

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: H3/19/03 H3/24/03

A Bill

HOUSE BILL 2248

5 By: Representative Blair
6 *By: Senator J. Jeffress*
7

For An Act To Be Entitled

10 *AN ACT CONCERNING CRUELTY TO ANIMALS AND RELATED*
11 *OFFENSES; CONCERNING ANIMAL MANAGEMENT PRACTICES;*
12 *AND FOR OTHER PURPOSES.*

Subtitle

14 *AN ACT CONCERNING CRUELTY TO ANIMALS AND*
15 *RELATED OFFENSES; AND CONCERNING ANIMAL*
16 *MANAGEMENT PRACTICES.*

17
18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 *SECTION 1. Arkansas Code § 5-62-101 is amended to read as follows:*

22 *5-62-101. Cruelty to animals.*

23 *(a) A person commits the offense of cruelty to animals if, except as*
24 *authorized by law, he or she knowingly:*

25 *(1) Abandons any animal;*

26 *(2) Subjects any animal to cruel mistreatment;*

27 *(3) Subjects any animal in his or her custody to cruel neglect;*

28 *or*

29 *(4) Kills or injures any animal belonging to another without*
30 *legal privilege or consent of the owner.*

31 *(b) Cruelty to animals is a Class A misdemeanor.*

32 ~~*(c)(1) In addition to all other penalties provided by law, the court*~~
33 ~~*may order any person found guilty of cruelty to animals to receive a*~~
34 ~~*psychiatric or psychological evaluation, and if determined appropriate,*~~
35 ~~*psychiatric or psychological counseling or treatment.*~~

36 ~~*(2) The cost of any evaluation, counseling, or treatment may be*~~



1 ~~ordered paid by the defendant up to the jurisdictional limit of the court.~~

2 ~~(d)(c)~~ If the person pleads guilty or nolo contendere to or is found
3 guilty of cruelty to animals, the court may assign custody of the abused
4 animal or animals to a society which is incorporated for the prevention of
5 cruelty to animals.

6
7 SECTION 2. Arkansas Code Title 5, Chapter 62, Subchapter 1 is amended
8 to add additional sections to read as follows:

9 5-62-102. Aggravated cruelty to a dog or cat.

10 (a) A person commits the offense of aggravated cruelty to a dog or cat
11 if he or she knowingly and intentionally tortures, mutilates, maims, burns,
12 poisons, or starves any dog or cat.

13 (b)(1) Aggravated cruelty to a dog or cat is a Class A misdemeanor.

14 (2) Any person who pleads guilty or nolo contendere to or is
15 found guilty of violating subsection (a) of this section for a second or
16 subsequent offense for conduct which occurred within the five (5) years
17 preceding the commission of the current offense shall be guilty of a Class D
18 felony.

19 (c)(1) In addition to all other penalties provided by law, the court
20 may order any person who pleads guilty or nolo contendere to or is found
21 guilty of violating subsection (a) or (b) of this section to receive a
22 psychiatric or psychological evaluation, and if determined appropriate,
23 psychiatric or psychological counseling or treatment.

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

26 (d) If the person pleads guilty or nolo contendere to or is found
27 guilty of aggravated cruelty to a dog or cat, the court may assign custody of
28 the abused animal or animals to a society which is incorporated for the
29 prevention of cruelty to animals.

30
31 5-62-103. Lawful practices.

32 Nothing in this subchapter shall be construed as prohibiting conduct
33 that is otherwise authorized by law or legal privilege including, but not
34 limited to:

35 (1) Protecting livestock and poultry as authorized by § 20-10-
36 102; or

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

3
4 5-62-104. Animal research excluded.

5 This subchapter does not apply to research and education facilities:

6 (1) Licensed pursuant to the provisions of:

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

8 (B) The Health Research Extension Act of 1985, Public Law
9 99-158; or

10 (2) Which have an institutional animal care and use committee
11 that reviews and approves research or maintenance protocols involving animals
12 in the facility.

13
14 SECTION 3. Arkansas Code § 5-62-110 is amended to read as follows:

15 5-62-110. Definitions.

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

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

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

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

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

27
28 SECTION 4. Arkansas Code §§ 5-62-113 through 5-62-114 are repealed.

29 ~~5-62-113. Authority to make arrests.~~

30 ~~The agents of any society which is incorporated for the prevention of~~
31 ~~eruelty to animals, upon being appointed by the president of the society in~~
32 ~~any county of this state, may, within the county, make arrests and bring~~
33 ~~before any court or magistrate having jurisdiction, any offenders found~~
34 ~~violating the provisions of this act.~~

35
36 ~~5-62-114. Authority to take charge of animals and vehicles of arrested~~

1 ~~person.~~

2 ~~When any person arrested is, at the time of arrest, in charge of any~~
3 ~~vehicle drawn by or containing any animal, any agent of a society for the~~
4 ~~prevention of cruelty to animals may take charge of the animal and the~~
5 ~~vehicle and its contents and deposit them in a safe place of custody, or~~
6 ~~deliver them into the possession of the police or sheriff of the county or~~
7 ~~place wherein the arrest was made, who shall thereupon assume the custody~~
8 ~~thereof.~~

9
10 SECTION 5. Arkansas Code § 20-19-102 is amended to read as follows:

11 20-19-102. Injuries to domesticated animals by dogs.

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

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

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

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

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

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

1 served and returned as in ordinary actions.

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

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

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

13
14 SECTION 6. Arkansas Code § 17-101-307, concerning acts that are exempt
15 from the Arkansas Veterinary Medical Practice Act, is amended to add an
16 additional subdivision to read as follows:

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

20
21 /s/ Blair
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36