

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
4
5 By: Senator J. Jeffress

A Bill

SENATE BILL 1104

For An Act To Be Entitled

9 AN ACT TO ALLOW A PERSON WHO KNOWS, OR HAS
10 REASONABLE CAUSE TO KNOW, THAT AN ANIMAL IS
11 STRAY, ABANDONED, OR DISEASED AND MAY BE A THREAT
12 TO HIS OR HER PERSON OR PROPERTY, TO KILL THE
13 ANIMAL, AND THE PERSON SHALL BE IMMUNE FROM BOTH
14 CIVIL ACTION AND CRIMINAL PROSECUTION; AND FOR
15 OTHER PURPOSES.

Subtitle

18 TO ALLOW A PERSON TO KILL AN ANIMAL AND
19 BE IMMUNE FROM BOTH CIVIL ACTION AND
20 CRIMINAL PROSECUTION IF THAT ANIMAL IS
21 STRAY, ABANDONED, OR DISEASED AND MAY BE
22 A THREAT TO HIS OR HER PERSON OR
23 PROPERTY.

24
25
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

27
28 SECTION 1. Arkansas Code § 5-62-101 is amended to read as follows:
29 5-62-101. Cruelty to animals.

30 (a) A person commits the offense of cruelty to animals if, except as
31 authorized by law, he or she knowingly:

- 32 (1) Abandons any animal;
33 (2) Subjects any animal to cruel mistreatment;
34 (3) Subjects any animal in his or her custody to cruel neglect;

35 or

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



1 legal privilege or consent of the owner.

2 (b) If a person knows, or has reasonable cause to know, that an animal
 3 is stray, abandoned, or diseased and may be a threat to his or her person or
 4 property, the person may kill the animal and shall be immune from both civil
 5 action and criminal prosecution.

6 ~~(b)~~ (c) Cruelty to animals is a Class A misdemeanor.

7 ~~(e)-(1)~~ (d)(1) In addition to all other penalties provided by law, the
 8 court may order any person found guilty of cruelty to animals to receive a
 9 psychiatric or psychological evaluation, and if determined appropriate,
 10 psychiatric or psychological counseling or treatment.

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

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

17
 18 SECTION 2. Arkansas Code § 5-62-110(a)(1), concerning the definition
 19 of "animal", is amended to read as follows:

20 (1) ~~"Animal" or "dumb animal" includes every living creature~~
 21 means a domesticated or wild living creature under the care or control of any
 22 person when the care or control is outside the scope of activities regulated
 23 by the Arkansas State Game and Fish Commission;

24
 25 SECTION 3. Arkansas Code § 5-62-113 is amended to read as follows:

26 5-62-113. ~~Authority to make arrests~~ Agent of society – Training.

27 ~~(a)(1) The agents~~ An agent of any society ~~which is~~ incorporated for
 28 the prevention of cruelty to animals, upon being appointed by the president
 29 of the society in any county of this state, may, ~~within the county, make~~
 30 ~~arrests and~~ bring before any court or magistrate having jurisdiction, ~~any~~
 31 ~~offenders~~ any person found violating the provisions of ~~this act~~ §§ 5-62-110 –
 32 5-62-119 if the agent meets the training and certification requirements of
 33 subsection (b) of this section.

34 (2) An arrest made pursuant to §§ 5-62-110 – 5-62-119 shall be
 35 made by a certified law enforcement officer.

36 (b)(1) The Arkansas Law Enforcement Training Academy shall promulgate

1 rules concerning the proper training and certification of the agent described
 2 in subsection (a) of this section.

3 (2) Training requirements shall include a minimum of:

4 (A) Twenty (20) hours of basic animal health and animal
 5 husbandry; and

6 (B) Twenty (20) hours of legal training, including, but
 7 not limited to:

8 (i) Laws on search and seizure;

9 (ii) Warrants; and

10 (iii) Report writing.

11 (3) The costs of obtaining certification and training under this
 12 section shall be paid by the agent or society seeking to obtain the
 13 certification.

14 (4) An agent not trained and certified under this section by
 15 July 1, 2006, shall not act under the provisions of §§ 5-62-110 – 5-62-119.

16
 17 SECTION 4. Arkansas Code § 5-62-112 is amended to read as follows:
 18 5-62-112. Search warrant.

19 (a) Upon complaint under oath or affirmation to any magistrate or
 20 judge authorized to issue warrants in criminal cases that the complainant has
 21 any just and reasonable cause to suspect that any of the provisions of law
 22 relating to or ~~in anywise~~ affecting animals are being, or are about to be,
 23 violated in any particular building or place, the magistrate or judge shall
 24 immediately issue and deliver a warrant to any person authorized by law to
 25 make arrests for such offenses authorizing him or her to ~~enter~~:

26 (1) Enter and search ~~such the~~ building or place ~~and to arrest~~;

27 (2) Arrest any person there present found violating any of the
 28 laws and to bring; and

29 (3) Bring that person before the nearest magistrate or judge of
 30 competent jurisdiction, to be dealt with according to law.

31 (b) When serving a proper and valid search warrant pursuant to this
 32 section, an agent of a society for the prevention of cruelty to animals shall
 33 be accompanied by a certified law enforcement officer having jurisdiction and
 34 the search warrant shall actually be served by the certified law enforcement
 35 officer.

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