

2016 -- H 7392

=====  
LC004098  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

—————  
A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS

Introduced By: Representatives Serpa, O'Brien, Shekarchi, Craven, and Nardolillo

Date Introduced: January 28, 2016

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 4-1-2 and 4-1-3 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. --** (a)  
4           Whoever overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives  
5           of necessary sustenance, cruelly beats, mutilates or cruelly kills, or causes or procures to be so  
6           overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of  
7           necessary sustenance, cruelly beaten, mutilated or cruelly killed, any animal, and whoever,  
8           having the charge or custody of any animal, either as owner or otherwise, inflicts cruelty upon  
9           that animal, or willfully fails to provide that animal with proper food, drink, shelter or protection  
10          from the weather, shall, for each offense, be imprisoned not exceeding eleven (11) months, or be  
11          fined not less than fifty dollars (\$50.00) nor exceeding five hundred dollars (\$500), or both. [If the](#)  
12          [offense described in this section results in the death of the animal, the person shall be punished in](#)  
13          [the manner provided in §4-1-5.](#)

14               (b) Every owner, possessor, or person having charge of any animal may upon conviction  
15               of a violation of this section be ordered to forfeit all rights to ownership of the animal to the  
16               animal control officer of the city or town in which the offense occurred or to a humane society  
17               which owns and operates the shelter which provided the subject animal shelter subsequent to any  
18               confiscation of said animal pursuant to this section.

19               (c) Shelters means a structure used to house any animal which will provide sufficient

1 protection from inclement elements for the health and well being of the animal.

2 **4-1-3. Unnecessary cruelty.** -- (a) Every owner, possessor, or person having the charge  
3 or custody of any animal, who cruelly drives or works that animal when unfit for labor, or cruelly  
4 abandons that animal, or who carries that animal or who fails to provide that animal with  
5 adequate living conditions as defined in § 4-1-1, or causes that animal to be carried, in or upon  
6 any vehicle or otherwise in a cruel or inhuman manner, or willfully, intentionally, maliciously,  
7 recklessly, and/or knowingly authorizes or permits that animal to be subjected to unnecessary  
8 torture, suffering or cruelty of any kind, or who places or causes to have placed on any animal  
9 any substance that may produce irritation or pain, or that is declared a hazardous substance by the  
10 U.S. food and drug administration or by the state department of health, shall be punished for each  
11 offense in the manner provided in § 4-1-2. [If the offense described in this section results in the](#)  
12 [death of the animal, the person shall be punished in the manner provided in §4-1-5.](#)

13 (b) The substances proscribed by subsection (a) do not include any drug having curative  
14 and therapeutic effect for disease in animals and which is prepared and intended for veterinary  
15 use.

16 (c) University, college or hospital research facilities licensed and/or inspected by the  
17 U.S. Department of Agriculture or the U.S. Public Health Service of the department of health and  
18 human services shall be exempt from the provisions of subsection (a) provided that they are in  
19 good standing with the federal agency responsible for licensing or assurance of the facility.

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

=====  
LC004098  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- CRUELTY TO ANIMALS

\*\*\*

1           This act would provide that when a person overworks, mistreats, or otherwise treats an  
2 animal cruelly, and this conduct results in the death of the animal, then that person would be  
3 subject to punishment in the manner provided in §4-1-5. For purposes of understanding this  
4 amendment, the text of §4-1-5 is set forth below:

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

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

17           This act would take effect upon passage.

=====  
LC004098  
=====