

2014 -- H 7500

=====
LC004071
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

—————
A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY - CRUELTY TO ANIMALS

Introduced By: Representatives Shekarchi, Costantino, Ackerman, Serpa, and Costa

Date Introduced: February 13, 2014

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 4-1-22 and 4-1-31 of the General Laws in Chapter 4-1 entitled
2 "Cruelty to Animals" are hereby amended to read as follows:

3 **4-1-22. Care of neglected animals by society -- Forfeiture of owner's rights --**

4 **Expenses. --** (a) An officer or agent of the Rhode Island society for the prevention of cruelty to
5 animals may lawfully take charge of any animal found abandoned or neglected or which in the
6 opinion of that officer or agent is aged, maimed, disabled, lame, sick, diseased, injured, unfit for
7 the labor it is performing, or cruelly treated, and shall give notice to the owner, if known, or his
8 agents, and may provide suitable care.

9 (b) Every owner or agent, upon conviction, plea of guilty, or plea of nolo contendere, of
10 abandonment, neglect, or cruel treatment of any animal taken charge of by the Rhode Island
11 society for the prevention of cruelty to animals under this section, forfeits the rights to ownership
12 or control of that animal to the society for disposition in any manner deemed suitable for that
13 animal.

14 (c) Whenever any officer or agent of the Rhode Island society for the prevention of
15 cruelty to animals lawfully takes charge of any animal under this section, ~~the expense of suitable~~
16 ~~care of that animal, upon conviction of the owner of that animal for a violation of any section of~~
17 ~~this chapter, is charged against the owner or agent of the owner having custody of that animal at~~
18 ~~the time the officer or agent of the Rhode Island society for the prevention of cruelty to animals~~
19 ~~took charge of the animal. The Rhode Island society for the prevention of cruelty to animals has~~

1 ~~the authority to commence a civil action for damages against the owner or his or her agent thirty~~
2 ~~(30) days after a written demand for payment of the expense of the suitable care of that animal~~
3 ~~has been sent and no payment received.~~ all reasonable expenses for the care and treatment of the
4 animal(s), while in the custody of the society during this time, shall be paid for by the owner,
5 guardian, or his or her agent, upon conviction, plea of guilty, or plea of nolo contendere. The
6 society has the authority to commence a civil action for damages against the owner or his or her
7 agent thirty (30) days after a written demand for payment of the expense of the suitable care of
8 that animal has been sent and no payment has been received.

9 **4-1-31. Assignment of state veterinarian.** -- (a) Examination of fighting animals. - A
10 licensed veterinarian from the department of environmental management, shall be made available
11 to agents of the Rhode Island society for the prevention of cruelty to animals at the request of the
12 state police for the purpose of examining any animal which those agents believe to have been
13 involved in animal fighting in violation of section 4-1-2, 4-1-8, 4-1-9 or 4-1-11.

14 (b) Right of entry where cruelty suspected. - The director of the department of
15 environmental management or any veterinarian employed by the department of environmental
16 management designated by the director for such purpose, having reason to suspect the existence
17 of cruelty to animals within the meaning of this chapter upon any grounds or premises, is hereby
18 authorized and empowered to enter upon those grounds or premises for enforcement of the
19 provisions of this chapter. For such inspections, the department shall, unless a search without a
20 warrant is otherwise allowed by law, seek a search warrant from an official of a court authorized
21 to issue warrants.

22 (c) The director of the department of environmental management may designate a
23 department veterinarian or veterinarians to act as animal advocates. A general agent or special
24 agent from the Rhode Island society for the prevention of cruelty to animals may also act in that
25 capacity.

26 (d) The animal advocate shall make recommendations to any court before which the
27 custody or well-being of an animal is at issue.

28 (e) Any animal care facility licensed by the United States department of agriculture or
29 holding a public health service (PHS) assurance of compliance shall be exempt from the
30 provisions of this section.

31 (f) Right to seize animals that are the subject of cruel treatment. The director of
32 environmental management or any veterinarian employed by the department of environmental
33 management ("department") shall have the authority to examine any animal that is suspected of
34 being cruelly treated, mistreated, or neglected by its owner, guardian, or his or her agents in

1 violation of the provisions of chapter 4-1. Upon reasonable evidence to suggest that the subject
2 animal(s) has been cruelly treated, mistreated, or negligently treated by the owner, guardian, or
3 his or her agents, in violation of the provisions of chapter 4-1, the department may lawfully take
4 charge of that animal(s) and shall have the authority to seize said animal(s). Any animal(s) so
5 seized shall remain in the custody of the department during the pendency of any civil or criminal
6 investigation and remain in the custody of the department until the adjudication of the matter. All
7 reasonable expenses for the care and treatment of the animal(s), while in the custody of the
8 department during this time, shall be paid for by the owner, guardian, or his or her agent, upon
9 conviction, entry of a guilty plea, or a plea of nolo contendere. The department has the authority
10 to commence a civil action for damages against the owner, guardian, or his or her agent thirty
11 (30) days after written demand for payment of the expenses of the suitable care of that animal has
12 been sent and no payment received.

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

15 **4-1-42. Care of neglected animals by Department - Forfeiture of owner's rights -**
16 **Expenses.** – (a) The director of environmental management or any veterinarian employed by the
17 department of environmental management ("department") may lawfully take charge of any
18 animal found abandoned or neglected or which, in the opinion of the department is aged, maimed,
19 disabled, lame, sick, diseased, injured, unfit for the labor it is performing, or cruelly treated, and
20 shall give notice to the owner, if known, or his or her agents, and may provide suitable care.

21 (b) Every owner, guardian or agent, upon conviction, entry of a guilty plea or plea of nolo
22 contendere, of abandonment, neglect or cruel treatment of any animal taken charge of by the
23 department under this section, forfeits the right to ownership or control of that animal to the
24 department for disposition in any manner deemed suitable for that animal.

25 (c) Whenever the department lawfully takes charge of any animal under this section, all
26 reasonable expenses for the care and treatment of the animal(s), while in the custody of the
27 department during this time, shall be paid for by the owner, guardian, or his or her agent,
28 regardless of the disposition of the case. The department has the authority to commence a civil
29 action for damages against the owner or his or her agent thirty (30) days after written demand for
30 payment of the expense of the suitable care of that animal has been sent and no payment received.

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

=====
LC004071
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO ANIMALS AND ANIMAL HUSBANDRY - CRUELTY TO ANIMALS

1 This act would require those who are convicted or who plead to the charge of cruelty to
2 animals to be financially responsible for the cost of care for those animals while they are in the
3 care of the Society for the Prevention of Cruelty to Animals. It would also allow the department
4 of environmental management or a veterinarian employed by the department to take charge of
5 neglected or abandoned animals.

6 This act would take effect upon passage.

=====
LC004071
=====