

Hall of the House of Representatives
92nd General Assembly - Regular Session, 2019
Amendment Form

Subtitle of House Bill No. 1778

CONCERNING THE OFFENSE OF CRUELTY TO ANIMALS.

Amendment No. 1 to House Bill 1778

Amend House Bill No. 1778 as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 5-62-103 is amended to read as follows:
5-62-103. Offense of cruelty to animals.

(a) A person commits the offense of cruelty to animals if he or she knowingly:

- (1) Subjects any animal to cruel mistreatment;
- (2) Kills or injures any animal owned by another person without legal privilege or consent of the owner;
- (3) Abandons an animal at a location without providing for the animal's continued care;
- (4) Fails to supply an animal in his or her custody with a sufficient quantity of wholesome food and water;
- (5) Fails to provide an animal in his or her custody with adequate shelter that is consistent with the breed, species, and type of animal; or
- (6) Carries or causes to be carried in or upon any motorized vehicle or boat an animal in a cruel or inhumane manner.

(b) For purposes of this section, each alleged act of the offense of cruelty to animals committed against more than one (1) animal may constitute a separate offense.

(c) Any A person who pleads guilty or nolo contendere to or is found guilty of cruelty to animals is guilty of an unclassified misdemeanor and shall be:

(1) Fined no less than one hundred fifty dollars (\$150) and no more than one thousand dollars (\$1,000) or if the animal is a cat or a dog, fined no less than one hundred fifty dollars (\$150) but no more than two thousand five hundred dollars (\$2,500);

- (2) Either:
- (A) Imprisoned for no less than one (1) day and no more than one (1) year in jail; or
 - (B) Ordered to complete community service; and

(3)(A) Both:



(i) Ordered to complete a psychiatric or psychological evaluation; and
(ii) If determined appropriate, psychiatric or psychological counseling or treatment for a length of time prescribed by the court.

(B) The cost of any psychiatric or psychological evaluation, counseling, or treatment may be ordered paid by the person up to the jurisdictional limit of the court.

(d) Any A person who pleads guilty or nolo contendere to or is found guilty of the offense of cruelty to animals for a second offense occurring within five (5) years of a previous offense of cruelty to animals or of any other equivalent penal offense of another state or foreign jurisdiction is guilty of an unclassified misdemeanor and shall be:

(1) Fined no less than four hundred dollars (\$400) and no more than one thousand dollars (\$1,000) or if the animal is a cat or a dog, fined no less than one thousand dollars (\$1,000) but no more than two thousand five hundred dollars (\$2,500);

(2) Either:

(A) Imprisoned for no fewer than seven (7) days and no more than one (1) year; or

(B) Ordered to complete no fewer than thirty (30) days of community service; and

(3)(A) Both:

(i) Ordered to receive a psychiatric or psychological evaluation; and

(ii) If determined appropriate, ordered to receive psychiatric or psychological counseling or treatment for a length of time prescribed by the court.

(B) The cost of any psychiatric or psychological evaluation, counseling, or treatment may be ordered paid by the person up to the jurisdictional limit of the court.

(e)(1) Any A person who pleads guilty or nolo contendere to or is found guilty of the offense of cruelty to animals, and the animal is not a cat or a dog, for a third offense occurring within five (5) years of a previous offense of cruelty to animals or of any other equivalent penal offense of another state or foreign jurisdiction is guilty of an unclassified misdemeanor and shall be:

(1)(A) Fined no less than nine hundred dollars (\$900) and no more than one thousand dollars (\$1,000);

(2)(B) Either:

(A)(i) Imprisoned for no fewer than ninety (90) days and no more than one (1) year; or

(B)(ii) Ordered to complete no fewer than ninety (90) days of community service; and

(3)(A)(C)(i) Both:

(i)(a) Ordered to receive a psychiatric or psychological evaluation; and

(ii)(b) If determined appropriate, ordered to receive psychiatric or psychological counseling or treatment for a length of time prescribed by the court.

(B)(ii) The cost of any psychiatric or psychological evaluation, counseling, or treatment may be ordered paid by the person up to the jurisdictional limit of the court.

(2) A person who pleads guilty or nolo contendere to or is found guilty of the offense of cruelty to animals, and the animal is a cat or a dog, for a third offense occurring within five (5) years of a previous offense of cruelty to animals or of any other equivalent penal offense of another state or foreign jurisdiction is guilty of a Class D felony.

(f)(1) Any person who pleads guilty or nolo contendere to or is found guilty of cruelty to animals for a fourth or subsequent offense occurring within (5) five years of a previous offense of cruelty to animals or of any other equivalent penal offense of another state or foreign jurisdiction is guilty of a Class D felony and shall be:

(A) Ordered to receive a psychiatric or psychological evaluation; and

(B) If determined appropriate, ordered to receive psychiatric or psychological counseling or treatment for a length of time prescribed by the court.

(2) The cost of any psychiatric or psychological evaluation, counseling, or treatment may be ordered paid by the person.

(g)(1) For the sole purpose of calculating the number of previous offenses under subsections ~~(d), (e), and (f)~~ ~~(d)-(f)~~ of this section, all offenses that are committed against one (1) or more animals and as part of the same criminal episode are a single offense.

(2) As used in this section, "criminal episode" means an act that constitutes the offense of cruelty to animals that is committed by a person against one (1) or more animals within a period of twenty-four (24) hours."

The Amendment was read _____
By: Representative Sorvillo
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Chief Clerk