

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

As Engrossed: S3/15/07

A Bill

SENATE BILL 777

5 By: Senators Madison, J. Jeffress, Salmon, Whitaker, R. Thompson, *Argue*
6 By: Representatives Adcock, Webb, Saunders, Walters, Bond, L. Smith, *D. Johnson, Rosenbaum*
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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) Providing professional veterinary care as a licensed
13 veterinarian or his or her agent as defined by the Arkansas Veterinary
14 Medical Practices Act, § 17-101-101 et seq.;

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

19 (A) Acting in good faith;

20 (B) Not receiving compensation; and

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

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

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

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

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

36 (8) Performing accepted animal husbandry practices on a horse.

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

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5 SECTION 2. Arkansas Code § 5-62-113 is amended to read as follows:

6 5-62-113. Authority to make arrests — Training and certification.

7 (a)(1) Upon being appointed by the president of any society which is
8 incorporated for the prevention of cruelty to animals in any county of this
9 state and upon certification as an animal cruelty investigator as set forth
10 in subsection (b) of this section, an agent of the society within the county
11 may make arrests and bring before any court or magistrate having jurisdiction
12 any offender found violating the provisions of this section, §§ 5-62-110 —
13 5-62-112, and §§ 5-62-114 — 5-62-119 subchapter.

14 (2) When serving a warrant issued pursuant to this subchapter
15 for a felony offense under § 5-62-102, the certified animal cruelty
16 investigator shall be accompanied by a certified law enforcement officer, the
17 warrant shall be served by the certified law enforcement officer, and any
18 arrest made for a felony offense under § 5-62-102 shall be made by the
19 certified law enforcement officer.

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

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

25 (A) Twenty (20) hours on the basic health and husbandry of
26 animals; and

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

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

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

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1 SECTION 3. NOT TO BE CODIFIED.

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

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/s/ Madison