

**Hall of the House of Representatives**  
84th General Assembly - Regular Session, 2003  
**Amendment Form**

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**Subtitle of House Bill No. 2248**

"AN ACT TO ENHANCE THE PENALTY FOR THE OFFENSE OF CRUELTY TO ANIMALS  
COMMITTED AGAINST DOGS AND CATS ONLY."

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**Amendment No. 1 to House Bill No. 2248.**

Amend House Bill No. 2248 as originally introduced:

Delete the Title and substitute the following:

"AN ACT CONCERNING CRUELTY TO ANIMALS AND RELATED OFFENSES; CONCERNING ANIMAL  
MANAGEMENT PRACTICES; AND FOR OTHER PURPOSES."

AND

Delete the Subtitle and substitute the following:

"AN ACT CONCERNING CRUELTY TO ANIMALS AND RELATED OFFENSES; AND CONCERNING  
ANIMAL MANAGEMENT PRACTICES."

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 5-62-101 is amended to read as follows:  
5-62-101. Cruelty to animals.

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

- (1) Abandons any animal;
- (2) Subjects any animal to cruel mistreatment;
- (3) Subjects any animal in his or her custody to cruel neglect;

or

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

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

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

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

~~(d)~~(c) If the person pleads guilty or nolo contendere to or is found  
guilty of cruelty to animals, the court may assign custody of the abused



animal or animals to a society which is incorporated for the prevention of cruelty to animals.

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

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

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

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

(2) Any person who pleads guilty or nolo contendere to or is found guilty of violating subsection (a) or (b) of this section for a second or subsequent offense committed against a dog or cat and who within five (5) years previously plead guilty or nolo contendere to or been found guilty of violating subsection (a) of this section committed against a dog or cat shall be guilty of a Class D felony.

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

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

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

5-62-103. Lawful practices.

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

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

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

5-62-104. Animal research excluded.

This subchapter does not apply to research and education facilities:

(1) Licensed pursuant to the provisions of:

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

(B) The Health Research Extension Act of 1985, Public Law

99-158; or

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

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

5-62-110. Definitions.

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

(1) "Animal" ~~or "dumb animal"~~ includes every living creature means a domesticated living creature or wild living creature previously

captured;

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

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

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

SECTION 4. Arkansas Code §§ 5-62-113 through 5-62-114 are repealed.  
~~5-62-113. Authority to make arrests.~~

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

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

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

SECTION 5. Arkansas Code § 20-19-102 is amended to read as follows:  
20-19-102. Injuries to domesticated animals by dogs.

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

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

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

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

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

(c) The person sustaining loss or damage as mentioned in this section and desiring remuneration therefor may go before some justice of the peace of the county wherein the loss or damage occurred and make oath of the character of the loss or damage sustained, the value of the loss or damage, the dog or dogs, and the owner, possessor, or controller of the dog and file the same

with the justice, who shall issue a summons stating the nature of the plaintiff's claim, the amount claimed, and the cost accrued, which shall be served and returned as in ordinary actions.

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

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

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

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

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

The Amendment was read \_\_\_\_\_  
By: Representative Blair  
JDF/CDS - 031720031612  
CDS388

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Chief Clerk