

2019 -- H 6043

LC002232

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO PUBLIC SAFETY DOGS AND HORSES

Introduced By: Representatives Lima, Serpa, Slater, Diaz, and Mendez

Date Introduced: May 01, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 4-1-30 of the General Laws in Chapter 4-1 entitled "Cruelty to
2 Animals" is hereby repealed.

3 ~~**4-1-30. Cruelty to police animals.**~~

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

10 SECTION 2. Chapter 4-1 of the General Laws entitled "Cruelty to Animals" is hereby
11 amended by adding thereto the following section:

12 **4-1-30.1. Cruelty to public safety - Dogs and horses.**

13 (a) As used in this section:

14 (1) "Police canine" means any canine, and "police horse" means any horse, that is owned
15 or in the service of a law enforcement agency, for the principal purpose of aiding in the detection
16 of criminal activity, enforcement of laws, maintaining public order, or apprehension of offenders;

17 (2) "Fire canine" means any canine that is owned, or in the service of a fire department, a
18 special fire district, or the state fire marshal for the principal purpose of aiding in the detection of

1 flammable materials or the investigation of fires; and

2 (3) "SAR canine" means any search and rescue canine that is owned, or in the service of a
3 fire department, a law enforcement agency, a special fire district, or the state fire marshal, for the
4 principal purpose of aiding in the detection of missing persons, including, but not limited to,
5 persons who are lost, who are trapped under debris as the result of a natural, manmade, or
6 technological disaster or who are drowning victims.

7 (b) Penalties:

8 (1) Any person who intentionally and knowingly, without lawful cause or justification,
9 causes great bodily harm, permanent disability, or death to, or uses a deadly weapon upon, a
10 police canine, fire canine, SAR canine, or police horse commits a felony, shall be imprisoned not
11 exceeding five (5) years or be fined not exceeding one thousand dollars (\$1,000), and shall, in the
12 case of any animal of another, be liable to the owner of this animal for triple damages, to be
13 recovered by civil action. In addition, any person convicted under this section shall be required to
14 serve fifty (50) hours of community restitution. That community restitution penalty shall not be
15 suspended or deferred and is mandatory.

16 (2) Any person who actually and intentionally maliciously touches, strikes, or causes
17 bodily harm to a police canine, fire canine, SAR canine, or police horse commits a misdemeanor,
18 and shall be punished by a fine of not more than one thousand dollars (\$1,000) or imprisonment
19 of not more than one year, or both.

20 (3) Any person who intentionally or knowingly maliciously harasses, teases, interferes
21 with, or attempts to interfere with a police canine, fire canine, SAR canine, or police horse while
22 the animal is in the performance of its duties commits a misdemeanor, and shall be punished by a
23 fine of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500), or
24 imprisonment of not more than one year, or both.

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

30 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO PUBLIC
SAFETY DOGS AND HORSES

1 This act would provide special protection to public safety canines and horses that are
2 intentionally or maliciously subjected to cruelty, injuries, or death, by increasing the potential
3 criminal and civil penalties for the offenders.

4 This act would take effect upon passage.

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