

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: H1/31/01

A Bill

HOUSE BILL 1431

5 By: Representatives Wood, Boyd, Lendall, Green, Bledsoe, Borhauer, Biggs, Haak, King
6 By: Senators Riggs, T. Smith, K. Smith, Argue
7

For An Act To Be Entitled

10 AN ACT TO AMEND ARKANSAS CODE 5-62-101 REGARDING
11 CRUELTY TO ANIMALS; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 AN ACT TO AMEND ARKANSAS CODE 5-62-101
16 REGARDING CRUELTY TO ANIMALS.
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

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

22 5-62-101. Cruelty to animals.

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

25 ~~(1) Abandons any animal;~~

26 ~~(2) Subjects any animal to cruel mistreatment;~~

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

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

29 ~~legal privilege or consent of the owner.~~

30 tortures any domesticated animal.

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

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

35 (A) Abandons any animal;

36 (B) Subjects any animal to cruel mistreatment;

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

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

3 without legal privilege or consent of the owner.

4 (2) Cruelty to animals in the second degree is a Class A

5 misdeemeanor.

6 (c) In addition to all other penalties provided by law, the court may

7 order any person found guilty of first or second degree cruelty to animals to

8 receive a psychiatric or psychological evaluation, and if determined

9 appropriate, psychiatric or psychological counseling or treatment.

10 (d) If the person pleads guilty, nolo contendere or is found guilty of

11 cruelty to animals, the court may assign custody of the abused animal or

12 animals to a society which is incorporated for the prevention of cruelty to

13 animals.

14 (e) Nothing in this act shall be construed as prohibiting conduct that

15 is otherwise authorized by law or legal privilege, including, but not limited

16 to:

17 (1) Engaging in routine accepted livestock, poultry, or

18 aquaculture management practices or routine accepted animal husbandry

19 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 (f) For purposes of this section:

29 (1) "Domesticated animal" includes dogs, cats, horses, sheep,

30 goats, cattle, swine, poultry, and any other animals that have been tamed by,

31 or are in the custody of humans, based on individual instances and practice;

32 and

33 (2) "Torture" means to inflict unnecessary and unjustifiably

34 severe pain or unnecessary and unjustifiably serious physical injury on a

35 domesticated animal.

36

1 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General
2 Assembly of the State of Arkansas that each year there is an increasing number
3 of dogs, cats and other animals subjected to cruel treatment and needless
4 suffering, and the present law concerning cruelty to animals needs more
5 specificity with regard to those acts against animals which subject persons to
6 criminal responsibility. Therefore, an emergency is declared to exist and this
7 act being immediately necessary for the preservation of the public peace,
8 health and safety shall become effective on the date of its approval by the
9 Governor. If the bill is neither approved nor vetoed by the Governor, it
10 shall become effective on the expiration of the period of time during which
11 the Governor may veto the bill. If the bill is vetoed by the Governor and the
12 veto is overridden, it shall become effective on the date the last house
13 overrides the veto.

/s/ Wood, et al.

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36