

**Hall of the House of Representatives**  
84th General Assembly - Regular Session, 2003  
**Amendment Form**

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**Subtitle of House Bill No. 2188**

"AN ACT TO AMEND THE LAW REGARDING ANIMAL CRUELTY."

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**Amendment No. 1 to House Bill No. 2188.**

Amend House Bill No. 2188 as originally introduced:

Delete everything after the enacting clause and substitute the following:

“SECTION 1. Arkansas Code Title 5, Chapter 62, Subchapter 1 is amended to add additional sections to read as follows:

5-62-102. Aggravated cruelty to animals.

(a) A person commits the offense of aggravated cruelty to animals if he or she purposely tortures or starves any companion animal.

(b) Aggravated cruelty to animals is a Class D felony.

(c) Nothing in this section shall be construed as prohibiting conduct that is otherwise authorized by law or legal privilege, including, but not limited to:

(1) Protecting livestock and poultry under § 20-19-102; and

(2) Engaging in practices lawful under the Arkansas Veterinary Medical Practice Act, § 17-101-101 et seq.

(d) Nothing in this section shall be construed as prohibiting any person who knows or has reasonable cause to know that a stray or abandoned companion animal poses a threat to a person, companion animal, or domesticated animal as defined in § 20-19-102(a)(1) from taking protective action by killing the animal that poses the threat.

(e)(1) For purposes of this section, "companion animal" means any animal possessed by, cared for by, or in the custody of a person for the primary purpose of providing companionship or property protection, rather than for agricultural or business purposes.

(2) "Companion animal" includes any dog or cat whether or not the dog or cat is possessed by, cared for by, or in the custody of any person.

5-62-103. Mental health evaluation and counseling.

(a) In addition to all other penalties provided by law, if a person enters a plea of guilty or nolo contendere to, or is found guilty of, a violation of §§ 5-62-101 or 5-62-102, the court may order the defendant to undergo a psychiatric or psychological evaluation and psychiatric or psychological counseling or treatment.



(b) The cost of any evaluation, counseling, or treatment may be ordered paid by the defendant up to the jurisdictional limit of the court.

5-62-104. Disposition of abused animals.

(a) Upon the charge or arrest of any person for violating the provisions of §§ 5-62-101 or 5-62-102, any law enforcement officer, animal control officer, or agent of a society incorporated for the prevention of cruelty to animals may seize and take custody of all animals in the possession of the arrested person.

(b) If the person pleads guilty or nolo contendere to, or is found guilty of, violating §§ 5-62-101 or 5-62-102, the court may assign custody of the abused animal or animals to a society that is incorporated for the prevention of cruelty to animals.

5-62-105. Animal Research Excluded.

The provisions of §§ 5-62-101 through 5-62-104 do not apply to research and education activities conducted in accordance with the Animal Welfare Act, 7 U.S.C. § 2131 et seq. as it existed on January 1, 2003, or the Health Research Extension Act of 1985, Pub. L. No. 99-158 as it existed on January 1, 2003, or to research and education activities conducted at facilities that have in place institutional policies that provide assurance that the activities are conducted pursuant to the Animal Welfare Act or Health Research Extension Act of 1985.

SECTION 2. Arkansas Code § 20-19-102(a)(1) is amended to read as follows:

(a)(1) "Domesticated animals" includes, but is not limited to, sheep, goats, horses, cattle, swine, and poultry.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that adequate investigative, enforcement, and intervention resources will not be available for the identification of serious offenders and appropriate rehabilitative efforts unless the General Assembly recognizes, by the upgrading of extreme crimes against animals to the status of a felony, the seriousness of the threat against society posed by such violators. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

The Amendment was read \_\_\_\_\_

By: Representative Napper

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Chief Clerk