

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

SENATE BILL 280

5 By: Senator E. Williams  
6

## For An Act To Be Entitled

8 AN ACT PROHIBITING CRUELTY TOWARDS CERTAIN TYPES OF  
9 EQUINES UNDER THE CRIMINAL LAW; AND FOR OTHER  
10 PURPOSES.  
11

## Subtitle

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14 PROHIBITING CRUELTY TOWARDS CERTAIN TYPES  
15 OF EQUINES UNDER THE CRIMINAL LAW.  
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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 § 5-4-702(b), concerning enhanced penalties  
21 for offenses committed in the presence of a child, is amended to read as  
22 follows:

23 (b) Any person who commits the offense of aggravated cruelty to a dog,  
24 cat, or ~~horse~~ equine under § 5-62-104 may be subject to an enhanced sentence  
25 of an additional term of imprisonment not to exceed five (5) years if the  
26 offense is committed in the presence of a child.  
27

28 SECTION 2. Arkansas Code § 5-4-703(a)(16), concerning additional fines  
29 for offenses committed in the presence of a child, is amended to read as  
30 follows:

31 (16) Aggravated cruelty to a dog, cat, or ~~horse~~ equine, § 5-62-  
32 104; or  
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34 SECTION 3. Arkansas Code § 5-62-104 is amended to read as follows:

35 5-62-104. Offense of aggravated cruelty to a dog, cat, or ~~horse~~ equine  
36 - Definition.



1 (a) A person commits the offense of aggravated cruelty to a dog, cat,  
2 or ~~horse~~ equine if he or she knowingly tortures any dog, cat, or ~~horse~~  
3 equine.

4 (b) A person who pleads guilty or nolo contendere to or is found  
5 guilty of aggravated cruelty to a dog, cat, or ~~horse~~ equine:

6 (1) Shall be guilty of a Class D felony;

7 (2) May be ordered to perform up to four hundred (400) hours of  
8 community service; and

9 (3) Both:

10 (A) Ordered to receive a psychiatric or psychological  
11 evaluation; and

12 (B) If determined appropriate, ordered to receive  
13 psychiatric or psychological counseling or treatment for a length of time  
14 prescribed by the court.

15 (c) A person who pleads guilty or nolo contendere to or is found  
16 guilty of aggravated cruelty to a dog, cat, or ~~horse~~ equine for a subsequent  
17 offense occurring within five (5) years from a previous offense of aggravated  
18 cruelty to a dog, cat, or ~~horse~~ equine or of any other equivalent penal  
19 offense of another state or foreign jurisdiction is guilty of a Class C  
20 felony and shall be:

21 (1) Ordered to receive a psychiatric or psychological  
22 evaluation; and

23 (2) If determined appropriate, ordered to receive psychiatric or  
24 psychological counseling or treatment for a length of time prescribed by the  
25 court.

26 (d) The cost of any psychiatric or psychological evaluation,  
27 counseling, or treatment ordered under this section shall be paid by the  
28 person ordered to receive the psychiatric or psychological evaluation,  
29 counseling, or treatment.

30 (e) For purposes of this section, each alleged act of the offense of  
31 aggravated cruelty to a dog, cat, or ~~horse~~ equine committed against more than  
32 one (1) dog, cat, or ~~horse~~ equine may constitute a separate offense.

33 (f)(1) For the sole purpose of calculating the number of previous  
34 offenses under subsection (b) of this section, all offenses of aggravated  
35 cruelty to a dog, cat, or ~~horse~~ equine that are committed against one (1) or  
36 more dogs, cats, or ~~horses~~ equines, as part of the same criminal episode are

1 a single offense.

2 (2) As used in this section, “criminal episode” means an act  
 3 that constitutes the offense of aggravated cruelty to a dog, cat, or ~~horse~~  
 4 equine, committed by a person against one (1) or more dogs, cats, or ~~horses~~  
 5 equines within a period of twenty-four (24) hours.

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 7 SECTION 4. Arkansas Code § 5-62-106(d) and (e), concerning the  
 8 disposition of an animal, are amended to read as follows:

9 (d)(1) If a person pleads guilty or nolo contendere to or is found  
 10 guilty of either the offense of cruelty to animals, § 5-62-103, or the  
 11 offense of aggravated cruelty to a dog, cat, or ~~horse~~ equine, § 5-62-104, and  
 12 if that person is also the owner of the animal subject to the offense, the  
 13 court shall divest the person of ownership of the animal, and the court shall  
 14 either:

15 (A) Order the animal given to an appropriate place of  
 16 custody;

17 (B) Order the animal euthanized if the court decides that  
 18 the best interests of the animal or that the public health and safety would  
 19 be best served by euthanizing the animal based on the sworn testimony of a  
 20 licensed veterinarian or animal control officer; or

21 (C) Make any other disposition the court deems  
 22 appropriate.

23 (2) If a person pleads guilty or nolo contendere to or is found  
 24 guilty of either the offense of cruelty to animals, § 5-62-103, or the  
 25 offense of aggravated cruelty to a dog, cat, or ~~horse~~ equine, § 5-62-104, and  
 26 the person is not the owner of the animal subject to the offense, the court  
 27 shall order that the animal be returned to the owner, if practicable, or, if  
 28 not practicable, the court shall either:

29 (A) Order the animal given to an appropriate place of  
 30 custody;

31 (B) Order the animal euthanized if the court decides that  
 32 the best interests of the animal or that the public health and safety would  
 33 be best served by euthanizing the animal based on the sworn testimony of a  
 34 licensed veterinarian or animal control officer; or

35 (C) Make any other disposition the court deems  
 36 appropriate.

1 (e) The court shall order an animal seized under this section returned  
2 to the owner if the owner:

3 (1) Filed a petition under subsection (a) of this section;

4 (2) Paid all reasonable expenses incurred in caring for the  
5 animal; and

6 (3) Is found not guilty of the offense of cruelty to animals, §  
7 5-62-103, or the offense of aggravated cruelty to a dog, cat, or ~~horse~~  
8 equine, § 5-62-104, or the proceedings against the owner have otherwise  
9 terminated.

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11 SECTION 5. Arkansas Code § 5-62-107 is amended to read as follows:

12 5-62-107. Immunity for reporting cruelty to animals or aggravated  
13 cruelty to a dog, cat, or ~~horse~~ equine.

14 Except as provided in § 5-54-122, a person who in good faith reports a  
15 suspected incident of cruelty to animals, § 5-62-103, or aggravated cruelty  
16 to a dog, cat, or ~~horse~~ equine, § 5-62-104, to a local law enforcement agency  
17 or to the Department of Arkansas State Police is immune from civil and  
18 criminal liability for reporting the incident.

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20 SECTION 6. Arkansas Code § 5-62-111 is amended to read as follows:

21 5-62-111. Prevention of cruelty.

22 (a) A person may lawfully interfere to prevent the imminent or ongoing  
23 perpetration of any offense of cruelty to animals, § 5-62-103, or aggravated  
24 cruelty to a dog, cat, or ~~horse~~ equine, § 5-62-104, upon any animal in his or  
25 her presence.

26 (b) Upon a conviction, a person who knowingly interferes with or  
27 obstructs a person acting under subsection (a) of this section is guilty of a  
28 Class A misdemeanor.

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30 SECTION 7. Arkansas Code § 5-62-116 is amended to read as follows:

31 5-62-116. Diseased animals – Sale.

32 (a) Upon conviction, a person who knowingly sells or offers for sale,  
33 or uses, or exposes, or causes or procures to be sold or offered for sale, or  
34 used, or to be exposed, any ~~horse~~ equine or other animal having the disease  
35 known as “glanders” or “farcy” or any other contagious or infectious disease  
36 known to the person to be dangerous to human life, or that is diseased past

1 recovery, is guilty of a Class A misdemeanor.

2 (b)(1) Upon discovery or knowledge of the animal's condition, any  
3 animal having glanders or farcy shall be humanely killed by the owner or  
4 person having charge of the animal, or arrangements shall be made to have the  
5 animal euthanized.

6 (2) Upon conviction, an owner or person having charge of the  
7 animal and knowingly omitting or refusing to comply with this section is  
8 guilty of a Class A misdemeanor.

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10 SECTION 8. Arkansas Code § 5-62-126 is amended to read as follows:

11 5-62-126. Acts of God – Emergency conditions.

12 An owner of an animal or person in control of an animal is not guilty  
13 of either the offense of cruelty to animals, § 5-62-103, or the offense of  
14 aggravated cruelty to a dog, cat, or ~~horse~~ equine, § 5-62-104, if the owner  
15 of the animal or the person in control of the animal was reasonably precluded  
16 as the result of an act of God or emergency conditions from engaging in an  
17 act or omission that might prevent an allegation of the offense of cruelty to  
18 animals, § 5-62-103, or the offense of aggravated cruelty to a dog, cat, or  
19 ~~horse~~ equine, § 5-62-104.

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21 SECTION 9. Arkansas Code § 9-28-409(e)(3)(KK), concerning criminal  
22 record and child maltreatment checks, is amended to read as follows:

23 (K)(K) Offense of aggravated cruelty to a dog, cat, or  
24 ~~horse~~ equine, § 5-62-104;