

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

As Engrossed: H1/19/01

# A Bill

HOUSE BILL 1180

5 By: Representative Wood  
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## For An Act To Be Entitled

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

### Subtitle

13 AN ACT TO AMEND ARKANSAS CODE 5-62-101  
14 REGARDING CRUELTY TO ANIMALS.  
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16

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

19 SECTION 1. Arkansas Code 5-62-101 is amended to read as follows:  
20 5-62-101. Cruelty to animals.

21 (a) (1) A person commits the offense of cruelty to animals in the first  
22 degree if, except as authorized by law, he knowingly ~~:-~~

23 ~~(1) Abandons any animal;:-~~

24 ~~(2) Subjects any animal to cruel mistreatment;:-~~

25 ~~(3) Subjects any animal in his custody to cruel neglect; or-~~

26 ~~(4) Kills or injures any animal belonging to another without~~  
27 ~~legal privilege or consent of the owner.:-~~

28 *tortures or mutilates* any domesticated animal.

29 ~~(b)(2)~~ Cruelty to animals in the first degree is a ~~Class A~~  
30 ~~misdeemeanor~~ Class D felony.

31 (b)(1) A person commits the offense of cruelty to animals in the second  
32 degree if he knowingly:

33 (A) Abandons any animal;

34 (B) Subjects any animal to cruel *mistreatment*;

35 (C) Subjects any animal in his custody to cruel neglect; or

36 (D) Kills or injures any animal belonging to another

1 without legal privilege or consent of the owner.

2 (2) Cruelty to animals in the second degree is a Class A  
3 misdeemeanor.

4 (c) If a person has plead guilty, nolo contendere, or been found guilty  
5 of cruelty to animals on two or more prior occasions, a third or subsequent  
6 offense of cruelty to animals shall be a Class D felony.

7 (d) In addition to all other penalties provided by law, the court may  
8 order any person found guilty of first or second degree cruelty to animals to  
9 receive a psychiatric or psychological evaluation, and if determined  
10 appropriate, psychiatric or psychological counseling or treatment.

11 (e) If the person pleads guilty, nolo contendere or is found  
12 guilty of cruelty to animals, the court may assign custody of the *abused*  
13 animal or animals to a society which is incorporated for the prevention of  
14 *cruelty to animals*.

15 (f) Nothing in this act shall be construed as prohibiting conduct that  
16 is otherwise authorized by law or legal privilege, including, but not limited  
17 to:

18 (1) Engaging in routine accepted livestock or poultry management  
19 practices or routine accepted animal husbandry practices;

20 (2) Protecting livestock and poultry as authorized by § 20-19-  
21 102;

22 (3) Engaging in conduct authorized by Amendment 35 of the  
23 Arkansas Constitution, Chapters 41 through 46 of Title 15 of the Arkansas  
24 Code, and Arkansas Game and Fish Commission regulations promulgated  
25 thereunder; and

26 (4) Engaging in the use of a humane method of destruction of an  
27 ill or injured animal for the purpose of ending the suffering of the animal.

28 (g) For purposes of this act, "domesticated animal" includes dogs,  
29 cats, horses, sheep, goats, cattle, swine, poultry, and any other animals that  
30 have been tamed by, or are in the custody of humans, based on individual  
31 instances and practice.

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33 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General  
34 Assembly of the State of Arkansas that each year there is an increasing number  
35 of dogs, cats and other animals subjected to cruel treatment and needless  
36 suffering, and the present law concerning cruelty to animals needs more

1 speci f i c i t y w i t h r e g a r d t o t h o s e a c t s a g a i n s t a n i m a l s w h i c h s u b j e c t p e r s o n s t o  
2 c r i m i n a l r e s p o n s i b i l i t y . T h e r e f o r e , a n e m e r g e n c y i s d e c l a r e d t o e x i s t a n d t h i s  
3 a c t b e i n g i m m e d i a t e l y n e c e s s a r y f o r t h e p r e s e r v a t i o n o f t h e p u b l i c p e a c e ,  
4 h e a l t h a n d s a f e t y s h a l l b e c o m e e f f e c t i v e o n t h e d a t e o f i t s a p p r o v a l b y t h e  
5 G o v e r n o r . I f t h e b i l l i s n e i t h e r a p p r o v e d n o r v e t o e d b y t h e G o v e r n o r , i t  
6 s h a l l b e c o m e e f f e c t i v e o n t h e e x p i r a t i o n o f t h e p e r i o d o f t i m e d u r i n g w h i c h  
7 t h e G o v e r n o r m a y v e t o t h e b i l l . I f t h e b i l l i s v e t o e d b y t h e G o v e r n o r a n d t h e  
8 v e t o i s o v e r r i d d e n , i t s h a l l b e c o m e e f f e c t i v e o n t h e d a t e t h e l a s t h o u s e  
9 o v e r r i d e s t h e v e t o .

10 /s/ Wood  
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