

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: S3/17/03

A Bill

SENATE BILL 810

5 By: Senator J. Jeffress
6
7

For An Act To Be Entitled

9 AN ACT TO REPEAL ARKANSAS CODE §§ 5-62-113 AND 5-
10 62-114 CONCERNING HUMANE SOCIETIES; CONCERNING
11 ANIMALS; AND FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT TO REPEAL ARKANSAS CODE §§ 5-62-
14 113 AND 5-62-114 CONCERNING HUMANE
15 SOCIETIES; AND CONCERNING ANIMALS.
16
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code §§ 5-62-113 through 5-62-114 are repealed.

22 ~~5-62-113. Authority to make arrests.~~

23 ~~The agents of any society which is incorporated for the prevention of~~
24 ~~crueilty to animals, upon being appointed by the president of the society in~~
25 ~~any county of this state, may, within the county, make arrests and bring~~
26 ~~before any court or magistrate having jurisdiction, any offenders found~~
27 ~~violating the provisions of this act.~~
28

29 ~~5-62-114. Authority to take charge of animals and vehicles of arrested~~
30 ~~person.~~

31 ~~When any person arrested is, at the time of arrest, in charge of any~~
32 ~~vehicle drawn by or containing any animal, any agent of a society for the~~
33 ~~prevention of cruelty to animals may take charge of the animal and the~~
34 ~~vehicle and its contents and deposit them in a safe place of custody, or~~
35 ~~deliver them into the possession of the police or sheriff of the county or~~
36 ~~place wherein the arrest was made, who shall thereupon assume the custody~~



1 ~~thereof.~~

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

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

6 (a) A person commits the offense of aggravated cruelty to animals if
7 he or she knowingly and intentionally tortures, mutilates, maims, burns,
8 poisons, or starves any domesticated pet.

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

10
11 5-62-103. Lawful practices.

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

15 (1) Protecting livestock and poultry as authorized by § 20-10-
16 102; or

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

19
20 5-62-104. Animal research excluded.

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

22 (1) Licensed pursuant to the provisions of:

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

24 (B) The Health Research Extension Act of 1985, Public Law
25 99-158; or

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

29
30 SECTION 3. Arkansas Code § 5-62-110 is amended to read as follows:

31 5-62-110. Definitions.

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

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

36 (2) "Torture", "torment", or "cruelty" include every act,

1 omission, or neglect whereby unjustifiable physical pain, suffering, or death
2 is caused or permitted;

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

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

7
8 SECTION 4. Arkansas Code § 20-19-102 is amended to read as follows:

9 20-19-102. Injuries to domesticated animals by dogs.

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

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

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

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

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

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

36 (d)(1) If the defendant shall pay to the officer serving the summons

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

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

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

11

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

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

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/s/ J. Jeffress