



**ANIMAL LEGAL
DEFENSE FUND** EST
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Compendium of U.S. Animal Protection Laws

Rhode Island



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This chapter contains Rhode Island’s general animal protection and related statutes with an effective date on or before September 1, 2023. 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 with the relevant part of each statute italicized.

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.

ANIMAL PROTECTION LAWS OF RHODE ISLAND

Rhode Island Laws

SUBSTANTIVE PROHIBITIONS AND EXEMPTIONS

1. Definition of "Animal"	"[E]very living creature except a human being." R.I. GEN. LAWS § 4-1-1(a)(1)
2. General Cruelty	Definitions. R.I. GEN. LAWS § 4-1-1 Overwork, mistreatment, or neglect. R.I. GEN. LAWS § 4-1-2 <i>If animal survives: Misdemeanor, 11 months imprisonment and/or \$500 fine</i> <i>If animal dies: Felony, 5 years imprisonment or \$1,000 fine, and treble civil damages if animal owned by another and 50 hours community service</i> <i>Subsequent offenses within 10 years: 6 years imprisonment and/or \$5,000 fine, and 100 hours of community service</i> Unnecessary cruelty. R.I. GEN. LAWS § 4-1-3 <i>If animal survives: Misdemeanor, 11 months imprisonment and/or \$500 fine</i> <i>If animal dies: Felony, 5 years imprisonment or \$1,000 fine, and treble civil damages if animal owned by another and 50 hours community service</i> <i>Subsequent offenses within 10 years: 6 years imprisonment and/or \$5,000 fine, and 100 hours of community service</i> Exemption: Research animals. Abandonment of infirm animals. R.I. GEN. LAWS § 4-1-4 <i>If animal survives: Misdemeanor, 11 months imprisonment and/or \$500 fine</i> <i>If animal dies: Felony, 5 years imprisonment or \$1,000 fine, and treble civil damages if animal owned by another and 50 hours community service</i> <i>Subsequent offenses within 10 years: 6 years imprisonment and/or \$5,000 fine, and 100 hours of community service (5)</i> Malicious injury to or killing of animals. R.I. GEN. LAWS § 4-1-5 <i>Felony, 5 years imprisonment or \$1,000 fine, and treble civil damages if animal owned by another and 50 hours community service</i> Exemption: Accepted farm animal husbandry practices, lawful hunting . Abandonment of animals. R.I. GEN. LAWS § 4-1-26

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	<i>If animal survives: Misdemeanor, 11 months imprisonment and/or \$500 fine</i> <i>If animal dies: Felony, 5 years imprisonment or \$1,000 fine, and treble civil damages</i> <i>if animal owned by another and 50 hours community service</i> <i>Subsequent offenses within 10 years: 6 years imprisonment and/or \$5,000 fine, and 100 hours of community service</i> Use of bullhooks on elephants. R.I. GEN. LAWS § 4-1-43 <i>1 year imprisonment and/or \$5,000 fine</i> Cruelly tethering a dog or failure to provide a dog with adequate feed, water, and veterinary care, or exposing a dog to adverse conditions for the purpose of conditioning. R.I. GEN. LAWS § 4-13-1.2 (definitions); R.I. GEN. LAWS § 4-13-42 <i>11 months imprisonment and/or \$500 fine per day of violation</i> Animal confinement in motor vehicles. R.I. GEN. LAWS § 4-1-3.2 <i>Misdemeanor, 1 year imprisonment and/or \$1,000 fine</i> Mistreatment of animals by a licensed breeder, pound, shelter, kennel, pet shop, auction, or dealer. R.I. GEN. LAWS § 4-19-2 (definitions); R.I. GEN. LAWS § 4-19-11 <i>Misdemeanor, \$100 fine per animal</i> Exemptions: Defense of self or other. R.I. GEN. LAWS § 4-13-18 Veterinary practice accepted husbandry practices, other. R.I. GEN. LAWS § 4-13-42
3. Animal Fighting	Various animal fighting activities. R.I. GEN. LAWS § 4-1-9 <i>1st offense: felony, 2 years imprisonment and/or \$1,000 fine</i> <i>Subsequent offenses: felony, 2 years imprisonment and/or \$5,000 fine</i> Possession or training of fighting animals. R.I. GEN. LAWS § 4-1-10 <i>1st offense: felony, 2 years imprisonment and/or \$1,000 fine</i> <i>Subsequent offenses: felony, 2 years imprisonment and/or \$5,000 fine</i> Attendance at bird or animal fight is a felony.

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	R.I. GEN. LAWS § 4-1-11 <i>Felony, 2 years imprisonment and/or \$1,500 fine</i>
4. Sexual Assault	“The crime against nature with any beast.” R.I. GEN. LAWS § 11-10-1 <i>Felony, 7-20 years imprisonment</i>
5. Cruelty to Working Animals	Cruelty to police animals. R.I. GEN. LAWS § 4-1-30.1 <i>5 years imprisonment or \$1,000 fine for felony intentionally causing great bodily harm, disability, or death.</i> <i>1 year imprisonment or \$1,000 fine for misdemeanor touching, striking or causing bodily harm to police animals</i> <i>1 year imprisonment or fine of not less than \$100 and not more than \$500 for misdemeanor harassing, teasing, interfering, or attempting to interfere with police animals.</i>
6. Laws Specific to Farmed Animals	Shearing horses in the winter. R.I. GEN. LAWS § 4-1-6 <i>10 days imprisonment and/or \$50 fine</i> Docking cows’ tails. R.I. GEN. LAWS § 4-1-6.1 <i>1 year imprisonment and/or \$500 fine</i> Exemption: Veterinary practice. Cruelly transporting poultry. R.I. GEN. LAWS § 4-1-7 <i>15 days imprisonment and/or \$100 fine</i> Conducting a greasy pig contest constitutes animal cruelty under R.I. GEN. LAWS § 4-1-2. R.I. GEN. LAWS § 4-1-28
7. Cruel Hunting, Trapping, and Fishing	Destruction of nest or eggs. R.I. GEN. LAWS § 20-14-2 Prohibited methods of taking. R.I. GEN. LAWS § 20-16-6 Steel jawed leghold traps. R.I. GEN. LAWS § 20-16-8

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	Setting of traps. R.I. GEN. LAWS § 20-16-9 Prohibited methods of taking. R.I. GEN. LAWS § 20-14-7 Digging or smoking out animals; use of probes. R.I. GEN. LAWS § 20-16-16
REPORTING LAWS	
8. Cross Reporting	[None]
9. Veterinary Reporting	Any person entrusted with care and custody of an animal, including veterinarians and veterinary technicians shall report abandoned, neglected, or abused animals and shall be immune from civil suit. Failure to report can result in a fine of up to \$500. R.I. GEN. LAWS § 4-1-26.1 Any person entrusted with care and custody of an animal, including a licensed veterinarian or veterinary technician, 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
10. “Ag-Gag” Laws	[None]
CIVIL AND CIVILIAN INTERVENTION	
11. Emergency Rescue and Relief	Prohibition of confining animals in motor vehicles. R.I. GEN. LAWS § 4-1-3.2
12. Civil Enforcement	[None]
13. Domestic Violence and Protection Orders	Protection orders may provide for safety of household pets. R.I. GEN. LAWS § 15-15-3(a)(2)
CRIMINAL JUSTICE INTERVENTION	
14. Maximum Penalties and Statute of Limitations	NOTE: All penalties are defined in the substantive statutes, available in the General Cruelty, Animal Fighting, and Sexual Assault sections of this document. Classification of crimes.

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	R.I. GEN. LAWS § 11-1-2 Statute of Limitations. <i>Misdemeanor or felony: 3 years</i> R.I. GEN. LAWS § 12-12-17
15. Law Enforcement Policies	Any person violating animal cruelty laws may be arrested and held without a warrant. R.I. GEN. LAWS § 4-1-18 Any deputy sheriff, constable or police officer shall prosecute all cases of animal mistreatment. R.I. GEN. LAWS § 4-1-20 Humane agents may arrest offenders, serve search warrants and carry firearms. R.I. GEN. LAWS § 4-1-21 State veterinarian shall be made available to assist in animal fighting investigations. State veterinarian may request a warrant and enter premises for cruelty investigation purposes. 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 Law regarding treatment of dogs may be enforced by RISPCA special agents in cooperation with animal control officers and the department of environmental management. R.I. GEN. LAWS § 4-13-42
16. Seizure	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 Person making arrest for animal cruelty shall properly care and provide for the animals. R.I. GEN. LAWS § 4-1-18 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 Humane agents may take charge of any animals found neglected or abused.

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	R.I. GEN. LAWS §§ 4-1-22(a); 4-1-42(a) 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) The state veterinarian, the general/special agent for the RISPCA or duly sworn and authorized state or municipal law enforcement officer may lawfully take charge of any animal found abandoned or neglected. R.I. GEN. LAWS § 4-1.2-1 Summons must be issued requiring owner(s) or person(s) having responsibility for the care of the animal to appear in court not less than 14 days before the date of the hearing. R.I. GEN. LAWS § 4-1.2-2 If there is reasonable cause to find that the animal's condition requires that custody be immediately assumed to safeguard the animal's welfare, the court shall either order the state to be given temporary custody, or order the owner to show cause why not. R.I. GEN. LAWS § 4-1.2-3
17. Courtroom Animal Advocate Program	Veterinarians and agents from the RISPCA may act as animal advocates. The animal advocate shall 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
18. Restitution	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 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 Upon conviction, owner is charged with costs of care for animals seized. R.I. GEN. LAWS §§ 4-1-22(c); 4-1-42(c)

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	Any person convicted of cruelty to police animals, shall make full restitution for injuries sustained by the police animals. R.I. GEN. LAWS § 4-1-30.1(c) If the court orders the animal's temporary care away from the owner(s), the owner(s) shall either surrender ownership of the animal or post a surety or cash bond with the agency or person who has been given temporary custody of the animal. R.I. GEN. LAWS § 4-1.2-4 If the animal is forfeited any remaining balance from the bond shall be returned to the owner. R.I. GEN. LAWS § 4-1.2-5(d) If the court finds after hearing that the animal was not neglected or cruelly treated, any bond shall be returned to the owner. R.I. GEN. LAWS § 4-1.2-5(e) Costs of care shall be determined by calculating average of three (3) providers. R.I. GEN. LAWS § 4-1.2-5(f)
19. Forfeiture and Possession Bans	Upon conviction, animal may be forfeited. R.I. GEN. LAWS § 4-1-2(c) Animals seized from animal fighting exhibitions may be forfeited. R.I. GEN. LAWS § 4-1-13 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 Any animals seized by the RISPCA shall be forfeited to the RISPCA upon conviction. R.I. GEN. LAWS §§ 4-1-22(b); 4-1-42(b) If the owner fails to petition the court for custody of an animal seized by RISPCA and fails to pay costs of care, the RISPCA may petition the court for ownership to transfer to the RISPCA. R.I. GEN. LAWS § 4-1-22(j) Upon conviction, the court must 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

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	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) If the court orders the animal's temporary care away from the owner(s), the owner(s) shall either surrender ownership of the animal or post a surety or cash bond with the agency or person who has been given temporary custody of the animal. R.I. GEN. LAWS § 4-1.2-4 If, after a hearing the court finds the animal is neglected or cruelly treated, the animal may be forfeited. R.I. GEN. LAWS § 4-1.2-5(a),(b) If, after a hearing the court finds the animal was not neglected or cruelly treated, the court may order the animal returned to the owner. However, if the owner is unwilling or unable to care for the animal, the court may order the animal forfeited. R.I. GEN. LAWS § 4-1.2-5(c)
20. Rehabilitative Sentencing	If a person is convicted of unnecessary cruelty due to a hazardous accumulation of animals, the court shall consider whether the conduct was due to a mental disorder. R.I. GEN. LAWS § 4-1-3 Court may order a psychiatric evaluation and counseling, at offender's expense. R.I. GEN. LAWS § 4-1-36

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1. DEFINITION OF “ANIMAL”

R.I. GEN. LAWS § 4-1-1. 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.*
- (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 4-26-3(6), “adequate living conditions” shall mean a sanitary environment that 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 4-26-3(6) 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, 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.

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2. GENERAL CRUELTY

R.I. GEN. LAWS § 4-1-1. 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.
- (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 4-26-3(6), “adequate living conditions” shall mean a sanitary environment that 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 4-26-3(6) 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, 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. 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*

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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) *Any person who has been previously convicted of an offense provided for in chapter 1 of title 4 shall, upon conviction of a second or subsequent violation within a ten-year (10) period, be imprisoned for a period not exceeding six (6) years, or fined not less than five hundred dollars (\$500) and not exceeding five thousand dollars (\$5,000), or both. In addition, every person convicted under chapter 1 of title 4 of a second or subsequent offense shall be required to serve one hundred (100) hours of community restitution. The community restitution penalty shall not be suspended or deferred and is mandatory.*
- (c) *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 that animal pursuant to this section.*
- (d) *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. 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.*

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

- (a) *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.*
- (b) Any pound or animal shelter as defined under § 4-19-2, shall deem abandoned any animal impounded and not redeemed by its owner within ten (10) days of impoundment if such animal is wearing identification. Any animal impounded and not wearing identification shall be deemed abandoned if not redeemed by its owner within five (5) days of impoundment. Any animal deemed abandoned shall become the property of the impounding agency and may be adopted.
- (c) Any pound or animal shelter shall make a prompt and reasonable attempt to locate and notify the owner of the impounded animal, including scanning the animal for a microchip.

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R.I. GEN. LAWS § 4-1-43. Use of bullhooks or similar devices on elephants prohibited.

- (a) *Notwithstanding any other provision of law, any person who houses, possesses, or is in direct contact with an elephant utilized in a traveling show shall not:*
 - (1) *Use a bullhook, ankus, baseball bat, axe handle, pitchfork, or similar device designed to inflict pain for the purpose of training or controlling the behavior of an elephant; or*
 - (2) *Permit an employee, agent, or contractor to use a bullhook, ankus, baseball bat, axe handle, pitchfork, or similar device designed to inflict pain for the purpose of training or controlling the behavior of an elephant.*
- (b) *For purposes of this section “traveling show” means a circus, public show, trade show, photographic opportunity, carnival, city or county fair, ride, parade, race, performance or similar undertaking that involves transporting elephants from location to location or otherwise moves elephants away from a place of permanent residency for performance purposes. The term “traveling show” does not include the transportation of an elephant between nonprofit United States Department of Agriculture licensed sanctuaries for the purpose of providing lifetime care.*
- (c) *Any person who violates the provisions of this section shall be fined not more than five thousand dollars (\$5,000) per violation, or imprisoned for not more than one year, or by both such fine and imprisonment.*

R.I. GEN. LAWS § 4-13-1.2. Definitions.

- (1) *“Adequate shelter” means the provision of and access to shelter that is suitable for the species, age, condition, size, and type of each dog; provides sufficient space for the dog to maintain comfortable rest, normal posture, and range of movement; and is safe to protect each dog from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health. Shelters with wire grid or slat floors that permit the dog's feet to pass through the openings, sag under the dog's weight, or otherwise do not protect the dog's feet from injury, are not considered adequate shelter.*
- (2) *“Board” means the rabies control board.*
- (3) *“Department” means the department of environmental management or its successor.*
- (4) *“Director” means the director of the department of environmental management (or its successor), or his or her designee.*
- (5) *“Division” means the division of agriculture.*
- (6) *“Guardian” means a person(s) having the same rights and responsibilities as an owner or keeper, and the terms may 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.*
- (7) *“Livestock” means domesticated animals that are commonly held in moderate contact with humans which include, but are not limited to, cattle, bison, equines, sheep, goats, llamas, and swine.*
- (8) *“Owner or keeper” means any person or agency keeping, harboring, or having charge or control of or responsibility for control of an animal or any person or agency that permits any dog, cat, ferret, or*

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domestic animal to habitually be fed within that person's yard or premises. This term shall not apply to veterinary facilities, any licensed boarding kennel, municipal pound, pet shop, or animal shelter.

- (9) "Person" means an individual, firm, joint stock company, partnership, association, private or municipal corporation, trust, estate, state, commission, political subdivision, any interstate body, the federal government or any agency or subdivision of the federal government, other government entity, or other legal entity.
- (10) "Pets" means domesticated animals kept in close contact with humans, which include, but may not be limited to, dogs, cats, ferrets, equines, llamas, goats, sheep, and swine.
- (11) "Quarantine" means the removal, isolation, the close confinement, or related measures of an animal under conditions and for time periods that are set by regulation of the board.
- (12) "Tether" means the practice of fastening a dog to a stationary object or stake by a chain, rope, or other tethering device as a means of keeping the dog under control. A dog being walked on a leash is not tethered.

R.I. GEN. LAWS § 4-13-42. Care of dogs.

- (a) *It shall be a violation of this section for an owner or keeper to:*
 - (1) *Keep any dog on a permanent tether that restricts movement of the tethered dog to an area less than one hundred thirteen square feet (113 sq. ft.), or less than a six foot (6') radius at ground level.*
 - (2) *Tether a dog with a choke-type collar, head collar, or prong-type collar. The weight of any chain or tether shall not exceed one-eighth ($\frac{1}{8}$) of the dog's total body weight.*
 - (3) *Keep any dog tethered for more than ten (10) hours during a twenty-four- hour (24) period or keep any dog confined in an area or primary enclosure for more than fourteen (14) hours during any twenty-four- hour (24) period, and more than ten (10) hours during a twenty-four-hour (24) period, if the area is not greater than that which is required under the most recently adopted version of the department of environmental management's rules and regulations governing animal care facilities.*
 - (4) *Tether a dog anytime from the hours of ten o'clock p.m. (10:00 p.m.) to six o'clock a.m. (6:00 a.m.), except for a maximum of fifteen (15) minutes.*
 - (5) *Keep any dog outside, either tethered or otherwise confined, when the ambient temperature is beyond the industry standard for the weather safety scale as set forth in the most recent adopted version of the Tufts Animal Care and Condition Weather Safety Scale (TACC).*
- (b) *It shall be a violation of this section for an owner or keeper to fail to provide a dog with adequate feed, adequate water, or adequate veterinary care as those terms are defined in § 4-19-2; provided however, that adequate veterinary care may be provided by an owner using acceptable animal husbandry practices.*
- (c) *Exposing any dog to adverse weather conditions strictly for the purpose of conditioning shall be prohibited.*
- (d) The provisions of this section, as they relate to the duration and timeframe of tethering or confinement, shall not apply:
 - (1) If the tethering or confinement is authorized for medical reasons in writing by a veterinarian

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licensed in Rhode Island, the authorization is renewed annually, and shelter is provided;

- (2) If tethering or confinement is authorized in writing by an animal control officer, or duly sworn police officer assigned to the animal control division, for the purposes, including, but not limited to, hunting dogs, dogs protecting livestock, and sled dogs. Written authorization must be renewed annually. The written authorization issued by an animal control officer or duly sworn police officer assigned to the animal control division in the political subdivision of the state where the dogs are kept shall be considered valid in every other political subdivision of the state. The written authorization issued by an animal control officer or duly sworn police officer assigned to the animal control division in the political subdivision of the state where the dogs are kept is revocable by that animal control officer or police officer if there are any conditions present that warrant revocation. The conditions include, but are not limited to, changes in the number or type of dogs, changes in the facility structure or safety, and changes in the health of the dog;
 - (3) To any entity licensed by the state pursuant to chapter 19 of title 4, or any veterinary facility; or
 - (4) [Deleted by P.L. 2018, ch. 118, § 1 and P.L. 2018, ch. 198, § 1];
 - (5) [Deleted by P.L. 2018, ch. 118, § 1 and P.L. 2018, ch. 198, § 1];
 - (6) To an exhibitor holding a class C license under the Animal Welfare Act (7 U.S.C. § 2133) that are temporarily in the state, if authorized by the department of environmental management (DEM);
 - (7) [Deleted by P.L. 2018, ch. 118, § 1 and P.L. 2018, ch. 198, § 1].
- (e) *Any person in violation of this section shall be imprisoned not exceeding eleven (11) months, or fined not less than fifty dollars (\$50.00) nor exceeding five hundred dollars (\$500), or both. Each day of violation shall constitute a separate offense.*
- (f) General agents or special agents of the Rhode Island Society for the Prevention of Cruelty to Animals (RISPCA) are hereby authorized to enforce the provisions of this chapter in cooperation with animal control officers and the department of environmental management (DEM).

R.I. GEN. LAWS § 4-1-3.2. 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*

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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 § 4-19-2. Definitions.

As used in this chapter, chapter 13 of this title, and the regulations promulgated under this chapter:

- (1) *"Adequate feed" means the provision at suitable intervals, not to exceed twenty-four (24) hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. The foodstuff shall be served in a sanitized receptacle, dish, or container.*
- (2) *"Adequate veterinary care" means care by a licensed veterinarian sufficient to prevent the animal from experiencing unnecessary or unjustified physical pain or suffering.*
- (3) *"Adequate water" means a constant access to a sufficient supply of clean, fresh, potable water provided in a sanitary manner and provided at suitable intervals for the species to maintain the health of the animal(s) and not to exceed twenty-four (24) hours at any interval.*
- (4) *"Adopt" means when an adopting party voluntarily acquires and assumes responsibility for an animal from a releasing agency that is properly licensed or registered by the department.*
- (5) *"Adopting party" means any person who enters into a contract acquiring an animal from a releasing agency that is properly licensed or registered by the department.*
- (6) *"Ambient temperature" means the temperature surrounding the animal.*
- (7) *"Animal" means any dog or cat, rabbit, rodent, nonhuman primate, bird or other warm-blooded vertebrate, amphibian, fish, or reptile but shall not include horses, cattle, sheep, goats, swine, and domestic fowl.*
- (8) *"Animal rescue" or "rescue" means an entity, without a physical brick-and-mortar facility, that is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals intended for adoption.*
- (9) *"Animal shelter" means a brick-and-mortar facility that is used to house or contain animals and that is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.*
- (10) *"Breeder" means a person engaged in the propagation of purebred or crossbred dogs and/or cats for*

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the purpose of improving and enhancing a breed recognized and registered by the American Kennel Club, American Field Stud Book, a registered cat breed association, or for sale at wholesale or retail, unless otherwise exempted as a hobby breeder as defined below.

- (11) “Broker” means any third party who arranges, delivers, or otherwise facilitates transfer of ownership of animal(s), through adoption or fostering, from one party to another, whether or not the party receives a fee for providing that service and whether or not the party takes physical possession of the animal(s) at any point.
- (12) “Dealer” means any person who sells, exchanges, or donates, or offers to sell, exchange, or donate, animals to another dealer, pet shop, or research facility, or who breeds animals for the purpose of selling or donating to another dealer or pet shop or research facility.
- (13) “Director” means the director of environmental management of the state of Rhode Island.
- (14) “Dog officer” or “animal-control officer” means any person employed, contracted, or appointed by the state, or any political subdivision of the state, for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensing of dogs, cats, or other animals; the control of dogs, cats or other animals; or the seizure and impoundment of dogs, cats, or other animals and includes any state or municipal peace officer, animal-control officer, sheriff, constable, or other employee whose duties, in whole or in part, include assignments that involve the seizure or taking into custody of any dog, cat, or other animal.
- (15) “Euthanasia” means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness and death during that loss of consciousness.
- (16) “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.
- (17) “Hobby breeder” means those persons whose regular occupation is not the breeding and raising of dogs and cats and whose method of sale is at retail only. A hobby breeder shall not exceed the limits set forth in § 4-25-1(4). Any person who sells at retail a number in excess of the limits in the aforementioned section shall be considered a breeder.
- (18) “Housing facility” means any room, building, or area used to contain a primary enclosure or enclosures.
- (19) “Kennel” means a place or establishment, other than a pound, or animal shelter, or veterinary hospital that is housing animals during their treatment, where animals not owned by the proprietor are sheltered, fed, and watered in return for a fee. This definition shall not apply to the following
 - (i) Sheltering, feeding, and watering, in return for a fee, in a residential setting, of no more than four (4) animals, not owned by the proprietor, subject to any applicable municipal ordinances, that may be more restrictive.
 - (ii) Any entity that sells a dog or cat.
- (20) “Licensed releasing agency” means any animal shelter, animal-rescue, pound, animal-control officer, or broker that is required to be licensed or registered with the director pursuant to the provisions of this chapter and is so licensed or registered.
- (21) “Neuter” means to surgically render a male dog or cat unable to reproduce.
- (22) “Person” means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

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- (23) “Pet shop” means a temporary or permanent establishment where animals are bought, sold, exchanged, or offered for sale or exchange to the general public at retail. This shall not include an establishment or person whose total sales are the offspring of canine or feline females maintained on their premises and sold from those premises and does not exceed the limits set forth in § 4-25-1(4).
- (24) “Pound” or “dog pound” means a facility operated by a state, or any political subdivision of a state, for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals or a facility operated for that purpose under a contract with any municipal corporation or incorporated society for the prevention of cruelty to animals.
- (25) “Primary enclosure” or “enclosure” means the most proximal barrier to an animal that will have the intended purpose or effect of containment of that animal or that will effectively restrict the liberty of the animal.
- (26) “Public auction” means any place or location where dogs or cats are sold at auction to the highest bidder regardless of whether those dogs or cats are offered as individuals, as a group, or by weight.
- (27) “Research facility” means any place, laboratory, or institution at which scientific tests, investigations, or experiments, involving the use of living animals, are carried out, conducted, or attempted.
- (28) “Sanitize” means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health.
- (29) “Sexual maturity” means when a dog or cat reaches six (6) months. In all instances, the licensed, releasing agency or a licensed veterinarian will determine the age of the dog or cat.
- (30) “Spay” means to surgically render a female dog or cat unable to reproduce.
- (31) “State veterinarian” means a licensed veterinarian from the department of environmental management.
- (32) “Trainer” means those persons who actively engage in the application of behavior analysis using the environmental events of antecedents and consequences to modify the behavior of an animal, either for the animal to assist in specific activities or undertake particular tasks, or for the animal to participate effectively in contemporary domestic life, and who keep, board, or retain possession of the animal for at least one overnight period, with the exception of those persons engaged in these activities for dog training programs operated by government agencies and for dog training programs operated by government agencies and for dog training programs operated by a not-for-profit or exempt nonprofit organization pursuant to 26 U.S.C. § 501(c)(3) of the Internal Revenue Code.

R.I. GEN. LAWS § 4-19-11. Mistreatment of animals.

Failure of any person, firm, or corporation, licensed or registered, under the provisions of this chapter, to adequately house, feed, and water animals in his or her possession or custody, as delineated in any rules and regulations promulgated under the authority of this chapter, shall constitute a misdemeanor, and the person, firm, or corporation shall be subject to a fine of not more than one hundred dollars (\$100) per animal; and forfeiture of the animal(s); and revocation of license and/or certificate after a public hearing. Any animals that are suspected of being mistreated may be seized by the state veterinarian to ensure adequate welfare pursuant to § 4-1-31(f) with the cost of care for the aforementioned animals to be determined in the manner prescribed by that section.

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R.I. GEN. LAWS § 4-13-18. Destruction of dogs in defense of person or livestock.

Any person may kill any dog that suddenly assaults him or her or any person of his or her family or in his or her company, while the person assaulted is out of the enclosure of the owner or keeper of that dog and any person may kill any dog found out of the enclosure of its owner or keeper, assaulting, wounding, or killing any cattle, sheep, lamb, horse, hog, or fowl, not the property of its owner.

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3. ANIMAL FIGHTING

R.I. GEN. LAWS § 4-1-9. 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. 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. 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.

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4. SEXUAL ASSAULT

R.I. GEN. LAWS § 11-10-1. 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.

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5. CRUELTY TO WORKING ANIMALS

R.I. GEN. LAWS § 4-1-30.1. Cruelty to public safety—dogs and horses.

(a) As used in this section:

- (1) “Police canine” means any canine, and “police horse” means any horse that is owned or in the service of a law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, maintaining public order, or apprehension of offenders;
- (2) “Fire canine” means any canine that is owned or in the service of a fire department, a special fire district, or the state fire marshal for the principal purpose of aiding in the detection of flammable materials or the investigation of fires; and
- (3) “SAR canine” means any search and rescue canine that is owned or in the service of a fire department, a law enforcement agency, a special fire district, or the state fire marshal for the principal purpose of aiding in the detection of missing persons, including, but not limited to, persons who are lost; who are trapped under debris as the result of a natural, manmade, or technological disaster; or who are drowning victims.

(b) *Penalties:*

- (1) *Any person who intentionally and knowingly, without lawful cause or justification, causes great bodily harm, permanent disability, or death to, or uses a deadly weapon upon, a police canine, fire canine, SAR canine, or police horse commits a felony, 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 the civil action. In addition, any person convicted under this section shall be required to serve fifty (50) hours of community restitution. That community restitution penalty shall not be suspended or deferred and is mandatory.*
- (2) *Any person who actually and intentionally maliciously touches, strikes, or causes bodily harm to a police canine, fire canine, SAR canine, or police horse commits a misdemeanor and shall be punished by a fine of not more than one thousand dollars (\$1,000) or imprisonment of not more than one year, or both.*
- (3) *Any person who intentionally or knowingly maliciously harasses, teases, interferes with, or attempts to interfere with a police canine, fire canine, SAR canine, or police horse while the animal is in the performance of its duties commits a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500), or imprisonment of not more than one year, or both.*

(c) Except as provided in subsection (b)(1), any person convicted under this section shall make full restitution for injuries sustained by the police canine, fire canine, SAR canine, or police horse and shall pay the replacement cost of any dog or horse if that animal can no longer perform its public safety duties. Any canine that is owned by or employed by a law enforcement agency shall be exempt from restitution requirements of this subsection.

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6. LAWS SPECIFIC TO FARMED ANIMALS

Editor's Note: *This section does **not** contain all state or territorial laws regarding farmed animals. This section contains only criminal statutes with the primary purpose of preventing individual farmed animals from suffering unnecessary pain or suffering.*

R.I. GEN. LAWS § 4-1-6. Shearing of horses in winter.

No person shall cut, clip, or shear the hair or coating of any horse between October 15th and March 1st unless the necessity for the cutting, clipping, or shearing has been certified in writing and filed with the Rhode Island society for the prevention of cruelty to animals by a licensed graduate veterinarian. Any person violating this section shall, for each offense, be imprisoned not exceeding ten (10) days or be fined not exceeding fifty dollars (\$50.00), or both.

R.I. GEN. LAWS § 4-1-6.1. Operating upon tails of bovines prohibited.

- (a) *Any person who intentionally cuts or alters the bone, tissues, muscles or tendons of the tail of any bovine or otherwise operates upon it in any manner for the purpose or with the effect of docking, setting, or otherwise altering the natural carriage of the tail, or who knowingly permits the same to be done upon the premises of which he or she is the owner, lessee, proprietor or user, or who assists in or is voluntarily present at such cutting or alteration, is guilty of a misdemeanor, punishable by imprisonment for not more than one year, or by a fine of not more than five hundred dollars (\$500), or both. If any bovine is found with the bone, tissues, muscles or tendons of its tail cut or altered as aforesaid upon the premises or in the charge and custody of any person, and the wound resulting therefrom is unhealed, such fact may be evidence of a violation of this section by the owner or user of such premises, or the person having such charge or custody.*
- (b) *The provisions of subsection (a) of this section shall not apply to tail docking performed by a veterinarian for veterinary purposes, provided that the procedure is performed under the following conditions:*
 - (1) *The animal has been adequately anesthetized to minimize the animal's pain and suffering during the treatment or operation.*
 - (2) *The procedure is done in a way that minimizes the long-term pain and suffering resulting from the procedure.*
 - (3) *The veterinarian uses suitable instruments.*
 - (4) *The procedure is done under hygienic conditions.*
- (c) *The owner of any bovine with a docked tail who purchased the bovine in a state where tail docking is legal shall be exempt from prosecution under this section.*

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R.I. GEN. LAWS § 4-1-7. Live poultry containers.

Any crate or other container used for the purpose of transporting, shipping, or holding for sale any live poultry shall be in a sanitary condition and shall be constructed so as to provide sufficient ventilation and warmth and the poultry, while in that container, shall receive any reasonable care as may be required to prevent unnecessary suffering. Any person violating any provision of this section shall, for each offense, be imprisoned not exceeding fifteen (15) days or be fined not exceeding one hundred dollars (\$100), or both.

R.I. GEN. LAWS § 4-1-28. Greasy pig contests prohibited.

It is unlawful for any person, as defined in § 4-1-1, to conduct any greasy pig contest within the state. Any person violating this section is subject to the provisions of § 4-1-2.

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7. CRUEL HUNTING, TRAPPING, AND FISHING

Editor's Note: *This section does **not** contain all state or territorial laws regarding hunting, trapping, and fishing. This section contains only criminal statutes with the primary purpose of preventing individual wild animals from suffering unnecessary pain or suffering.*

R.I. GEN. LAWS § 20-14-2. Destruction of nest or eggs.

No person shall willfully disturb or destroy the nest or eggs of any wild bird, except pursuant to a program authorized by the director or for which a federal or state depredation permit has been issued.

R.I. GEN. LAWS § 20-16-6. Prohibited methods of taking.

No person shall erect, set, repair, maintain, or tend any snare, or spread any poison, for the purpose of catching or killing any animal, except within buildings located on land owned or occupied by him or her, unless specifically allowed by regulations adopted under § 20-1-12.

R.I. GEN. LAWS § 20-16-8. Trapping—steel jawed leghold traps.

- (a) No person shall use, set, place, or maintain or tend any steel-jawed, leghold trap to capture any furbearing mammal or other animal; provided, however, that any person may apply in writing to the director of the department of environmental management for a special permit to use a steel-jawed, leghold trap to be used on his or her property when there exists on his or her property an animal nuisance that cannot be reasonably abated except by the use of the trap.*
- (b) If the director determines that this nuisance exists on the property of the applicant that cannot be reasonably abated by means not prohibited by this section, the director may then issue a permit to the applicant, for a period not exceeding ninety (90) days, to use, set, place, maintain, or tend any steel-jawed, leghold traps that the director may deem necessary to eliminate the nuisance.*
- (c) Any person violating this section shall be punished by a fine not exceeding five hundred dollars (\$500) or be imprisoned not exceeding one year, or both, and his or her trapping license and privilege to trap shall be revoked for one year from the date of conviction.*

R.I. GEN. LAWS § 20-16-9. Setting of traps.

No trap shall be set by any person on the enclosed land of another without the written permission of the owner of the land. Every trap shall be placed in a hole, brush pile, stone wall, or other protected place, so situated as to be inaccessible to any domestic animal. No person setting a trap, or traps, shall fail to visit the traps at least once every twenty-four (24) hours. No traps shall be set, staked, or placed where furbearing

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animals might be found before the opening day and time of the trapping season established pursuant to § 20-1-12; all traps shall be removed by the last day of the season.

R.I. GEN. LAWS § 20-14-7. Prohibited methods of taking.

- (a) *No person shall hunt, pursue, take, or attempt to take, upland or migratory game birds over any area that has been baited.* For the purposes of this section a “baited area” is that on which salt, corn, wheat, or other grains have been scattered to lure, attract, or entice those birds to, on, or over, where hunters are attempting to take them and shall not be construed to include areas where corn, wheat, or other grains are scattered as the result of normal agricultural operations.
- (b) *No person shall hunt, pursue, take, or attempt to take migratory game birds by the use or aid of live birds as decoys.*
- (c) No person shall hunt, pursue, take, or attempt to take wild birds by the use of an electronically amplified recording of bird calls or sounds. However, this provision does not apply to crows.
- (d) *No person shall take, kill, or destroy any wild bird by means of any trap, snare, net, spring, crossbow, rifle, pistol, fishhook, poison, drug, explosive, or stupefying substance, nor shall any person construct, set, maintain, or repair any of these devices for the purpose of taking, killing, or destroying wild birds.*
- (e) No person shall shoot, or attempt to shoot, migratory game birds by means other than a shotgun of size ten (10) gauge or smaller, capable of holding three (3) or fewer shells, or a long bow (straight limb, reflex, recurve, and compound bow) and arrow.

R.I. GEN. LAWS § 20-16-16. Digging or smoking out animals—use of probes.

No person or persons shall remove, or attempt to remove, a live muskrat, raccoon, mink, otter, skunk, or fox from any hole in the ground, from any stone wall, from within any ledge or from under any stone, from any den or house, or from any hole in any log or tree by digging or smoking, or by probing with any wooden, metal, or other device. No person shall set a trap within eight feet (8') from a muskrat house. The provision of this section may be waived by the director on application by a landowner seeking to protect his or her property from nuisance furbearers.

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8. CROSS REPORTING

[None]

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9. VETERINARY REPORTING

R.I. GEN. LAWS § 4-1-26.1. Reports of abandoned, neglected or abused animals.

- (a) *Any Rhode Island licensed veterinarian, veterinarian technician, animal shelter, animal kennel, or other person entrusted with the care or custody of an animal shall report to any police department (local or state), animal control officials, or officers of private organizations devoted to the humane treatment of animals, the condition of any animal that the parties entrusted with care or custody of an animal knows, or reasonably believes, to be abandoned, as defined in § 4-1-26, neglected, or abused, and shall be immune from suit pursuant to the provisions of § 4-1-37. Any party who fails to report pursuant to this section shall be fined not exceeding five hundred dollars (\$500).*
- (b) *Nothing in this section shall be construed to impose a duty to further investigate observed or reasonably suspected animal abandonment, cruel neglect, or abuse.*

R.I. GEN. LAWS § 4-1-37. Immunity from suit.

Any person entrusted with the care and custody of an animal, including, but not limited to, any Rhode Island licensed veterinarian, veterinarian technician, animal shelter, or animal kellel [sic] shall be held harmless from either criminal or civil liability arising out of any reports, either oral or written, made to local 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 chapter.

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10. "AG-GAG" LAWS

[None]

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11. EMERGENCY RESCUE AND RELIEF

R.I. GEN. LAWS § 4-1-3.2. 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.*

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12. CIVIL ENFORCEMENT

[None]

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13. DOMESTIC VIOLENCE AND PROTECTION ORDERS

R.I. GEN. LAWS § 15-15-3. Protective orders—penalty—jurisdiction.

(a) *A person, or a parent, custodian, or legal guardian on behalf of a minor child or the director of the department of children, youth and families ("DCYF") or its designee for a child in the custody of DCYF, pursuant to §§ 40-11-7 and 40-11-7.1, suffering from domestic abuse or sexual exploitation as defined in § 15-15-1, may file a complaint in the family court requesting any order that will protect and support her or him from abuse or sexual exploitation, including, but not limited to, the following:*

- (1) Ordering that the defendant be restrained and enjoined from contacting, assaulting, molesting, sexually exploiting, or interfering with the plaintiff at home, on the street, or elsewhere, whether the defendant is an adult or a minor;
- (2) *Ordering the defendant to vacate the household immediately, and further providing in the order for the safety and welfare of all household animals and pets;*
- (3) Awarding the plaintiff custody of the minor children of the parties, if any;
- (4) Ordering the defendant to surrender physical possession of all firearms in his or her possession, care, custody, or control and shall further order a person restrained not to purchase or receive, or attempt to purchase or receive, any firearms while the protective order is in effect. The defendant shall surrender said firearms within twenty-four (24) hours of notice of the protective order to the Rhode Island state police or local police department or to a federally licensed firearms dealer.
 - (i) A person ordered to surrender possession of any firearm(s) pursuant to this section shall, within seventy-two (72) hours after being served with the order, either:
 - (A) File with the court a receipt showing the firearm(s) was physically surrendered to the Rhode Island state police or local police department, or to a federally licensed firearms dealer; or
 - (B) Attest to the court that, at the time of the order, the person had no firearms in his or her immediate physical possession or control, or subject to their immediate physical possession or control, and that the person, at the time of the attestation, has no firearms in their immediate physical possession or control, or subject to their immediate physical possession or control.
 - (ii) If a person restrained under this section transfers a firearm(s) to a federally licensed firearms dealer pursuant to this section, the person restrained under this section may instruct the federally licensed firearms dealer to sell the firearm(s) or to transfer ownership, in accordance with state and federal law, to a qualified named individual who is not a member of the person's dwelling house, who is not related to the person by blood, marriage, or relationship as defined by § 15-15-1(7), and who is not prohibited from possessing firearms under state or federal law. The owner of any firearm(s) sold shall receive any financial value received from its sale, less the cost associated with taking possession of, storing, and transferring of the firearm(s).
 - (iii) Every individual to whom ownership of a firearm(s) is transferred pursuant to this subsection shall be prohibited from transferring or returning any firearm(s) to the person restrained under this section while the protective order remains in effect and

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shall be informed of this prohibition, Any knowing violation of this subsection is a felony that shall be punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for a term of not less than one year and not more than five (5) years, or both.

- (iv) An individual to whom ownership of a firearm(s) is transferred pursuant to this subsection shall return a firearm(s) to the person formerly restrained under this section only if the person formerly restrained under this section provides documentation issued by a court indicating that the restraining order issued pursuant to this section that prohibited the person from purchasing, carrying, transporting, or possessing firearms has expired and has not been extended;
- (5) After notice to the respondent and a hearing, ordering either party to make payments for the support of a minor child or children of the parties as required by law for a period not to exceed ninety (90) days, unless the child support order is for a child or children receiving public assistance pursuant to chapter 5.1 of title 40. In these cases, legal counsel for the division of taxation, child support enforcement, shall be notified as a party in interest to appear for the purpose of establishing a child support order under a new or existing docket number previously assigned to the parties and not under the protective docket number. The child support order shall remain in effect until the court modifies or suspends the order.
- (b) After notice to the respondent and a hearing, which shall be held within fifteen (15) days of surrendering said firearms, the court, in addition to any other restrictions, may, for any protective order issued after or renewed on or after July 1, 2017, continue the order of surrender, and shall further order a person restrained under this section not to purchase or receive, or attempt to purchase or receive, any firearms while the protective order is in effect.
- (c) The family court shall provide a notice on all forms requesting a protective order that a person restrained under this section shall be ordered pursuant to § 11-47-5 to surrender possession of any firearms while the protective order is in effect. The form shall further provide that any person who has surrendered his or her firearms shall be afforded a hearing within fifteen (15) days of surrendering his or her firearms.
- (d) Any firearm surrendered in accordance with this section to the Rhode Island state police or local police department shall be returned to the person formerly restrained under this section upon his or her request when:
 - (1) The person formerly restrained under this section produces documentation issued by a court indicating that the restraining order issued pursuant to this section that prohibited the person from purchasing, carrying, transporting, or possessing firearms has expired and has not been extended; and
 - (2) The law enforcement agency in possession of the firearms determined that the person formerly restrained under this section is not otherwise prohibited from possessing a firearm under state or federal law.
 - (3) The person required to surrender their firearms pursuant to this section shall not be responsible for any costs of storage of any firearms surrendered pursuant to this section.
- (e) The Rhode Island state police are authorized to develop rules and procedures pertaining to the storage and return of firearms surrendered to the Rhode Island state police or local police departments pursuant to this section. The Rhode Island state police may consult with the Rhode Island Police Chiefs' Association in developing rules and procedures.

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- (f) Nothing in this section shall be construed to limit, expand, or in any way modify orders issued under § 12-29-7 or § 15-5-19.
- (g) Nothing in this section shall limit a defendant's right under existing law to petition the court at a later date for modification of the order.
- (h) The court shall immediately notify the person suffering from domestic abuse whose complaint gave rise to the protective order, and the law enforcement agency where the person restrained under this section resides, of the hearing.
- (i) The person suffering from domestic abuse, local law enforcement, and the person restrained under this section shall all have an opportunity to be present and to testify when the court considers the petition.
- (j) At the hearing, the person restrained under this section shall have the burden of showing, by clear and convincing evidence, that, if his or her firearm rights were restored, he or she would not pose a danger to the person suffering from domestic abuse or to any other person.
 - (1) In determining whether to restore a person's firearm rights, the court shall examine all relevant evidence, including, but not limited to: the complaint seeking a protective order; the criminal record of the person restrained under this section; the mental health history of the person restrained under this section; any evidence that the person restrained under this section has, since being served with the order, engaged in violent or threatening behavior against the person suffering from domestic abuse or any other person.
 - (2) If the court determines, after a review of all relevant evidence and after all parties have had an opportunity to be heard, that the person restrained under this section would not pose a danger to the person suffering from domestic abuse or to any other person if his or her firearm rights were restored, then the court may grant the petition and modify the protective order and lift the firearm prohibition.
 - (3) If the court lifts a person's firearms prohibition pursuant to this subsection, the court shall issue the person written notice that he or she is no longer prohibited under this section from purchasing or possessing firearms while the protective order is in effect.
- (k) The prohibition against possessing a firearm(s) due solely to the existence of a domestic violence restraining order issued under this section shall not apply with respect to sworn peace officers as defined in § 12-7-21 and active members of military service, including members of the reserve components thereof, who are required by law or departmental policy to carry departmental firearms while on duty or any person who is required by his or her employment to carry a firearm in the performance of his or her duties. Any individual exempted pursuant to this exception may possess a firearm only during the course of his or her employment. Any firearm required for employment must be stored at the place of employment when not being possessed for employment use; all other firearm(s) must be surrendered in accordance with this section.
- (l) Upon motion by the plaintiff, his or her address shall be released only at the discretion of the family court judge.
- (m)
 - (1) Any violation of the protective orders in subsection (a) of this section shall subject the defendant to being found in contempt of court.
 - (2) The contempt order shall not be exclusive and shall not preclude any other available civil or criminal remedies. Any relief granted by the court shall be for a fixed period of time not to exceed three (3) years, at the expiration of which time the court may extend any order, upon

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motion of the plaintiff, for any additional time, that it deems necessary to protect the plaintiff from abuse. The court may modify its order at any time upon motion of either party.

(n)

- (1) Any violation of a protective order under this chapter of which the defendant has actual notice shall be a misdemeanor that shall be punished by a fine of no more than one thousand dollars (\$1,000) or by imprisonment for not more than one year, or both.
- (2) The penalties for violation of this section shall also include the penalties as provided by § 12-29-5.

(o) Actual notice means that the defendant has received a copy of the order by service or by being handed a copy of the order by a police officer pursuant to § 15-15-5(d).

(p)

- (1) The district court shall have criminal jurisdiction over all adult violations of this chapter.
- (2) The family court shall have jurisdiction over all juvenile violations of this chapter.

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14. MAXIMUM PENALTIES AND STATUTE OF LIMITATIONS

NOTE: All penalties are defined in the substantive statutes, available in the General Cruelty, Animal Fighting, and Sexual Assault sections of this document.

R.I. GEN. LAWS § 11-1-2. 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 ANN. § 12-12-17. Statute of limitations.

- (a) There shall be no statute of limitations for the following offenses: treason against the state; any homicide, arson, first-degree arson, second-degree arson, third-degree arson, burglary, counterfeiting, forgery, robbery, rape, first-degree sexual assault, first-degree child molestation sexual assault, second-degree child molestation sexual assault, bigamy; manufacturing, selling, distribution, or possession with intent to manufacture, sell, or distribute, a controlled substance under the Uniform Controlled Substance Act, chapter 28 of title 21; or any other offense for which the maximum penalty provided is life imprisonment.
- (b) The statute of limitations for the following offenses shall be ten (10) years: larceny under § 11-41-2 (receiving stolen goods), § 11-41-3 (embezzlement and fraudulent conversion), § 11-41-4 (obtaining property by false pretenses or personation), § 11-41-11 (embezzlement by bank officer or employee), § 11-41-12 (fraudulent conversion by agent or factor), and § 11-41-13 (obtaining signature by false pretenses), or any larceny that is punishable as a felony; any violation of chapter 7 of title 11 (bribery); any violation of § 11-18-1 (giving false document to agent, employee, or public official); perjury; any violation of chapter 42 of title 11 (threats and extortion); any violation of chapter 15 of title 7 (racketeer influenced and corrupt organizations); any violation of chapter 57 of title 11 (racketeer violence); any violation of chapter 36 of title 6 (antitrust law); any violation of § 11-68-2 (exploitation of an elder); any violation of § 11-41-11.1 (unlawful appropriation); any violation of § 11-18-6 (false financial statement to obtain loan or credit); any violation of § 19-9-28 (false statement to obtain a loan); any violation of § 19-9-29 (bank fraud); or any violation of § 11-18-34 (residential mortgage fraud).
- (c) *The statute of limitations for any other criminal offense shall be three (3) years, unless a longer statute of limitations is otherwise provided for in the general laws.*

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- (d) Any person who participates in any offense, either as a principal accessory or conspirator, shall be subject to the same statute of limitations as if the person had committed the substantive offense.
- (e) The statute of limitations for any violation of chapter 18.9 of title 23 (refuse disposal), chapter 19 of title 23 (solid waste management corporation), chapter 19.1 of title 23 (hazardous waste management), chapter 12 of title 46 (water pollution), and chapter 13 of title 46 (public drinking water supply) shall be seven (7) years from the time that the facts constituting the offense or violation shall have become known to law enforcement authorities, unless a longer statute of limitations is otherwise provided for in the general laws.

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15. LAW ENFORCEMENT POLICIES

R.I. GEN. LAWS § 4-1-18. 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. 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. 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. 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*

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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 § 4-13-42. Care of dogs.

- (a) It shall be a violation of this section for an owner or keeper to:
 - (1) Keep any dog on a permanent tether that restricts movement of the tethered dog to an area less than one hundred thirteen square feet (113 sq. ft.), or less than a six foot (6') radius at ground level.
 - (2) Tether a dog with a choke-type collar, head collar, or prong-type collar. The weight of any chain or tether shall not exceed one-eighth ($\frac{1}{8}$) of the dog's total body weight.
 - (3) Keep any dog tethered for more than ten (10) hours during a twenty-four- hour (24) period or keep any dog confined in an area or primary enclosure for more than fourteen (14) hours during any twenty-four- hour (24) period, and more than ten (10) hours during a twenty-four- hour (24) period, if the area is not greater than that which is required under the most recently adopted version of the department of environmental management's rules and regulations governing animal care facilities.

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- (4) Tether a dog anytime from the hours of ten o'clock p.m. (10:00 p.m.) to six o'clock a.m. (6:00 a.m.), except for a maximum of fifteen (15) minutes.
- (5) Keep any dog outside, either tethered or otherwise confined, when the ambient temperature is beyond the industry standard for the weather safety scale as set forth in the most recent adopted version of the Tufts Animal Care and Condition Weather Safety Scale (TACC).
- (b) It shall be a violation of this section for an owner or keeper to fail to provide a dog with adequate feed, adequate water, or adequate veterinary care as those terms are defined in § 4-19-2; provided however, that adequate veterinary care may be provided by an owner using acceptable animal husbandry practices.
- (c) Exposing any dog to adverse weather conditions strictly for the purpose of conditioning shall be prohibited.
- (d) The provisions of this section, as they relate to the duration and timeframe of tethering or confinement, shall not apply:
 - (1) If the tethering or confinement is authorized for medical reasons in writing by a veterinarian licensed in Rhode Island, the authorization is renewed annually, and shelter is provided;
 - (2) If tethering or confinement is authorized in writing by an animal control officer, or duly sworn police officer assigned to the animal control division, for the purposes, including, but not limited to, hunting dogs, dogs protecting livestock, and sled dogs. Written authorization must be renewed annually. The written authorization issued by an animal control officer or duly sworn police officer assigned to the animal control division in the political subdivision of the state where the dogs are kept shall be considered valid in every other political subdivision of the state. The written authorization issued by an animal control officer or duly sworn police officer assigned to the animal control division in the political subdivision of the state where the dogs are kept is revocable by that animal control officer or police officer if there are any conditions present that warrant revocation. The conditions include, but are not limited to, changes in the number or type of dogs, changes in the facility structure or safety, and changes in the health of the dog;
 - (3) To any entity licensed by the state pursuant to chapter 19 of title 4, or any veterinary facility;
 - (4) [Deleted by P.L. 2018, ch. 118, § 1 and P.L. 2018, ch. 198, § 1];
 - (5) [Deleted by P.L. 2018, ch. 118, § 1 and P.L. 2018, ch. 198, § 1];
 - (6) To an exhibitor holding a class C license under the Animal Welfare Act (7 U.S.C. § 2133) that are temporarily in the state, if authorized by the department of environmental management (DEM);
 - (7) [Deleted by P.L. 2018, ch. 118, § 1 and P.L. 2018, ch. 198, § 1].
- (e) Any person in violation of this section shall be imprisoned not exceeding eleven (11) months, or fined not less than fifty dollars (\$50.00) nor exceeding five hundred dollars (\$500), or both. Each day of violation shall constitute a separate offense.
- (f) *General agents or special agents of the Rhode Island Society for the Prevention of Cruelty to Animals (RISPCA) are hereby authorized to enforce the provisions of this chapter in cooperation with animal control officers and the department of environmental management (DEM).*

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16. SEIZURE

R.I. GEN. LAWS § 4-1-12. 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 § 4-1-18. 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. 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. 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 and shall provide adequate care to 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 or guardian, if known.*

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- (b) Every owner or guardian, 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 or guardian. The Society has the authority to commence a civil action for damages against the owner or guardian 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. The written demand shall state that the failure to pay or make arrangements to pay for the care of that animal may result in forfeiture of ownership of the animal. The cost of the care and treatment that is billed to the owner or guardian shall be reasonable and related to equivalent services provided by veterinary care and animal sheltering, feeding, and boarding services in this state.
- (d) The owner or guardian of any animal that is in the charge of the Rhode Island Society for the Prevention of Cruelty to Animals pursuant to the authority granted in this section may, within sixty (60) days following the date that the society gives notice of the taking of possession of the animal, petition the district court for an order to return custody of the animal to the owner or guardian.
- (e) Upon the filing of the petition, the court shall cause a summons to be issued requiring an authorized representative of the Society for the Prevention of Cruelty to Animals to appear in court at the time and place named, which summons shall be served not less than fourteen (14) days before the date of the hearing.
- (f) At the hearing on the petition, the court shall consider:
 - (1) The animal's condition;
 - (2) The care required to maintain the animal safely and in an appropriate environment; and
 - (3) The ability of the petitioner to provide or arrange for the adequate care of the animal, including during the time any criminal charges related to or arising from the seizure are pending.
- (g) If, after hearing, the court finds that the owner or guardian of the animal has the ability to properly care for or arrange for the adequate care of the animal during the pendency of the criminal charges, the court may allow the owner or guardian of the animal to have or arrange for the adequate care, custody, and control of the animal pending the final determination of the related criminal charges subject to such restrictions and conditions as the court determines to be reasonable or necessary.
- (h) All issues will be decided upon a preponderance of the evidence.
- (i) In the event that the court orders an animal returned to the owner or guardian following the hearing, the owner or guardian will not be required to pay for the cost of care incurred prior to the date of the hearing unless and until such time as there has been a conviction, plea of guilty, or plea of nolo contendere, of abandonment, neglect, hazardous accumulation as defined in § 4-1-1, or otherwise cruel treatment in the related criminal proceeding.
- (j) In the event that the owner or guardian fails to petition for custody of the animal within sixty (60) days of notice of the taking or fails to pay within sixty (60) days of the written demand for payment, the Rhode Island Society for Prevention of Cruelty to Animals may petition the court for transfer of ownership of the animal to the Rhode Island Society for Prevention of Cruelty to Animals. If the owner or guardian fails to respond to the petition for transfer of ownership the court shall transfer

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ownership to the society.

R.I. GEN. LAWS § 4-1-42. 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 of 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.

R.I. GEN. LAWS § 4-1-31. 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

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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 § 4-1.2-1. Seizure of animals being cruelly treated.

- (a) *The RI state veterinarian, the general/special agent of the RI Society for the Prevention of Cruelty to Animals (RISPCA), or any duly sworn and authorized state or municipal law enforcement officer may lawfully take charge and possession of any animal found abandoned or neglected or hazardedly accumulated as defined in § 4-1-1, or in the opinion of that veterinarian, agent or officer is aged, maimed, disabled, lame, sick, diseased, injured, unfit for the labor it is performing, or cruelly treated, and may thereupon proceed to provide all necessary care and treatment required or take other appropriate action as determined by a licensed veterinarian.*
- (b) Any person authorized to seize an animal pursuant to this section must leave written notice on the property where the animal was seized within twenty-four (24) hours of the seizure. This notice must be left in a location where it is reasonably likely to be found and must include the name, address, telephone number, and signature of the person seizing the animal; the reason for seizing the animal; and the location where the seized animal is being kept pending any order pursuant to § 4-1.2-3. If the address of the animal owner is known, notification through certified mail with return receipt requested shall also be provided.

R.I. GEN. LAWS § 4-1.2-2. Notice of hearing.

Any authorized person making a seizure may file with a district court which has jurisdiction over such matter a verified petition plainly stating such facts as to bring such animal within the jurisdiction of the court and praying for appropriate action by the court in accordance with the provisions of this chapter. Upon the filing of such petition the court shall cause a summons to be issued requiring the owner(s) or person(s) having

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responsibility for the care of the animal, if known, to appear in court at the time and place named, which summons shall be served not less than fourteen (14) days before the date of the hearing. If the owner(s) or person(s) having responsibility for the care of the animal is not known, notice of the time and place of the hearing shall be given by publication in a newspaper having a circulation in the town in which such officer took charge of such animal not less than fourteen (14) days before the date of the hearing. Such court shall further give notice to the petitioner of the time and place of the hearing not less than fourteen (14) days before the date of the hearing.

R.I. GEN. LAWS § 4-1.2-3. Order for temporary care of seized animals.

- (a) *If it appears from the allegations of the petition and other affirmations of fact accompanying the petition, or provided subsequent thereto, that there is reasonable cause to find that the animal's condition or the circumstances surrounding its care require that its custody be immediately assumed to safeguard its welfare, the court shall either:*
- (1) Issue an order to the owner(s) or person(s) having responsibility for the care of the animal to show cause at such time as the court may designate why the court shall not vest in some suitable state, municipal or other public or private agency or person the animal's temporary care and custody pending a hearing on the petition; or*
 - (2) Issue an order vesting in some suitable state, municipal or other public or private agency or person, the animal's temporary care and custody, pending a hearing on the petition, which hearing shall be held within ten (1) days from the issuance of such order on the need for such temporary care and custody. The service of such orders may be made by any officer authorized by law to serve process, state police officer, indifferent person, or by certified mail with return receipt requested if the individual lives out of state.*

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17. COURTROOM ANIMAL ADVOCATE PROGRAM

R.I. GEN. LAWS § 4-1-31. 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.

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18. RESTITUTION

R.I. GEN. LAWS § 4-1-5. 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. 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. 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. 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 and shall provide adequate care to 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 or guardian, if known.
- (b) Every owner or guardian, 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

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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 or guardian. The Society has the authority to commence a civil action for damages against the owner or guardian 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. The written demand shall state that the failure to pay or make arrangements to pay for the care of that animal may result in forfeiture of ownership of the animal. The cost of the care and treatment that is billed to the owner or guardian shall be reasonable and related to equivalent services provided by veterinary care and animal sheltering, feeding, and boarding services in this state.*
- (d) The owner or guardian of any animal that is in the charge of the Rhode Island Society for the Prevention of Cruelty to Animals pursuant to the authority granted in this section may, within sixty (60) days following the date that the society gives notice of the taking of possession of the animal, petition the district court for an order to return custody of the animal to the owner or guardian.
- (e) Upon the filing of the petition, the court shall cause a summons to be issued requiring an authorized representative of the Society for the Prevention of Cruelty to Animals to appear in court at the time and place named, which summons shall be served not less than fourteen (14) days before the date of the hearing.
- (f) At the hearing on the petition, the court shall consider:
 - (1) The animal's condition;
 - (2) The care required to maintain the animal safely and in an appropriate environment; and
 - (3) The ability of the petitioner to provide or arrange for the adequate care of the animal, including during the time any criminal charges related to or arising from the seizure are pending.
- (g) If, after hearing, the court finds that the owner or guardian of the animal has the ability to properly care for or arrange for the adequate care of the animal during the pendency of the criminal charges, the court may allow the owner or guardian of the animal to have or arrange for the adequate care, custody, and control of the animal pending the final determination of the related criminal charges subject to such restrictions and conditions as the court determines to be reasonable or necessary.
- (h) All issues will be decided upon a preponderance of the evidence.
- (i) *In the event that the court orders an animal returned to the owner or guardian following the hearing, the owner or guardian will not be required to pay for the cost of care incurred prior to the date of the hearing unless and until such time as there has been a conviction, plea of guilty, or plea of nolo contendere, of abandonment, neglect, hazardous accumulation as defined in § 4-1-1, or otherwise cruel treatment in the related criminal proceeding.*
- (j) In the event that the owner or guardian fails to petition for custody of the animal within sixty (60) days of notice of the taking or fails to pay within sixty (60) days of the written demand for payment, the Rhode Island Society for Prevention of Cruelty to Animals may petition the court for transfer of ownership of the animal to the Rhode Island Society for Prevention of Cruelty to Animals. If the owner or guardian fails to respond to the petition for transfer of ownership the court shall transfer ownership to the society.

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R.I. GEN. LAWS § 4-1-42. 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 of 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.

R.I. GEN. LAWS § 4-1-30.1. Cruelty to public safety—dogs and horses.

- (a) As used in this section:
 - (1) "Police canine" means any canine, and "police horse" means any horse that is owned or in the service of a law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, maintaining public order, or apprehension of offenders;
 - (2) "Fire canine" means any canine that is owned or in the service of a fire department, a special fire district, or the state fire marshal for the principal purpose of aiding in the detection of flammable materials or the investigation of fires; and
 - (3) "SAR canine" means any search and rescue canine that is owned or in the service of a fire department, a law enforcement agency, a special fire district, or the state fire marshal for the principal purpose of aiding in the detection of missing persons, including, but not limited to, persons who are lost; who are trapped under debris as the result of a natural, manmade, or technological disaster; who are drowning victims.
- (b) Penalties:
 - (1) Any person who intentionally and knowingly, without lawful cause or justification, causes great bodily harm, permanent disability, or death to, or uses a deadly weapon upon, a police canine, fire canine, SAR canine, or police horse commits a felony, 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 the civil action. In addition, any person convicted under this section shall be required to serve fifty (50) hours of community restitution. That community restitution penalty shall not be

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suspended or deferred an[d] is mandatory.

- (2) Any person who actually and intentionally maliciously touches, strikes, or causes bodily harm to a police canine, fire canine, SAR canine, or police horse commits a misdemeanor and shall be punished by a fine of not more than one thousand dollars (\$1,000) or imprisonment of not more than one year, or both.
- (3) Any person who intentionally or knowingly maliciously harasses, teases, interferes with, or attempts to interfere with a police canine, fire canine, SAR canine, or police horse while the animal is in the performance of its duties commits a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500), or imprisonment of not more than one year, or both.
- (c) *Except as provided in subsection (b)(1), any person convicted under this section shall make full restitution for injuries sustained by the police canine, fire canine, SAR canine, or police horse and shall pay the replacement cost of any dog or horse if that animal can no longer perform its public safety duties. Any canine that is owned by or employed by a law enforcement agency shall be exempt from restitution requirements of this subsection.*

R.I. GEN. LAWS § 4-1.2-4. Posting of bond.

- (a) *If the court issues an order pursuant to § 4-1.2-3 vesting the animal's temporary care and custody in some suitable state, municipal or other public or private agency or person, the owner(s) shall either surrender ownership of the animal or post a surety bond or cash bond with the agency or person in whom the animal's temporary care and custody was vested. The surety bond or cash bond shall be in an amount sufficient to pay the reasonable expenses related to necessary veterinary care, shelter, feeding, and board which is reasonably anticipated to be incurred by the agency or person having temporary care and custody of the animal during the litigation of the process referenced in § 4-1.2-1.*
- (b) *The surety bond or cash bond shall cover the expenses for a period as decided by the court with subsequent bonds being necessary upon the expiration of the preceding bond until the animal is transferred, returned, or otherwise treated pursuant to § 4-1.2-5. Failure to post the original or subsequent bonds will result in forfeiture of the seized animals, with disposition as provided for pursuant to § 4-1.2-5.*

R.I. GEN. LAWS § 4-1.2-5. Disposition of seized animals.

- (a) If, a seized animal is forfeited or surrendered pursuant to § 4-1.2-4, or after hearing, the court finds that the animal is neglected or cruelly treated, it may transfer ownership of the animal in any state, municipal or other public or private agency which is permitted by law to care for neglected or cruelly treated animals or with any person found to be suitable or worthy of such responsibility by the court.
- (b) If, after hearing, the court finds that the animal is so injured or diseased the court may order the animal into the care of a licensed veterinarian to provide the animal with appropriate treatment.

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- (c) If, after hearing, the court finds that the animal is not neglected or cruelly treated, it may cause the animal to be returned to its owner(s) or person(s) having responsibility for its care or, if such owner(s) or person(s) is unknown or unwilling to resume caring for such animal, it may transfer ownership of the animal in any state, municipal or other public or private agency or person found to be suitable or worthy of such responsibility.
- (d) *If the court renders a final decision under subsection (a) or (b) of this section, the agency or person with whom the bond was posted shall return the balance, if any, of such bond to the owner(s). The amount of the bond to be returned to the owner(s) shall be calculated by dividing the amount of the bond by thirty (30) to establish the daily rate and subtracting the number of days less than thirty (30) that such agency or person has not had temporary care and custody of the animal.*
- (e) *If the court makes a finding pursuant to subsection (c) of this section after the issuance of an order of temporary care and custody pursuant to § 4-1.2-3 and the owner(s) of the animal has posted a bond pursuant to § 4-1.2-4(b), the agency or person with whom the bond was posted shall return all such bond(s) to such owner(s).*
- (f) *Unless the court finds that there was no probable cause to institute a complaint that the animal is not neglected or cruelly treated, the expense incurred by the state or municipality in providing proper food, shelter and care to an animal it has seized pursuant to this chapter and the expense incurred by any state, municipal or other public or private agency or person in providing temporary care and custody to animal pursuant to the provisions of this chapter shall be determined by calculating the average costs from three (3) providers of the necessary equivalent services related to the veterinary care, sheltering, feeding, and board in the state, which was provided to the animal.*

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19. FORFEITURE AND POSSESSION BANS

R.I. GEN. LAWS § 4-1-2. 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) Any person who has been previously convicted of an offense provided for in chapter 1 of title 4 shall, upon conviction of a second or subsequent violation within a ten-year (10) period, be imprisoned for a period not exceeding six (6) years, or fined not less than five hundred dollars (\$500) and not exceeding five thousand dollars (\$5,000), or both. In addition, every person convicted under chapter 1 of title 4 of a second or subsequent offense shall be required to serve one hundred (100) hours of community restitution. The community restitution penalty shall not be suspended or deferred and is mandatory.
- (c) *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 that animal pursuant to this section.*
- (d) 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 § 4-1-13. 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.

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R.I. GEN. LAWS § 4-1-14. 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. 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 and shall provide adequate care to 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 or guardian, if known.*
- (b) Every owner or guardian, 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 or guardian. The Society has the authority to commence a civil action for damages against the owner or guardian 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. The written demand shall state that the failure to pay or make arrangements to pay for the care of that animal may result in forfeiture of ownership of the animal. The cost of the care and treatment that is billed to the owner or guardian shall be reasonable and related to equivalent services provided by veterinary care and animal sheltering, feeding, and boarding services in this state.*
- (d) The owner or guardian of any animal that is in the charge of the Rhode Island Society for the Prevention of Cruelty to Animals pursuant to the authority granted in this section may, within sixty (60) days following the date that the society gives notice of the taking of possession of the animal, petition the district court for an order to return custody of the animal to the owner or guardian.
- (e) Upon the filing of the petition, the court shall cause a summons to be issued requiring an authorized representative of the Society for the Prevention of Cruelty to Animals to appear in court at the time and place named, which summons shall be served not less than fourteen (14) days before the date of the hearing.
- (f) At the hearing on the petition, the court shall consider:
 - (1) The animal's condition;
 - (2) The care required to maintain the animal safely and in an appropriate environment; and
 - (3) The ability of the petitioner to provide or arrange for the adequate care of the animal, including during the time any criminal charges related to or arising from the seizure are pending.
- (g) If, after hearing, the court finds that the owner or guardian of the animal has the ability

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to properly care for or arrange for the adequate care of the animal during the pendency of the criminal charges, the court may allow the owner or guardian of the animal to have or arrange for the adequate care, custody, and control of the animal pending the final determination of the related criminal charges subject to such restrictions and conditions as the court determines to be reasonable or necessary.

- (h) All issues will be decided upon a preponderance of the evidence.
- (i) In the event that the court orders an animal returned to the owner or guardian following the hearing, the owner or guardian will not be required to pay for the cost of care incurred prior to the date of the hearing unless and until such time as there has been a conviction, plea of guilty, or plea of nolo contendere, of abandonment, neglect, hazardous accumulation as defined in § 4-1-1, or otherwise cruel treatment in the related criminal proceeding.
- (j) *In the event that the owner or guardian fails to petition for custody of the animal within sixty (60) days of notice of the taking or fails to pay within sixty (60) days of the written demand for payment, the Rhode Island Society for Prevention of Cruelty to Animals may petition the court for transfer of ownership of the animal to the Rhode Island Society for Prevention of Cruelty to Animals. If the owner or guardian fails to respond to the petition for transfer of ownership the court shall transfer ownership to the society.*

R.I. GEN. LAWS § 4-1-42. 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 hazardedly 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 of 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.

R.I. GEN. LAWS § 4-1-40. 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 shall not possess or reside with any animal for a period of up to five (5) years following entry of the conviction or upon*

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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 shall 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. 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 § 4-1.2-4. Posting of bond.

- (a) *If the court issues an order pursuant to § 4-1.2-3 vesting the animal's temporary care and custody in some suitable state, municipal or other public or private agency or person, the owner(s) shall either surrender ownership of the animal or post a surety bond or case bond with the agency or person in whom the animal's temporary care and custody was vested. The surety bond or cash bond shall be in an amount sufficient to pay the reasonable expenses related to necessary veterinary care, shelter,*

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feeding, and board which is reasonably anticipated to be incurred by the agency or person having temporary care and custody of the animal during the litigation of the process referenced in § 4-1.2-1.

- (b) The surety bond or cash bond shall cover the expenses for a period as decided by the court with subsequent bonds being necessary upon the expiration of the preceding bond until the animal is transferred, returned, or otherwise treated pursuant to § 4-1.2-5. *Failure to post the original or subsequent bonds will result in forfeiture of the seized animals, with disposition as provided for pursuant to § 4-1.2-5.*

R.I. GEN. LAWS § 4-1.2-5. Disposition of seized animals.

- (a) *If, a seized animal is forfeited or surrendered pursuant to § 4-1.2-4, or after hearing, the court finds that the animal is neglected or cruelly treated, it may transfer ownership of the animal in any state, municipal or other public or private agency which is permitted by law to care for neglected or cruelly treated animals or with any person found to be suitable or worthy of such responsibility by the court.*
- (b) *If, after hearing, the court finds that the animal is so injured or diseased the court may order the animal into the care of a licensed veterinarian to provide the animal with appropriate treatment.*
- (c) If, after hearing, the court finds that the animal is not neglected or cruelly treated, it may cause the animal to be returned to its owner(s) or person(s) having responsibility for its care or, if such owner(s) or person(s) is unknown or unwilling to resume caring for such animal, it may transfer ownership of the animal in any state, municipal or other public or private agency or person found to be suitable or worthy of such responsibility.
- (d) If the court renders a final decision under subsection (a) or (b) of this section, the agency or person with whom the bond was posted shall return the balance, if any, of such bond to the owner(s). The amount of the bond to be returned to the owner(s) shall be calculated by dividing the amount of the bond by thirty (30) to establish the daily rate and subtracting the number of days less than thirty (30) that such agency or person has not had temporary care and custody of the animal.
- (e) If the court makes a finding pursuant to subsection (c) of this section after the issuance of an order of temporary care and custody pursuant to § 4-1.2-3 and the owner(s) of the animal has posted a bond pursuant to § 4-1.2-4(b), the agency or person with whom the bond was posted shall return all such bond(s) to such owner(s).
- (f) Unless the court finds that there was no probable cause to institute a complaint that the animal is not neglected or cruelly treated, the expense incurred by the state or municipality in providing proper food, shelter and care to an animal it has seized pursuant to this chapter and the expense incurred by any state, municipal or other public or private agency or person in providing temporary care and custody to animal pursuant to the provisions of this chapter shall be determined by calculating the average costs from three (3) providers of the necessary equivalent services related to the veterinary care, sheltering, feeding, and board in the state, which was provided to the animal.

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20. REHABILITATIVE SENTENCING

R.I. GEN. LAWS § 4-1-3. 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 § 4-1-36. 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.