

2014 -- H 7099

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO ANIMALS & ANIMAL HUSBANDRY - CRUELTY TO ANIMALS

Introduced By: Representatives Shekarchi, Ackerman, E Coderre, Serpa, and Costa

Date Introduced: January 15, 2014

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

3 ~~4-1-40. Possession of animals. Penalty.~~ -- (a) In addition to any other penalty imposed
4 by law, a person convicted of, or who entered a plea of nolo contendere to, any misdemeanor
5 violation under the provisions of this chapter may, based on the discretion of the sentencing
6 judge, not possess or reside with any animal for a period of up to five (5) years following entry of
7 the conviction or upon acceptance of a plea of nolo contendere by the court. Any offense under
8 this subsection is a misdemeanor punishable by a fine of not more than one thousand dollars
9 (\$1,000), by imprisonment for a term not more than one year, or both, and forfeiture of the
10 animal(s).

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

18 (c) In all cases where the person has been convicted, pursuant to this chapter, the
19 sentencing judge may find that substantial and compelling circumstances exist. This finding may

1 [be based upon the character and background of the convicted person, and the extreme nature and](#)
2 [circumstances of the offense. When justified by those factors, the sentencing judge may impose a](#)
3 [more severe sentence than provided for in this chapter.](#)

4 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 authorize a sentencing judge to consider extreme circumstances when
- 2 determining a penalty for a person convicted of animal cruelty.
- 3 This act would take effect upon passage.

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