

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/21/03

A Bill

HOUSE BILL 2188

5 By: Representatives Napper, Mahony
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW REGARDING ANIMAL CRUELTY;
10 TO PROHIBIT AGGRAVATED ANIMAL CRUELTY; TO REQUIRE
11 PSYCHOLOGICAL EVALUATION AND COUNSELING FOR
12 PERSONS WHO COMMIT ANIMAL CRUELTY; TO PROVIDE FOR
13 THE CARE OF VICTIMS OF ANIMAL CRUELTY; AND FOR
14 OTHER PURPOSES.

Subtitle

16 AN ACT TO AMEND THE LAW REGARDING ANIMAL
17 CRUELTY.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 *SECTION 1. Arkansas Code Title 5, Chapter 62, Subchapter 1 is amended*
24 *to add additional sections to read as follows:*

25 *5-62-102. Aggravated cruelty to animals.*

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

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

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

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

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

35 *(d) Nothing in this section shall be construed as prohibiting any*
36 *person who knows or has reasonable cause to know that a stray or abandoned*



1 companion animal poses a threat to a person, companion animal, or
2 domesticated animal as defined in § 20-19-102(a)(1) from taking protective
3 action by killing the animal that poses the threat.

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

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

11
12 5-62-103. Mental health evaluation and counseling.

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

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

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21 5-62-104. Disposition of abused animals.

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

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

31
32 5-62-105. Animal Research Excluded.

33 The provisions of §§ 5-62-101 through 5-62-104 do not apply to research
34 and education activities conducted in accordance with the Animal Welfare Act,
35 7 U.S.C. § 2131 et seq. as it existed on January 1, 2003, or the Health
36 Research Extension Act of 1985, Pub. L. No. 99-158 as it existed on January

1 1, 2003, or to research and education activities conducted at facilities that
2 have in place institutional policies that provide assurance that the
3 activities are conducted pursuant to the Animal Welfare Act or Health
4 Research Extension Act of 1985.

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

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

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

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

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

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

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27 /s/ Napper, et al
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