

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Representative Madison

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For An Act To Be Entitled

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"AN ACT TO AMEND ARKANSAS CODE 5-62-101 CONCERNING CRUELTY
9 TO ANIMALS; AND FOR OTHER PURPOSES."

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Subtitle

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"AN ACT CONCERNING CRUELTY TO ANIMALS."

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14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

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"§ 5-62-101. Cruelty to animals.

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(a) A person commits the offense of cruelty to animals if, except as

19 authorized by law, he knowingly:

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(1) Abandons any animal;

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(2) Subjects any animal to cruel mistreatment;

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(3) Subjects any animal in his custody to cruel neglect;

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(4) *Kills or injures any animal belonging to another without*

24 *legal privilege or consent of the owner; or*

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(5) *Without legal privilege or consent of the owner, maliciously*

26 *kills or injures any companion animal.*

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(b) *It is a defense to prosecution under subsection (a) that the*

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person who killed or injured the animal did so in order to protect or

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preserve the person's family, property, or livestock.

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(c) The violation of (a)(1) - (4) is a Class A misdemeanor. Violation

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of (a)(5) is an unclassified misdemeanor punishable by a fine not to exceed

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two thousand five hundred dollars (\$2,500) or imprisonment not to exceed one

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(1) year or both. In addition, the judge may order anyone who violates

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(a)(5) to obtain professional counselling, the cost of which shall be borne

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by the offender."

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SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 5. EMERGENCY. It is hereby found and determined by the General Assembly that there has been a rapid increase in the cruel mistreatment and neglect of animals; it is further found that it has been shown that the abuse of animals often escalates into abuse of human beings, especially children; therefore, in order to protect the pets and other animals in the state of Arkansas, as well as the interests and welfare of its people, it is necessary to intervene and address these behaviors before they escalate further. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

/s/Rep. Madison

