such inspections, the department shall, unless a search without a warrant is otherwise allowed by law, seek a search warrant from an official of a court authorized to issue warrants.*

*(c) The director of the department of environmental management may designate a department veterinarian or veterinarians to act as animal advocates. A general agent or special agent from the Rhode Island Society for the Prevention of Cruelty to Animals may also act in that capacity.*

*(d) The animal advocate shall make recommendations to any court before which the custody or well-being of an animal is at issue.*

(e) Any animal care facility licensed by the United States Department of Agriculture or holding a public health service (PHS) assurance of compliance shall be exempt from the provisions of this section.

(f) Right to seize animals that are the subject of cruel treatment. The director of environmental management, or any veterinarian employed by the department of environmental management (“department”), shall have the authority to examine any animal that is suspected of being cruelly treated, mistreated, or neglected by its owner, guardian, or his or her agents in violation of the provisions of chapter 1 of this title. Upon reasonable evidence to suggest that the subject animal(s) has been cruelly treated, mistreated, or negligently treated by the owner, guardian, or his or her agents, in violation of the provisions of chapter 1 of this title, the department may lawfully take charge of that animal(s) and shall have the authority to seize said animal(s). Any animal(s) so seized shall remain in the custody of the department during the pendency of any civil or criminal investigation and remain in the custody of the department until the adjudication of the matter. All reasonable expenses for the care and treatment of the animal(s), while in the custody of the department during this time, shall be paid for by the owner, guardian, or his or her agent upon conviction, entry of a guilty plea, or a plea of nolo contendere. The department has the authority to commence a civil action for damages against the owner, guardian, or his or her agent thirty (30) days after written demand for payment of the expenses of the suitable care of that animal has been sent and no payment received.

## **14. REFERENCED STATUTES**

### **R.I. GEN. LAWS § 4-1-1 (2017). Definitions—Responsibility for agents and employees.**

(a) In this chapter and in §§ 4-4-9, 4-4-10, and 23-19-8:

(1) “Animal” and “animals” means every living creature except a human being;

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

(3) “Owner”, “person”, and “whoever” means corporations as well as individuals.

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

(5) Except for livestock as defined in subsection 4-26-3(7), “adequate living conditions” shall mean a sanitary environment which is dry and free of accumulated feces and free of debris and garbage that may clutter the environment, pose a danger or entangle the animal. The environment in which the animal is kept must be consistent with federal regulatory requirements, where applicable or generally recognized professional standards, where applicable, or otherwise be of sufficient size so as not to inhibit comfortable rest, normal posture or range of movement, and suitable to maintain the animal in a good state of health. “Adequate living conditions” for livestock as defined in subsection 4-26-3(7) shall mean best management practices established, no later than July 1, 2014, by the Rhode Island livestock welfare and care standards advisory council.

(6) Except for livestock as defined in §4-26-3, “hazardous accumulation of animals” means the accumulation of a large number of animals, to a point where the owner, possessor or person having the charge of custody of the aforementioned animals fails to or is unable to provide “adequate living conditions” as defined herein, resulting in harm or danger to the health and wellbeing of the animals.

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

**R.I. GEN. LAWS § 4-1-2 (2017). Overwork, mistreatment, or failure to feed animals—  
“Shelter” defined.**

(a) Whoever overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or cruelly kills, or causes or procures to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, or mutilated, any animal, and whoever, having the charge or custody of any animal, either as owner or otherwise, inflicts cruelty upon that animal, or willfully fails to provide that animal with proper food, drink, shelter, or protection from the weather, shall, for each offense, be imprisoned not exceeding eleven (11) months, or be fined not less than fifty dollars (\$ 50.00) nor exceeding five hundred dollars (\$ 500), or both. If the offense described in this section results in the death of the animal, the person shall be punished in the manner provided in § 4-1-5.

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

(c) Shelter means a structure used to house any animal that will provide sufficient protection from inclement elements for the health and well being of the animal.

**R.I. GEN. LAWS § 4-1-3 (2017). Unnecessary cruelty.**

(a) Every owner, possessor, or person having the charge or custody of any animal, who cruelly drives or works that animal when unfit for labor, or cruelly abandons that animal, or who carries that animal or who fails to provide that animal with adequate living conditions as defined in § 4-1-1, or who engages in the hazardous accumulation of animals as defined in §4-1-1, or causes that animal to be carried, in or upon any vehicle or otherwise in a cruel or inhuman manner, or willfully, intentionally, maliciously, recklessly, and/or knowingly authorizes or permits that animal to be subjected to unnecessary torture, suffering or cruelty of any kind, or who places or causes to have placed on any animal any substance that may produce irritation or pain, or that is declared a hazardous substance by the U.S. food and drug administration or by the state department of health, shall be punished for each offense in the manner provided in § 4-1-2. If the offense described in this section results in the death of the animal, the person shall be punished in the manner provided in Section 4-1-5. If any owner, possessor, or person having the charge or custody of any animal who is found guilty of or pleads nolo contendere to a violation of this section and said violation involves the hazardous accumulation of animals, the court shall, in



imposing a penalty under this section, take into account whether the defendant's conduct could be considered to be the result of a mental health disorder as defined in §27-38.2-2.

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

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

**R.I. GEN. LAWS § 4-1-3.2 (2017). Animal confinement in motor vehicles prohibited.**

(a) No owner or person shall confine any animal in a motor vehicle which is done in a manner that places the animal in a life threatening or extreme health threatening situation by exposing it to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of an animal, an animal control officer, law enforcement officer or fire fighter who has probable cause to believe that this section is being violated shall have the authority to enter such motor vehicle by any reasonable means necessary under the circumstances, after making a reasonable effort to locate the owner or other responsible person.

(b) A law enforcement or animal control officer may take all steps that are reasonably necessary to remove an animal from a motor vehicle if the animal's health, safety, or wellbeing appears to be in immediate danger from heat, cold, or lack of adequate ventilation and the conditions could reasonably be expected to cause extreme suffering or death.

(c) Nothing in this section shall prevent a law enforcement officer or animal control officer from removing an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal. A law enforcement officer or animal control officer may enter the motor vehicle for the sole purpose of rescue or release of the animal and may not search the vehicle unless otherwise permitted by law.

(d) A law enforcement or animal control officer who removes an animal in accordance with this section shall, in a secure and conspicuous location on or within the motor vehicle, leave written notice bearing the officer's or agent's name and office, and the address of the location where the animal may be retrieved. The owner may retrieve the animal only after payment of all charges that have accrued for the maintenance, care, medical treatment, and impoundment of the animal.

(e) A law enforcement or animal control officer who removes an animal from a motor vehicle pursuant to this section is immune from criminal or civil liability that might otherwise result from the removal.

(f) Any person who knowingly violates this section shall be punished by imprisonment for a term not exceeding one year or by a fine of no more than one thousand dollars (\$1,000), or both.

**R.I. GEN. LAWS § 4-1-4 (2017). Abandonment of infirm animals.**

If any maimed, sick, infirm, or disabled animal is abandoned to die, by any owner or person having charge of that animal, that person shall, for each offense, be punished in the manner provided in § 4-1-2.

**R.I. GEN. LAWS § 4-1-5 (2017). Malicious injury to or killing of animals.**

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

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

**R.I. GEN. LAWS § 4-1-9 (2017). Animal fighting.**

Any person who causes or encourages the fighting of any bird, dog, or animal with any other bird, dog, or animal, or keeps or maintains any place for the fighting of birds, dogs, or animals, or who knowingly permits, or suffers, any fight to be had on his or her premises or on premises under his or her control, or makes any bet or lays any wager of any kind upon the result of that fight, shall be fined not exceeding one thousand dollars (\$1,000) or be imprisoned not exceeding two (2) years, or both, for the first offense, and for any subsequent offense shall be fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) or be imprisoned not exceeding two (2) years, or both.

**R.I. GEN. LAWS § 4-1-10 (2017). Possession or training of fighting animals.**

Whoever owns, possesses, keeps or trains any bird, dog, or other animal, with the intent that that bird, dog, or animal engages in an exhibition of fighting, shall be fined not exceeding one thousand dollars (\$1,000) and/or be imprisoned not exceeding two (2) years for the first offense, and for any subsequent offense shall be fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) or be imprisoned not exceeding two (2) years, or both.

**R.I. GEN. LAWS § 4-1-11 (2017). Attendance at bird or animal fight.**

Whoever is present at any place, building, or tenement where preparations are being made for an exhibition of the fighting of birds or animals, with the intent being present at that exhibition, or is present at that exhibition, shall be fined not exceeding one thousand five hundred dollars (\$1,500) or imprisoned for not more than two (2) years, or both.

**R.I. GEN. LAWS § 4-1-12 (2017). Entry of premises where bird or animal fights are conducted—Arrest—Seizure of birds or animals.**

Any deputy sheriff, town sergeant, town constable, police officer, or any officer authorized to serve criminal process may enter any place, building, or tenement anywhere within the state where there is an exhibition of the fighting of birds or animals, or where preparations are being made for that exhibition, and, without a warrant, arrest all persons present and take possession of the birds or animals engaged in fighting and all birds or animals found there and intended to be used or engaged in fighting. Those persons shall be kept in custody in jail or other convenient place not more than twenty-four (24) hours, Sundays and legal holidays excepted, at or before the expiration of which time those persons shall be brought before a district court or the superior court and proceeded against according to law.

**R.I. GEN. LAWS § 4-1-13 (2017). Forfeiture of fighting birds or animals.**

After the seizure of any birds or animals as provided in § 4-1-12, application shall be made to a district court or the superior court for a sentence of forfeiture of the birds or animals; and if, upon the hearing of the application, it is found that the birds or animals, at the time of their seizure, were engaged in fighting at an exhibition or were owned, possessed, or kept by any person with the intent that they should be engaged in fighting at an exhibition, sentence of forfeiture shall be pronounced against them. Any officer authorized to serve criminal process shall sell them in any manner that the court orders, and pay the proceeds of that sale, after the payment of costs, including costs of seizure and keeping of those birds or animals, to the general treasurer for the use of the state. Whenever a seizure and application for sentence of forfeiture is made by or results from the complaint or information of any officer or agent of the society for the prevention of cruelty to animals, the proceeds of that sale shall be paid over to the society. Should it be

found that any seized birds or animals are of no use or value, they shall be set at large, or otherwise disposed of, as the court may direct. The claimant is allowed to appear in the proceedings upon any application for a sentence of forfeiture. All seized birds or animals not sentenced for forfeiture shall be delivered to the owner.

**R.I. GEN. LAWS § 4-1-14 (2017). Appeal of sentence of forfeiture.**

Any claimant aggrieved by a sentence of forfeiture of a district court may, before the execution of that sentence, appeal to the superior court in the manner provided with reference to criminal appeals from district courts.

**R.I. GEN. LAWS § 4-1-15 (2017). Expense of care of seized birds or animals.**

The necessary expenses incurred in the care and disposing of seized birds or animals may be allowed and paid in the same manner that costs in criminal prosecutions are paid.

**R.I. GEN. LAWS § 4-1-18 (2017). Arrest of violators without warrant—Care of animals.**

Any person violating the provisions of this chapter may be arrested on view and be held without a warrant; provided, that an arrest or detention without warrant shall not continue longer than twenty-four (24) hours; and the person making an arrest, with or without a warrant, shall use reasonable diligence to give notice thereof to the owner of animals found in the charge or custody of the person arrested, and shall properly care and provide for those animals until the owner thereof shall take charge of them, provided the owner shall do so within thirty (30) days from the date of the notice. The person making an arrest shall have a lien on those animals for the expense of their care and provision.

**R.I. GEN. LAWS § 4-1-19 (2017). Issuance of search warrants.**

Whenever complaint is made on oath to any magistrate authorized to issue warrants in criminal cases, that the complainant believes and has reasonable cause to believe that the laws in relation to cruelty to animals have been or are being violated in any building or place, the magistrate, if satisfied that there is reasonable cause for that belief, shall issue a search warrant, authorizing any officer, competent to serve a warrant, to search the building or place; but no search shall be made after sunset, unless specially authorized by the magistrate upon satisfactory cause shown.

**R.I. GEN. LAWS § 4-1-20 (2017). Duty of police officers—Fines paid to society for prevention of cruelty to animals.**

Any deputy sheriff, town constable or police officer shall prosecute all violations of this chapter that come to his or her knowledge and all fines and forfeitures resulting from the complaint of any officer or agent of the Society for the Prevention of Cruelty to Animals under this chapter, shall enure and be paid over to the society in aid of the benevolent objects for which it was incorporated.

**R.I. GEN. LAWS § 4-1-21 (2017). Powers of agents of Society for Prevention of Cruelty to Animals.**

The general agent of the Rhode Island society for the prevention of cruelty to animals and any number of special agents as may be appointed by that society shall have the same power and authority to arrest as any officer authorized to serve criminal process for the purpose of enforcing any of the laws of this state in relation to cruelty to animals, that power and authority to extend throughout the state, and they may serve any search warrant issued under the provisions of § 4-1-19 and may search any building or place named in that warrant. A general agent and any special agents may, for the purpose of carrying out their duties, possess and carry pistols as defined in § 11-47-2, and the provisions of § 11-47-8 shall not apply to them. Any person who shall interfere with or obstruct any of those agents in the discharge of their duty shall be guilty of obstructing an officer and punished as provided in § 11-32-1.

**R.I. GEN. LAWS § 4-1-22 (2017). Care of neglected animals by society—Forfeiture of owner's rights—Expenses.**

(a) An officer or agent of the Rhode Island society for the prevention of cruelty to animals may lawfully take charge of any animal found abandoned or neglected or hazardously accumulated as defined in §4-1-1, or which in the opinion of that officer or agent is aged, maimed, disabled, lame, sick, diseased, injured, unfit for the labor it is performing, or cruelly treated, and shall give notice to the owner, if known, or his agents, and may provide suitable care.

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

(c) Whenever any officer or agent of the Rhode Island Society for the Prevention of Cruelty to Animals lawfully takes charge of any animal under this section, all reasonable expenses for the care and treatment of the animal(s), while in the custody of the Society during this time, shall be paid for by the owner, guardian, or his or her agent upon conviction, plea of guilty, of plea of nolo contendere. The Society has the authority to commence a civil action for damages against the owner or his or her agent thirty (30) days after a written demand for payment of the expense of the suitable care of that animal has been sent and no payment has been received.

**R.I. GEN. LAWS § 4-1-26 (2017). Abandonment of animals from motor vehicles, dwelling houses, streets, roads, highways, public places, private property or other buildings or structures.**

If any person having possession and/or control of an animal shall abandon that animal on a street, road, highway or in a public place or on private property or from a motor vehicle, or in a dwelling or any other building or structure without providing for the care of that animal, he or she shall be punished in the manner provided in § 4-1-2 for each such offense. Provided however, if such abandonment results in the death of said animal, the person shall be punished in the manner provided in § 4-1-5. Abandonment shall mean the relinquishment of all right, title, claim or possession of the animal with the intention of not reclaiming it or resuming its ownership or possession.

**R.I. GEN. LAWS § 4-1-30 (2017). Cruelty to police animals.**

Any person who willfully tortures, torments, beats, kicks, strikes, mutilates, injures, disables, or otherwise mistreats any dog or horse owned by a police department of this state or any of its political subdivisions or who willfully by any action interferes with the lawful performance of a police dog or horse shall be punished by a fine of not less than one hundred dollars (\$ 100) and not more than five hundred dollars (\$ 500), or by imprisonment for not more than one year, or both.

**R.I. GEN. LAWS § 4-1-31 (2017). Assignment of State Veterinarian.**

(a) Examination of fighting animals.—A licensed veterinarian from the department of environmental management, shall be made available to agents of the Rhode Island Society for the Prevention of Cruelty to Animals at the request of the state police for the purpose of examining any animal that those agents believe to have been involved in animal fighting in violation of §§ 4-1-2, 4-1-8, 4-1-9 or 4-1-11.

(b) Right of entry where cruelty suspected.—The director of the department of environmental management, or any veterinarian employed by the department of environmental management designated by the director for such purpose, having reason to suspect the existence of cruelty to animals within the meaning of this chapter upon any grounds or premises, is hereby authorized and empowered to enter upon those grounds or premises for enforcement of the provisions of this chapter. For such inspections, the department shall, unless a search without a warrant is otherwise allowed by law, seek a search warrant from an official of a court authorized to issue warrants.

(c) The director of the department of environmental management may designate a department veterinarian or veterinarians to act as animal advocates. A general agent or special agent from the Rhode Island Society for the Prevention of Cruelty to Animals may also act in that capacity.

(d) The animal advocate shall make recommendations to any court before which the custody or well-being of an animal is at issue.

(e) Any animal care facility licensed by the United States Department of Agriculture or holding a public health service (PHS) assurance of compliance shall be exempt from the provisions of this section.

(f) Right to seize animals that are the subject of cruel treatment. The director of environmental management, or any veterinarian employed by the department of environmental management (“department”), shall have the authority to examine any animal that is suspected of being cruelly treated, mistreated, or neglected by its owner, guardian, or his or her agents in violation of the provisions of chapter 1 of this title. Upon reasonable evidence to suggest that the subject animal(s) has been cruelly treated, mistreated, or negligently treated by the owner, guardian, or his or her agents, in violation of the provisions of chapter 1 of this title, the department may lawfully take charge of that animal(s) and shall have the authority to seize said animal(s). Any animal(s) so seized shall remain in the custody of the department during the pendency of any civil or criminal investigation and remain in the custody of the department until the adjudication of the matter. All reasonable expenses for the care and treatment of the animal(s), while in the custody of the department during this time, shall be paid for by the owner, guardian, or his or her agent upon conviction, entry of a guilty plea, or a plea of nolo contendere. The department has the authority to commence a civil action for damages against the owner, guardian, or his or her agent thirty (30) days after written demand for payment of the expenses of the suitable care of that animal has been sent and no payment received.

#### **R.I. GEN. LAWS § 4-1-36 (2017). Psychiatric counseling.**

Any person found guilty of violating any of the provisions of this chapter may, in addition to any penalties imposed, be evaluated to determine the need for psychiatric or psychological counseling, and, if determined appropriate by the court, to receive psychiatric or psychological counseling at his or her own expense.

**R.I. GEN. LAWS § 4-1-37 (2017). Immunity from suit.**

Any Rhode Island licensed veterinarian shall be held harmless from either criminal or civil liability arising out of any reports, either oral or written, made to local and/or state police, animal control officials or officers of private organizations devoted to humane treatment of animals, concerning any animal that the veterinarian knows or reasonably believed to be abandoned, neglected, or abused, and shall be immune from suit by reason of making the report. Provided, however, that a veterinarian who participates or reports in bad faith or with malice shall not be protected under the provisions of this section.

**R.I. GEN. LAWS § 4-1-38 (2017). Use of the terms owner or guardian.**

Wherever the word “owner” shall appear in this chapter it shall also mean and may be interchanged with the word “guardian” as defined in § 4-1-1.

**R.I. GEN. LAWS § 4-1-40 (2017). Possession of animals.**

(a) In addition to any other penalty imposed by law, a person convicted of, or who entered a plea of nolo contendere to, any misdemeanor violation under the provisions of this chapter may, based on the discretion of the sentencing judge, not possess or reside with any animal for a period of up to five (5) years following entry of the conviction or upon acceptance of a plea of nolo contendere by the court. Any offense under this subsection is a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000), by imprisonment for a term not more than one year, or both, and forfeiture of the animal(s).

(b) In addition to any other penalty imposed by law, a person convicted of, or who entered a plea of nolo contendere to, any felony violation under the provisions of this chapter may, based on the discretion of the sentencing judge, not possess or reside with any animal for a period of up to fifteen (15) years following entry of the conviction or upon acceptance of a plea of nolo contendere by the court. Any offense under this section is a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000), by imprisonment for a term not more than one year, or both, and forfeiture of the animal(s).



**R.I. GEN. LAWS § 4-1-41 (2017). Devocalization or declawing as requirement for property occupancy prohibited.**

(a) No person or corporation that occupies, owns, manages, or provides services in connection with any real property, including the individual's or corporation's agents or successors-in-interest, may do any of the following if the person or corporation allows an animal on the subject premises:

(1) Advertise, through any means, the availability of real property for occupancy in a manner designed to discourage application for occupancy of that real property because the applicant's animal has not been declawed or devocalized;

(2) Refuse to allow the occupancy of any real property, refuse to negotiate the occupancy of any real estate property, or to otherwise make unavailable or deny to any other person the occupancy of any real property because of that person's refusal to declaw or devocalize any animal; or

(3) Require any tenant or occupant of real property to declaw or devocalize any animal allowed on the premises.

(b) Any person found in violation of this section shall be fined not more than one thousand dollars (\$ 1,000). In addition to any other penalty provided by law, a person fined under this section may be barred from owning or possessing any animals, or living on the same property with someone who owns or possesses animals, for a period of time deemed appropriate by the court, and be required to take humane education, pet ownership and dog training classes as ordered by the court.

(c) Nothing contained within this section shall be construed as forbidding a person or corporation that occupies, owns, manages, or provides services in connection with any real property, including the individual's or corporation's agents or successors-in-interest, from prohibiting any animal on the premises.

**R.I. GEN. LAWS § 4-13-43 (2017). Prohibition of breed specific regulation.**

No city or town may enact any rule, regulation or ordinance specific to any breed of dog or cat in the exercise of its power to further control and regulate dogs, cats or other animals as authorized by this chapter.

**R.I. GEN. LAWS § 11-1-2 (2017). Felony, misdemeanor—Petty misdemeanor, and violation distinguished.**

Unless otherwise provided, any criminal offense which at any given time may be punished by imprisonment for a term of more than one year, or by a fine of more than one thousand dollars (\$1,000), is hereby declared to be a felony; any criminal offense which may be punishable by imprisonment for a term not exceeding one year, or by a fine of not more than one thousand dollars (\$1,000), or both, is hereby declared to be a misdemeanor; any criminal offense which may be punishable by imprisonment for a term not exceeding six (6) months or by a fine of not more than five hundred dollars (\$500), or both, is hereby declared to be a petty misdemeanor; and any offense which may be punished by a fine only of not more than five hundred dollars (\$500) is hereby declared to be a violation.

**R.I. GEN. LAWS § 11-10-1 (2017). Abominable and detestable crime against nature.**

Every person who shall be convicted of the abominable and detestable crime against nature, with any beast, shall be imprisoned not exceeding twenty (20) years nor less than seven (7) years.