

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 86th General Assembly
3 Regular Session, 2007
4

A Bill

SENATE BILL 777

5 By: Senators Madison, J. Jeffress, Salmon, Whitaker, R. Thompson
6 By: Representatives Adcock, Webb, Saunders, Walters, Bond, L. Smith
7

For An Act To Be Entitled

10 AN ACT CONCERNING AGGRAVATED CRUELTY TO DOGS,
11 CATS, AND HORSES; AND FOR OTHER PURPOSES.
12

Subtitle

14 CONCERNING AGGRAVATED CRUELTY TO DOGS,
15 CATS, AND HORSES.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code Title 5, Chapter 62, Subchapter 1 is amended
21 to add an additional section to read as follows:

22 5-62-102. Aggravated cruelty to dogs, cats, and horses.

23 (a) A person commits the offense of aggravated cruelty to a dog, cat,
24 or horse if he or she knowingly:

25 (1) Tortures a dog, cat, or horse, or takes any other action for
26 the purpose of inflicting or prolonging pain upon the dog, cat, or horse;

27 (2)(A) Kills a dog, cat, or horse in an especially depraved
28 manner.

29 (B) As used in this subdivision (a)(2), "especially
30 depraved manner" means the person relishes the killing, evidencing debasement
31 or perversion, or shows an indifference to the suffering of the dog, cat, or
32 horse, evidencing a sense of pleasure in committing the killing;

33 (3) Fails to provide care sufficient to preserve the health and
34 well-being of a dog, cat, or horse in the person's possession, and the
35 failure to provide care results in the prolonged suffering or death of the
36 dog, cat, or horse; or



1 (4)(A) Subjects a dog, cat, or horse to physical injury or
2 trauma, including without limitation a fracture, cut, burn, puncture, or
3 other wound or illness produced by violence or by a thermal or chemical
4 agent, and the physical injury or trauma is committed in the immediate
5 presence of a minor.

6 (B) As used in this subdivision (a)(4), "immediate
7 presence" means the physical injury or trauma is knowingly committed in the
8 minor's physical presence and is seen or directly perceived in any other
9 manner by the minor.

10 (b) Aggravated cruelty to a dog, cat, or horse is a Class D felony.

11 (c)(1) In addition to any other penalty provided by law, a court shall
12 order any person who pleads guilty or nolo contendere to or is found guilty
13 of aggravated cruelty to a dog, cat, or horse to receive a psychiatric or
14 psychological evaluation, and if determined appropriate, psychiatric or
15 psychological counseling or treatment.

16 (2) The cost of any psychiatric or psychological evaluation,
17 counseling, or treatment may be ordered paid by the defendant up to the
18 jurisdictional limit of the court.

19 (d) If a person pleads guilty or nolo contendere to or is found guilty
20 of aggravated cruelty to a dog, cat, or horse, the court shall transfer
21 ownership of the abused animal to a society that is incorporated for the
22 prevention of cruelty to animals or to a municipal or county animal control
23 and care agency.

24 (e)(1) Except as provided in subdivision (e)(2) of this section, if a
25 person pleads guilty or nolo contendere to or is found guilty of aggravated
26 cruelty to a dog, cat, or horse, the person is prohibited from owning or
27 keeping any animal on any real property under his or her control for a period
28 of five (5) years from the date of the plea or finding of guilt.

29 (2)(A) Upon the petition of a person who demonstrates that his
30 or her financial livelihood is dependent upon an agricultural operation or a
31 farming operation, a court may grant an exception to the prohibition in
32 subdivision (e)(1) of this section for the owning or keeping of animals if
33 the court determines that the agricultural animals or farm animals are
34 essential to the operation and will not be at risk of abuse by the person.

35 (B) A court shall not grant an exception under subdivision
36 (e)(2)(A) of this section for the owning or keeping of a dog, cat, or horse.

1 (3) A violation of subdivision (e)(1) of this section is a Class
2 A misdemeanor.

3 (f) Nothing in this section shall be construed as prohibiting a person
4 from:

5 (1) Defending himself or herself or another person from physical
6 injury being imminently threatened or caused by an unconfined dog, cat, or
7 horse;

8 (2) Injuring or killing an unconfined dog, cat, or horse on the
9 person's property if the unconfined dog, cat, or horse is reasonably believed
10 to constitute an imminent threat of physical injury or damage to the person's
11 livestock or poultry;

12 (3) Conducting an activity for a lawful veterinary purpose;

13 (4) Rendering emergency care, treatment, or assistance to a dog,
14 cat, or horse that is abandoned, ill, injured, or in distress related to an
15 accident or disaster if the person rendering the care, treatment, or
16 assistance is:

17 (A) Acting in good faith;

18 (B) Not receiving compensation; and

19 (C) Acting as a reasonable and prudent person would act
20 under similar circumstances;

21 (5) Conducting a bona fide animal research activity at an
22 institution of higher education in the state or at a business entity that is
23 registered with the United States Department of Agriculture under the Animal
24 Welfare Act, 7 U.S.C. § 2131 et seq., as in effect on January 1, 2007, or
25 subject to any other federal law or regulation governing animal research as
26 in effect on January 1, 2007;

27 (6) Euthanizing a dog, cat, or horse as provided under the
28 definition of "euthanasia" under § 4-97-103; or

29 (7)(A) Humanely killing a dog, cat, or horse that is suffering
30 from an incurable or untreatable condition.

31 (B) As used in this subdivision (f)(7) of this section,
32 "humanely" means in a swift manner designed to limit the pain of the animal
33 as much as reasonably possible under the circumstances.

34 (g)(1) As used in this section, "horse" means any member of the family
35 Equidae.

36 (2) This section shall not be construed as categorizing a horse

1 as a pet, companion animal, or domesticated animal.

2
 3 SECTION 2. Arkansas Code § 5-62-113 is amended to read as follows:
 4 5-62-113. Authority to make arrests — Training and certification.

5 (a) Upon being appointed by the president of any society which is
 6 incorporated for the prevention of cruelty to animals in any county of this
 7 state and upon certification as an animal cruelty investigator as set forth
 8 in subsection (b) of this section, an agent of the society within the county
 9 may make arrests and bring before any court or magistrate having jurisdiction
 10 any offender found violating the provisions of this ~~section, §§ 5-62-110 —~~
 11 ~~5-62-112, and §§ 5-62-114 — 5-62-119~~ subchapter.

12 (b)(1) The Criminal Justice Institute shall promulgate rules
 13 concerning the training and certification requirements for an animal cruelty
 14 investigator described in subsection (a) of this section.

15 (2) Initial training requirements for an animal cruelty
 16 investigator shall include a minimum of:

17 (A) Twenty (20) hours on the basic health and husbandry of
 18 animals; and

19 (B) Twenty (20) hours on the legal aspects of animal
 20 cruelty investigation.

21 (3) Continuing training requirements for an animal cruelty
 22 investigator shall include a minimum of twelve (12) hours of continuing
 23 education each year on issues relevant to the enforcement of this subchapter.

24 (4) The costs of obtaining the training and certification for an
 25 animal cruelty investigator under this section shall be paid by the entity
 26 that seeks to obtain the certification as an animal cruelty investigator for
 27 its agent.

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 29 SECTION 3. NOT TO BE CODIFIED.

30 The requirement for certification as an animal cruelty investigator
 31 under § 5-62-113 shall become effective on July 1, 2008.