

H.566

Introduced by Representatives Willhoit of St. Johnsbury, Colburn of  
Burlington, and LaLonde of South Burlington

Referred to Committee on

Date:

Subject: Crimes; animal cruelty

Statement of purpose of bill as introduced: This bill proposes to clarify that  
cruelly striking an animal one or more times provides a basis for a charge of  
cruelty to animals.

An act relating to animal cruelty

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. 13 V.S.A. § 352 is amended to read:~~

§ 352. CRUELTY TO ANIMALS

A person commits the crime of cruelty to animals if the person:

(1) ~~intentionally~~ Intentionally kills or attempts to kill any animal  
belonging to another person without first obtaining legal authority or consent  
of the owner;

(2) ~~overworks~~ Overworks, overloads, tortures, torments, abandons,  
~~administers poison to, cruelly beats strikes one or more times, or mutilates an~~

1 ~~animal, or exposes a poison with intent that it be taken by an animal;~~

2 (3) ~~ties~~ Ties, tethers, or restrains an animal, either a pet or livestock, in a  
3 manner that is inhumane or is detrimental to its welfare. Livestock and poultry  
4 husbandry practices are exempted;

5 (4) ~~deprives~~ Deprives an animal ~~which~~ that a person owns, possesses, or  
6 acts as an agent for, of adequate food, water, shelter, rest, sanitation, or  
7 necessary medical attention, or transports an animal in overcrowded vehicles;

8 (5)(A) ~~owns~~ Owns, possesses, keeps, or trains an animal engaged in an  
9 exhibition of fighting, ~~or~~ possesses, keeps, or trains any animal with intent  
10 that it be engaged in an exhibition of fighting, or permits any such act to be  
11 done on premises under his or her charge or control; ~~or~~

12 (B) ~~owns~~ Owns, possesses, ships, transports, delivers, or keeps a  
13 device, equipment, or implement for the purpose of training or conditioning an  
14 animal for participation in animal fighting, or enhancing an animal's fighting  
15 capability.

16 (6) ~~acts~~ Acts as judge or spectator at events of animal fighting or bets or  
17 wagers on the outcome of such fight;

18 (7) ~~as~~ As poundkeeper, officer, or agent of a humane society or as an  
19 owner or employee of an establishment for treatment, board, or care of an  
20 animal, knowingly receives, sells, transfers, or otherwise conveys an animal in  
21 ~~his or her care for the purpose of research or vivisection;~~

1 ~~(8) intentionally Intentionally torments or harasses an animal owned or~~  
2 engaged by a police department or public agency of the State or its political  
3 subdivisions, or interferes with the lawful performance of a police animal;

4 (9) ~~knowingly~~ Knowingly sells, offers for sale, barter<sub>s</sub>, or displays  
5 living baby chicks, ducklings<sub>s</sub>, or other fowl ~~which~~ that have been dyed,  
6 colored<sub>s</sub>, or otherwise treated so as to impart to them an artificial color<sub>s</sub>, or fails  
7 to provide poultry with proper brooder facilities;

8 (10) ~~uses~~ Uses a live animal as bait or lure in a race, game, or contest,  
9 or in training animals in a manner inconsistent with 10 V.S.A. Part 4 or the  
10 rules adopted thereunder;

11 (11)(A) ~~engages~~ Engages in sexual conduct with an animal;

12 (B) ~~possesses~~ Possesses, sells, transfers, purchases, or otherwise  
13 obtains an animal with the intent that it be used for sexual conduct;

14 (C) ~~organizes~~ Organizes, promotes, conducts, aids, abets, or  
15 participates in as an observer an act involving any sexual conduct with an  
16 animal;

17 (D) ~~causes~~ Causes, aids, or abets another person to engage in sexual  
18 conduct with an animal;

19 (E) ~~permits~~ Permits sexual conduct with an animal to be conducted  
20 on premises under his or her charge or control; ~~or~~

21 ~~(F) advertises~~ Advertises, offers, or accepts the offer of an animal

1 ~~with the intent that it be subject to sexual conduct in this State~~

*Sec. 1a. 13 V.S.A. § 353(a) is amended to read:*

*(a) Penalties*

*\* \* \**

*(5) A person who violates subdivision 352(1) of this title by intentionally killing or attempting to kill an animal belonging to another or subdivision 352(2) of this title by torturing, administering poison to, or cruelly ~~beating~~ striking one or more times or mutilating an animal shall be imprisoned not more than two years or fined not more than \$5,000.00, or both.*

2 Sec. 2. EFFECTIVE DATE

3 ~~This act shall take effect on passage.~~

*Sec. 1. 13 V.S.A. § 352 is amended to read:*

*§ 352. CRUELTY TO ANIMALS*

*A person commits the crime of cruelty to animals if the person:*

*(1) ~~intentionally~~ Intentionally kills or attempts to kill any animal belonging to another person without first obtaining legal authority or consent of the owner;*

*(2) ~~overworks~~ Overworks, overloads, tortures, torments, abandons, administers poison to, cruelly ~~beats~~ harms or mutilates an animal, or exposes a poison with intent that it be taken by an animal;*

*(3) ~~ties~~ Ties, tethers, or restrains an animal, either a pet or livestock, in*

*a manner that is inhumane or is detrimental to its welfare. Livestock and poultry husbandry practices are exempted;*

*(4) ~~deprives~~ Deprives an animal ~~which that~~ a person owns, possesses, or acts as an agent for, of adequate food, water, shelter, rest, sanitation, or necessary medical attention, or transports an animal in overcrowded vehicles;*

*(5)(A) ~~owns~~ Owns, possesses, keeps, or trains an animal engaged in an exhibition of fighting;~~or~~ possesses, keeps, or trains any animal with intent that it be engaged in an exhibition of fighting; or permits any such act to be done on premises under his or her charge or control;~~or~~*

*(B) ~~owns~~ Owns, possesses, ships, transports, delivers, or keeps a device, equipment, or implement for the purpose of training or conditioning an animal for participation in animal fighting, or enhancing an animal's fighting capability.*

*(6) ~~acts~~ Acts as judge or spectator at events of animal fighting or bets or wagers on the outcome of such fight;*

*(7) ~~as~~ As poundkeeper, officer, or agent of a humane society or as an owner or employee of an establishment for treatment, board, or care of an animal, knowingly receives, sells, transfers, or otherwise conveys an animal in his or her care for the purpose of research or vivisection;*

*(8) ~~intentionally~~ Intentionally torments or harasses an animal owned or engaged by a police department or public agency of the State or its political*

~~subdivisions, or interferes with the lawful performance of a police animal;~~

(9) ~~knowingly~~ Knowingly sells, offers for sale, barter~~s~~, or displays living baby chicks, ducklings, or other fowl ~~which~~ that have been dyed, colored, or otherwise treated so as to impart to them an artificial color, or fails to provide poultry with proper brooder facilities;

(10) ~~uses~~ Uses a live animal as bait or lure in a race, game, or contest, or in training animals in a manner inconsistent with 10 V.S.A. Part 4 or the rules adopted thereunder;

(11)(A) ~~engages~~ Engages in sexual conduct with an animal;

(B) ~~possesses~~ Possesses, sells, transfers, purchases, or otherwise obtains an animal with the intent that it be used for sexual conduct;

(C) ~~organizes~~ Organizes, promotes, conducts, aids, abets, or participates in as an observer an act involving any sexual conduct with an animal;

(D) ~~causes~~ Causes, aids, or abets another person to engage in sexual conduct with an animal;

(E) ~~permits~~ Permits sexual conduct with an animal to be conducted on premises under his or her charge or control~~;~~ ~~or~~

(F) ~~advertises~~ Advertises, offers, or accepts the offer of an animal with the intent that it be subject to sexual conduct in this State.

Sec. 1a. 13 V.S.A. § 353(a) is amended to read:

*(a) Penalties.*

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*This act shall take effect on passage.*