

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

As Engrossed: H3/25/19

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

11 CONCERNING THE OFFENSE OF CRUELTY TO
12 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) ~~Any~~ A person who pleads guilty or nolo contendere to or is found
3 guilty of cruelty to animals is guilty of an unclassified misdemeanor and
4 shall be:

5 (1) Fined no less than one hundred fifty dollars (\$150) and no
6 more than one thousand dollars (\$1,000) or if the animal is a cat or a dog,
7 fined no less than one hundred fifty dollars (\$150) but no more than two
8 thousand five hundred dollars (\$2,500);

9 (2) Either:

10 (A) Imprisoned for no less than one (1) day and no more
11 than one (1) year in jail; or

12 (B) Ordered to complete community service; and

13 (3)(A) Both:

14 (i) Ordered to complete a psychiatric or
15 psychological evaluation; and

16 (ii) If determined appropriate, psychiatric or
17 psychological counseling or treatment for a length of time prescribed by the
18 court.

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

22 (d) ~~Any~~ A person who pleads guilty or nolo contendere to or is found
23 guilty of the offense of cruelty to animals for a second offense occurring
24 within five (5) years of a previous offense of cruelty to animals or of any
25 other equivalent penal offense of another state or foreign jurisdiction is
26 guilty of an unclassified misdemeanor and shall be:

27 (1) Fined no less than four hundred dollars (\$400) and no more
28 than one thousand dollars (\$1,000) or if the animal is a cat or a dog, fined
29 no less than one thousand dollars (\$1,000) but no more than two thousand five
30 hundred dollars (\$2,500);

31 (2) Either:

32 (A) Imprisoned for no fewer than seven (7) days and no
33 more than one (1) year; or

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

36 (3)(A) Both:

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

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

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

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

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

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

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

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

25 ~~(ii)(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)~~ 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) Any person who pleads guilty or nolo contendere to or is found

1 *guilty of cruelty to animals for a fourth or subsequent offense occurring*
2 *within (5) five years of a previous offense of cruelty to animals or of any*
3 *other equivalent penal offense of another state or foreign jurisdiction is*
4 *guilty of a Class D felony and shall be:*

5 *(A) Ordered to receive a psychiatric or psychological*
6 *evaluation; and*

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

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

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

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

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/s/Sorvillo