

ARKANSAS SENATE
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of Senate Bill No. 810

"AN ACT TO REPEAL ARKANSAS CODE §§ 5-62- 113 AND 5-62-114 CONCERNING
HUMANE SOCIETIES."

Amendment No. 1 to Senate Bill No. 810.

Amend Senate Bill No. 810 as originally introduced:

Page 1, delete line 10 and substitute the following:

"62-114 CONCERNING HUMANE SOCIETIES; CONCERNING ANIMALS; AND FOR OTHER"

AND

Page 1, delete line 16 and substitute the following:

"SOCIETIES; AND CONCERNING ANIMALS."

AND

Page 2, line three add the following:

"SECTION 2. 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 knowingly and intentionally tortures, mutilates, maims, burns, poisons, or starves any domesticated pet.

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

5-62-103. Lawful practices.

Nothing in this subchapter 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 as authorized by § 20-10-102; or

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

5-62-104. Animal research excluded.

This subchapter does not apply to research and education facilities:

(1) Licensed pursuant to the provisions of:

(A) The Animal Welfare Act, 7 U.S.C. 2131 et seq.; or



(B) The Health Research Extension Act of 1985, Public Law 99-158; or
(2) Which have an institutional animal care and use committee that reviews and approves research or maintenance protocols involving animals in the facility.

SECTION 3. Arkansas Code § 5-62-110 is amended to read as follows:
5-62-110. Definitions.

(a) As used in this act, unless the context otherwise requires:

(1) "Animal" or "dumb animal" includes every living creature means a domesticated living creature or wild living creature previously captured;

(2) "Torture", "torment", or "cruelty" include every act, omission, or neglect whereby unjustifiable physical pain, suffering, or death is caused or permitted;

(3) "Owner" and "person" include corporations as well as individuals.

(b) Nothing in this act shall be construed as prohibiting the ~~shooting~~ taking of birds, fish, or other game ~~for the purpose of human food.~~

SECTION 4. Arkansas Code § 20-19-102 is amended to read as follows:
20-19-102. Injuries to domesticated animals by dogs.

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

(2) Any person owning or having in possession or under control any dog shall be liable in damages to the owner or owners of any domesticated animals killed or injured by the dog in the full value of the domesticated animal killed or injured.

(b)(1) Any person engaged in raising domesticated animals or owning any domesticated animals who shall sustain any loss or damages to his or their domesticated animals by any dog shall have a right of action against the owner, person, or controller of the dog.

(2) Any person knowing that any dog has killed or is about to catch, injure, or kill any domesticated animal shall have the right to kill the dog, without in any way being liable to the owner of the dog in any courts of this state.

(3) Any person who knows, or has reasonable cause to know, that any animal is stray, abandoned, or diseased and may be a threat to his person or property shall have the legal privilege to kill such animal and shall be immune from judicial action both civil and criminal.

(c) The person sustaining loss or damage as mentioned in this section and desiring remuneration therefor may go before some justice of the peace of the county wherein the loss or damage occurred and make oath of the character of the loss or damage sustained, the value of the loss or damage, the dog or dogs, and the owner, possessor, or controller of the dog and file the same with the justice, who shall issue a summons stating the nature of the plaintiff's claim, the amount claimed, and the cost accrued, which shall be served and returned as in ordinary actions.

(d)(1) If the defendant shall pay to the officer serving the summons the amount of damages claimed, the costs endorsed, and a further fee to the officer of twenty-five cents (25¢) for making the return, the summons shall be returned satisfied, and no further proceedings had.

(2) If the defendant fails, neglects, or refuses to pay that amount, the justice shall try the cause as in other ordinary actions and give judgment in favor of plaintiff for the amount proved in the cause, for which the defendant may be liable by the provisions of this section.

(e) In a second suit and recovery by any plaintiff against the same defendant on account of killing or injury done by the same dog, the justice shall render judgment for double the amount of damages proven.

SECTION 5. Arkansas Code § 17-101-307, concerning acts that are exempt from the Arkansas Veterinary Medical Practice Act, is amended to add an additional subdivision to read as follows:

(10) A pet breeder, his or her consignees, and their employees from performing routine accepted management practices on animals belonging to the owner and produced for commerce.”

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator J. Jeffress
JDF/CDS - 031420030814
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Secretary