

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1778

5 By: Representative Sorvillo
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE OFFENSE OF CRUELTY TO ANIMALS;
9 AND FOR OTHER PURPOSES.
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Subtitle

12 CONCERNING THE OFFENSE OF CRUELTY TO
13 ANIMALS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 5-62-103 is amended to read as follows:
20 5-62-103. Offense of cruelty to animals.

21 (a) A person commits the offense of cruelty to animals if he or she
22 knowingly:

23 (1) Subjects any animal to cruel mistreatment;

24 (2) Kills or injures any animal owned by another person without
25 legal privilege or consent of the owner;

26 (3) Abandons an animal at a location without providing for the
27 animal's continued care;

28 (4) Fails to supply an animal in his or her custody with a
29 sufficient quantity of wholesome food and water;

30 (5) Fails to provide an animal in his or her custody with
31 adequate shelter that is consistent with the breed, species, and type of
32 animal; or

33 (6) Carries or causes to be carried in or upon any motorized
34 vehicle or boat an animal in a cruel or inhumane manner.

35 (b) For purposes of this section, each alleged act of the offense of
36 cruelty to animals committed against more than one (1) animal may constitute



1 a separate offense.

2 (c)(1) ~~Any~~ A person who pleads guilty or nolo contendere to or is
 3 found guilty of cruelty to animals, and the animal is not a cat or dog, is
 4 guilty of an unclassified misdemeanor and shall be:

5 ~~(1)~~(A) Fined no less than one hundred fifty dollars (\$150)
 6 and no more than one thousand dollars (\$1,000);

7 ~~(2)~~(B) Either:

8 ~~(A)~~(i) Imprisoned for no less than one (1) day and
 9 no more than one (1) year in jail; or

10 ~~(B)~~(ii) Ordered to complete community service; and

11 ~~(3)~~(A)(C)(i) Both:

12 ~~(i)~~(a) Ordered to complete a psychiatric or
 13 psychological evaluation; and

14 ~~(ii)~~(b) If determined appropriate, psychiatric
 15 or psychological counseling or treatment for a length of time prescribed by
 16 the court.

17 ~~(B)~~(ii) The cost of any psychiatric or psychological
 18 evaluation, counseling, or treatment may be ordered paid by the person up to
 19 the jurisdictional limit of the court.

20 (2) A person who pleads guilty or nolo contendere to or is found
 21 guilty of cruelty to animals, and the animal is a cat or dog, is guilty of an
 22 unclassified misdemeanor and shall be:

23 (A) Fined no less than one thousand dollars (\$1,000) but
 24 less than five thousand dollars (\$5,000);

25 (B) Either:

26 (i) Imprisoned for no less than one (1) day and no
 27 more than one (1) year in jail; or

28 (ii) Ordered to complete community service; and

29 (C)(i) Both:

30 (a) Ordered to complete a psychiatric or
 31 psychological evaluation; and

32 (b) If determined appropriate, psychiatric or
 33 psychological counseling or treatment for a length of time prescribed by the
 34 court.

35 (ii) The cost of any psychiatric or psychological
 36 evaluation, counseling, or treatment may be ordered paid by the person up to

1 the jurisdictional limit of the court.

2 (d)~~(1)~~ Any A person who pleads guilty or nolo contendere to or is
 3 found guilty of the offense of cruelty to animals, and the animal is not a
 4 cat or a dog, for a second offense occurring within five (5) years of a
 5 previous offense of cruelty to animals or of any other equivalent penal
 6 offense of another state or foreign jurisdiction is guilty of an unclassified
 7 misdemeanor and shall be:

8 ~~(1)~~(A) Fined no less than four hundred dollars (\$400) and
 9 no more than one thousand dollars (\$1,000);

10 ~~(2)~~(B) Either:

11 ~~(A)~~(i) Imprisoned for no fewer than seven (7) days
 12 and no more than one (1) year; or

13 ~~(B)~~(ii) Ordered to complete no fewer than thirty
 14 (30) days of community service; and

15 ~~(3)~~(A)(C)(i) Both:

16 ~~(i)~~(a) Ordered to receive a psychiatric or
 17 psychological evaluation; and

18 ~~(ii)~~(b) If determined appropriate, ordered to
 19 receive psychiatric or psychological counseling or treatment for a length of
 20 time prescribed by the court.

21 ~~(B)~~(ii) The cost of any psychiatric or psychological
 22 evaluation, counseling, or treatment may be ordered paid by the person up to
 23 the jurisdictional limit of the court.

24 (2) A person who pleads guilty or nolo contendere to or is found
 25 guilty of the offense of cruelty to animals, and the animal is a cat or a
 26 dog, for a second offense occurring within five (5) years of a previous
 27 offense of cruelty to animals or of any other equivalent penal offense of
 28 another state or foreign jurisdiction is guilty of an unclassified
 29 misdemeanor and shall be:

30 (A) Fined five thousand dollars (\$5,000);

31 (B) Either:

32 (i) Imprisoned for no fewer than ninety (90) days
 33 and no more than one (1) year; or

34 (ii) Ordered to complete no fewer than thirty (30)
 35 days of community service; and

36 (C)(i) Both:

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

3 (b) If determined appropriate, ordered to
 4 receive psychiatric or psychological counseling or treatment for a length of
 5 time prescribed by the court.

6 (ii) The cost of any psychiatric or psychological
 7 evaluation, counseling, or treatment may be ordered paid by the person up to
 8 the jurisdictional limit of the court.

9 (e)(1) ~~Any~~ A person who pleads guilty or nolo contendere to or is
 10 found guilty of the offense of cruelty to animals, and the animal is not a
 11 cat or a dog, for a third offense occurring within five (5) years of a
 12 previous offense of cruelty to animals or of any other equivalent penal
 13 offense of another state or foreign jurisdiction is guilty of an unclassified
 14 misdemeanor and shall be:

15 ~~(1)(A)~~ (A) Fined no less than nine hundred dollars (\$900) and
 16 no more than one thousand dollars (\$1,000);

17 ~~(2)(B)~~ (B) Either:

18 ~~(A)(i)~~ (i) Imprisoned for no fewer than ninety (90) days
 19 and no more than one (1) year; or

20 ~~(B)(ii)~~ (ii) Ordered to complete no fewer than ninety
 21 (90) days of community service; and

22 ~~(3)(A)(C)(i)~~ (C)(i) Both:

23 ~~(i)(a)~~ (a) Ordered to receive a psychiatric or
 24 psychological evaluation; and

25 ~~(ii)(b)~~ (b) If determined appropriate, ordered to
 26 receive psychiatric or psychological counseling or treatment for a length of
 27 time prescribed by the court.

28 ~~(B)(ii)~~ (ii) The cost of any psychiatric or psychological
 29 evaluation, counseling, or treatment may be ordered paid by the person up to
 30 the jurisdictional limit of the court.

31 (2) A person who pleads guilty or nolo contendere to or is found
 32 guilty of the offense of cruelty to animals, and the animal is a cat or a
 33 dog, for a third offense occurring within five (5) years of a previous
 34 offense of cruelty to animals or of any other equivalent penal offense of
 35 another state or foreign jurisdiction is guilty of a Class D felony.

36 (f)(1)(A) ~~Any~~ A person who pleads guilty or nolo contendere to or is

1 found guilty of cruelty to animals, and the animal is not a cat or a dog, for
 2 a fourth or subsequent offense occurring within (5) five years of a previous
 3 offense of cruelty to animals or of any other equivalent penal offense of
 4 another state or foreign jurisdiction is guilty of a Class D felony and shall
 5 be:

6 ~~(A)(i)~~ Ordered to receive a psychiatric or
 7 psychological evaluation; and

8 ~~(B)(ii)~~ If determined appropriate, ordered to
 9 receive psychiatric or psychological counseling or treatment for a length of
 10 time prescribed by the court.

11 ~~(2)(B)~~ The cost of any psychiatric or psychological
 12 evaluation, counseling, or treatment may be ordered paid by the person.

13 (2) A person who pleads guilty or nolo contendere to or is found
 14 guilty of cruelty to animals, and the animal is a cat or a dog, for a fourth
 15 or subsequent offense occurring within (5) five years of a previous offense
 16 of cruelty to animals or of any other equivalent penal offense of another
 17 state or foreign jurisdiction is guilty of a Class C felony.

18 (g)(1) For the sole purpose of calculating the number of previous
 19 offenses under subsections ~~(d), (e), and (f)~~ (d)-(f) of this section, all
 20 offenses that are committed against one (1) or more animals and as part of
 21 the same criminal episode are a single offense.

22 (2) As used in this section, "criminal episode" means an act
 23 that constitutes the offense of cruelty to animals that is committed by a
 24 person against one (1) or more animals within a period of twenty-four (24)
 25 hours.