

2018 -- S 2135 SUBSTITUTE A

LC004068/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS

Introduced By: Senators Ciccone, and Ruggerio

Date Introduced: January 23, 2018

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 4-1-2 and 4-1-40 of the General Laws in Chapter 4-1 entitled
2 "Cruelty to Animals" are hereby amended to read as follows:

3 **4-1-2. Overwork, mistreatment, or failure to feed animals -- Shelter defined.**

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

14 (b) Any person who has been previously convicted of an offense provided for in chapter
15 1 of title 4 shall, upon conviction of a second or subsequent violation within a ten (10) year
16 period, be imprisoned for a period not exceeding six (6) years, or fined not less than five hundred
17 dollars (\$500) and not exceeding five thousand dollars (\$5,000), or both. In addition, every
18 person convicted under chapter 1 of title 4 of a second or subsequent offense shall be required to
19 serve one hundred (100) hours of community restitution. The community restitution penalty shall

1 [not be suspended or deferred and is mandatory.](#)

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

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

9 **4-1-40. Possession of animals.**

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

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

24 SECTION 2. 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 ANIMALS

1 This act would increase the penalty for repeat convictions for animal cruelty to a
2 maximum of six (6) years imprisonment or a fine of up to five thousand dollars (\$5,000) and one
3 hundred (100) hours community restitution. This act would also provide that a person convicted
4 of an offense under Chapter 1 of Title 4, "Cruelty to Animals," would not be permitted to possess
5 an animal for a period of time after that conviction.

6 This act would take effect upon passage.

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