

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 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 1561

4
5 By: Representative Blair
6
7

For An Act To Be Entitled

8
9 AN ACT CONCERNING CRUELTY TO ANIMALS AND RELATED
10 OFFENSES; CONCERNING ANIMAL MANAGEMENT PRACTICES;
11 AND FOR OTHER PURPOSES.
12

Subtitle

13
14 AN ACT CONCERNING CRUELTY TO ANIMALS AND
15 RELATED OFFENSES; AND CONCERNING ANIMAL
16 MANAGEMENT PRACTICES.
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 5, Chapter 62, Subchapter 1 is amended
22 to add additional sections to read as follows:

23 5-62-102. Aggravated cruelty to a dog, cat, or horse.

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

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

29 (2) Any person who pleads guilty or nolo contendere to or is
30 found guilty of violating subsection (a) of this section for a second or
31 subsequent offense for conduct which occurred within the five (5) years
32 preceding the commission of the second or subsequent offense is guilty of a
33 Class D felony.

34 (c)(1) In addition to all other penalties provided by law, the court
35 may order any person who pleads guilty or nolo contendere to or is found
36 guilty of violating subsections (a) or (b) of this section to receive a



1 psychiatric or psychological evaluation, and if determined appropriate,
 2 psychiatric or psychological counseling or treatment.

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

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

9
 10 5-62-103. Exemptions.

11 (a) Nothing in this subchapter shall be construed to prohibit the
 12 following conduct:

13 (1) Protecting livestock and poultry as authorized by § 20-19-
 14 102; or

15 (2) Engaging in practices lawful under the Arkansas Veterinary
 16 Medical Practices Act, § 17-101-101 et seq.; or

17 (b) Nothing in this subchapter shall be construed to prohibit a pet
 18 breeder, his or her consignees, or his or her employees from performing
 19 routine accepted management practices on animals belonging to the pet breeder
 20 and produced for commerce.

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

25
 26 5-62-104. Animal research excluded.

27 This subchapter does not apply to research and education facilities:

28 (1) Regulated under the provisions of:

29 (A) The Animal Welfare Act, 7 U.S.C. 2131 et seq. as it
 30 existed on January 1, 2005; or

31 (B) The Health Research Extension Act of 1985, Pub. L. No.
 32 99-158; or

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

1 SECTION 2. Arkansas Code § 5-62-110 is amended to read as follows:
2 5-62-110. Definitions.

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

4 (1) "Animal" ~~or "dumb animal" includes every living creature~~
5 means a domesticated living creature or wild living creature previously
6 captured;

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

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

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

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15 SECTION 3. Arkansas Code § 5-62-113 is repealed.

16 ~~5-62-113. Authority to make arrests.~~

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

22
23 SECTION 4. Arkansas Code § 5-62-114 is amended to read as follows:

24 5-62-114. Authority to take charge of animals and vehicles of arrested
25 person.

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

34
35 SECTION 5. Arkansas Code § 20-19-102(a)(1), concerning injuries to
36 domesticated animals by dogs, is amended to read as follows:

1 20-19-102. Injuries to domesticated animals by dogs.

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

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