Overview

This bill defines acts constituting cruelty to animals, provides penalties based on
the severity of harm suffered by the animal, and enhances penalties for subsequent convictions.

Section

1  Cruelty to animals. Eliminates references to "torture" and "pain and suffering" and defines cruelty as acts or neglect that cause unnecessary or unjustifiable harm or death. Excludes from the definition of cruelty:

(1) commonly accepted veterinary procedures performed by a licensed veterinarian,
(2) lawful slaughtering of animals,
(3) scientific research performed in accordance with federal and state law by licensed or registered facilities,
(4) commonly accepted humane animal husbandry practices,
(5) taking wild animals in accordance with federal, state and local laws, and
2 **Bodily harm, substantial bodily harm, great bodily harm.**
Adopts these definitions from criminal law:

- bodily harm means physical pain or injury, illness or impairment of physical condition

- substantial bodily harm means injury involving a temporary but substantial disfigurement, causing a temporary but substantial loss or impairment of the function of any bodily member or organ, or causing a fracture of any bodily member

- great bodily harm means injury which creates a high probability of death, causes serious permanent disfigurement, causes a permanent or protracted loss or impairment of the function of any bodily member or organ, or other serious bodily harm.

3 **Nourishment, shelter, rest.** Current law prohibits a person who has charge of an animal from depriving it of necessary food, water or shelter. This bill includes persons who own or have custody of animals and also prohibits these persons from depriving an animal of necessary rest or overworking or cruelly working an animal.

4 **Cruelty prohibited.** Current law prohibits willful acts of cruelty. This bill changes willfully to knowingly and includes omissions that produce cruelty.

5 **Penalties.** Provides felony penalties for failing to provide nourishment, shelter, or rest or for cruelty where the conduct results in great bodily harm. Provides gross misdemeanor penalties when this conduct results in substantial bodily harm. Provides misdemeanor penalties for all other violations. Provides that violations involving multiple animals are separate violations each subject to criminal penalties. Provides that subsequent gross misdemeanor violations are felonies and subsequent misdemeanor violations are gross misdemeanors.

(6) acts of God.

Provides that taking wild animals in violation of federal, state, or local law is not prima facie evidence of cruelty.
Restrictions on ownership or custody of animals. Current law allows a court to restrict custody or ownership of pets or companion animals. This bill provides that restrictions may apply to any animal. Prohibits a court from ordering a person convicted of crimes against animals to perform community service in a humane facility. Allows a court to order psychological counseling as a condition of a person's ownership and custody of animals.

Repealer. Repeals the current penalty provision and the prohibition against torturing animals.

Effective date. Makes sections 1 to 7 effective for crimes committed on or after August 1, 1999 (an amendment will change the effective date to August 1, 2000).