

INTERIM STUDY PROPOSAL 2019-033

1
2 State of Arkansas
3 92nd General Assembly
4 Regular Session, 2019

As Engrossed: H3/25/19

A Bill

HOUSE BILL 1778

5
6 By: Representative Sorvillo

7 Filed with: Arkansas Legislative Council
8 pursuant to A.C.A. §10-3-217.

9 **For An Act To Be Entitled**

10 AN ACT CONCERNING THE OFFENSE OF CRUELTY TO ANIMALS;
11 AND FOR OTHER PURPOSES.

12
13
14 **Subtitle**

15 CONCERNING THE OFFENSE OF CRUELTY TO
16 ANIMALS.

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

20
21 *SECTION 1. Arkansas Code § 5-62-103 is amended to read as follows:*

22 *5-62-103. Offense of cruelty to animals.*

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

25 *(1) Subjects any animal to cruel mistreatment;*

26 *(2) Kills or injures any animal owned by another person without*
27 *legal privilege or consent of the owner;*

28 *(3) Abandons an animal at a location without providing for the*
29 *animal's continued care;*

30 *(4) Fails to supply an animal in his or her custody with a*
31 *sufficient quantity of wholesome food and water;*

32 *(5) Fails to provide an animal in his or her custody with*
33 *adequate shelter that is consistent with the breed, species, and type of*
34 *animal; or*

35 *(6) Carries or causes to be carried in or upon any motorized*
36 *vehicle or boat an animal in a cruel or inhumane manner.*

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

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

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

11 (2) Either:

12 (A) Imprisoned for no less than one (1) day and no more
13 than one (1) year in jail; or

14 (B) Ordered to complete community service; and

15 (3)(A) Both:

16 (i) Ordered to complete a psychiatric or
17 psychological evaluation; and

18 (ii) If determined appropriate, psychiatric or
19 psychological counseling or treatment for a length of time prescribed by the
20 court.

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

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

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

33 (2) Either:

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

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

3 (3)(A) Both:

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

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

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

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

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

20 ~~(2)(B)~~ Either:

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

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

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

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

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

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

34 (2) A person who pleads guilty or nolo contendere to or is found
35 guilty of the offense of cruelty to animals, and the animal is a cat or a
36 dog, for a third offense occurring within five (5) years of a previous

1 offense of cruelty to animals or of any other equivalent penal offense of
2 another state or foreign jurisdiction is guilty of a Class D felony.

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

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

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

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

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

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

23
24 /s/Sorvillo

25
26
27 Referred by Representative Sorvillo

28 Prepared by: BPG/VJF
29
30
31
32
33
34
35
36