

2015 -- H 5466

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY - CRUELTY TO ANIMALS

Introduced By: Representatives O'Brien, Palangio, Amore, Slater, and Casey

Date Introduced: February 12, 2015

Referred To: House Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 4-1-5 of the General Laws in Chapter 4-1 entitled "Cruelty to
2 Animals" is hereby amended to read as follows:

3 **4-1-5. Malicious injury to or killing of animals.** -- (a) Every person who cuts out the
4 tongue or otherwise maliciously dismembers any animal, ~~maliciously~~, or maliciously kills or
5 wounds any animal, or maliciously administers poison to or exposes any poisonous substance
6 with intent that the poison shall be taken or swallowed by any animal, or who maliciously
7 exposes poisoned meat with intent that the poison meat is taken or swallowed by any wild animal,
8 shall be imprisoned not exceeding ~~two (2)~~ five (5) years or be fined not exceeding one thousand
9 dollars (\$1,000), and shall, in the case of any animal of another, be liable to the owner of this
10 animal for triple damages, to be recovered by civil action. In addition, any person convicted under
11 this section is required to serve ten (10) hours of community restitution. The community
12 restitution penalty shall not be suspended or deferred and is mandatory.

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

15 (c) Every person who is convicted of or placed on probation for a violation of this
16 section, and is found to have committed said offense in the presence of a child as defined in
17 subsection (c)(2) of this section, shall be subject to a mandatory assessment of two hundred and
18 fifty dollars (\$250), in addition to other court costs or assessments imposed.

19 (1) For the purposes of this section, "child" means any individual under the age of sixteen

1 (16) who is the defendant's or victim's child or step-child or who is a minor child residing in or
2 visiting the household of the defendant or victim.

3 (2) For the purposes of this section, "in the presence of a child" means in the physical or
4 audible presence of a child or knowing or having reason to know that a child is present and may
5 see or hear an act constituting a violation of this section.

6 (3) The presence of a child must be established by means other than the child's testimony.
7 The presence of a child may be established by means including, but not limited to, police officer's
8 testimony, photographs, evidence of violence, excited utterances, 911 tape recordings or witness
9 testimony.

10 (4) The mandatory assessment fee shall be deposited as general revenue, and shall be
11 used to fund treatment for children exposed to acts of animal abuse.

12 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would increase the imprisonment penalty for a malicious injury to or killing of
2 an animal from not more than two (2) years to not more than five (5) years. In addition, it would
3 impose an additional assessment if it can be proven that the convicted person is found to have
4 committed said offense in the presence of a child.

5 This act would take effect upon passage.

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