

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Senator Mahony

# A Bill

SENATE BILL 766

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARK. CODE §§ 5-62-111, 5-62-112, AND 5-  
9 62-113 TO AUTHORIZE ADDITIONAL DISPOSITION BY THE COURT,  
10 INCLUDING ADOPTION, FOR ABUSED ANIMALS TAKEN INTO CUSTODY;  
11 AND FOR OTHER PURPOSES."

## Subtitle

14 "TO AUTHORIZE ADDITIONAL DISPOSITION FOR  
15 ABUSED ANIMALS TAKEN INTO CUSTODY."

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

19 SECTION 1. Arkansas Code Annotated § 5-62-111 is hereby amended to  
20 read as follows:

21 "5-62-111. Prevention of cruelty.

22 (a) Any officer, agent, or member of a society which is incorporated  
23 for the prevention of cruelty to animals may lawfully interfere to prevent  
24 the *perpetration of any act of cruelty upon any animal in his presence. Any*  
25 *law enforcement officer may lawfully interfere to prevent the perpetration of*  
26 *any act of cruelty to animals in his presence and may take charge of such*  
27 *animal and deposit it in a safe place of custody pending disposition by the*  
28 *court or magistrate having jurisdiction.*

29 (b) Any person who shall interfere with or obstruct any such officer,  
30 agent, or member in the discharge of his duty shall be guilty of a Class A  
31 misdemeanor."

33 SECTION 2. Arkansas Code Annotated § 5-62-112 is hereby amended to  
34 read as follows:

35 "5-62-112. Search warrant.

1           Upon complaint under oath or affirmation to any magistrate authorized  
2 to issue warrants in criminal cases that the complainant has any just and  
3 reasonable cause to suspect that any of the provisions of law relating to or  
4 in anywise affecting animals are being, or are about to be, violated in any  
5 particular building or place, the magistrate shall immediately issue and  
6 deliver a warrant to any person authorized by law to make arrests for such  
7 offenses authorizing him to enter and search such building or place, to take  
8 charge of such animals and deposit them in a safe place of custody pending  
9 disposition by the court or magistrate, to arrest any person there present  
10 found violating any of the laws and to bring that person before the nearest  
11 magistrate of competent jurisdiction, to be dealt with according to law."

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13           SECTION 3. Arkansas Code Annotated § 5-62-113 is hereby amended to  
14 read as follows:

15           "5-62-113. Authority to make arrests and disposition of animals.

16           (a) The agents of any society which is incorporated for the prevention  
17 of cruelty to animals, upon being appointed by the president of the society  
18 in any county of this state, may, within the county, make arrests, and bring  
19 before any court or magistrate having jurisdiction any offenders found  
20 violating the provisions of this act. *Any law enforcement officer may take*  
21 *charge of abused animals and place them in custody, and bring before any*  
22 *court or magistrate having jurisdiction.*

23           (b) An animal that is taken in custody under this subchapter may, in  
24 the discretion of the court or magistrate having jurisdiction, be retained  
25 for *any disposition, including adoption.*"

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27           SECTION 4. All provisions of this act of a general and permanent  
28 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
29 Code Revision Commission shall incorporate the same in the Code.

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31           SECTION 5. If any provision of this act or the application thereof to  
32 any person or circumstance is held invalid, such invalidity shall not affect  
33 other provisions or applications of the act which can be given effect without  
34 the invalid provision or application, and to this end the provisions of this  
35 act are declared to be severable.

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SECTION 6. All laws and parts of laws in conflict with this act are hereby repealed.

*/s/Mahony*

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