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H.188

Introduced by Representatives Wright of Burlington, Christie of Hartford,
Cupoli of Rutland City, Dickinson of St. Albans Town, Hill of
Wolcott, Jickling of Brookfield, Lewis of Berlin, Parent of
St. Albans Town, Poirier of Barre City, Toll of Danville, and
Young of Glover

Referred to Committee on

Date:

Subject: Crimes; animal cruelty

Statement of purpose of bill as introduced: This bill proposes to increase the
maximum prison sentence for animal cruelty and aggravated animal cruelty.

An act relating to increasing the penalties for 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; or tortures, administers poison to, cruelly beats, or mutilates an

1 animal, or engages in a reckless course of conduct that results in the death of
2 an animal.

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

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

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

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

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

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

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

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

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

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

15 Sec. 2. 13 V.S.A. § 352a is amended to read:

16 § 352a. AGGRAVATED CRUELTY TO ANIMALS

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

18 (1) kills an animal by intentionally causing the animal undue pain or
19 suffering, or engages in a reckless course of conduct that results in the death of
20 the animal and caused the animal undue pain or suffering;

1 (2) intentionally, maliciously, and without just cause tortures, mutilates,
2 or cruelly beats an animal; or

3 (3) intentionally injures or kills an animal that is in the performance of
4 official duties while under the supervision of a law enforcement officer.

5 Sec. 3. 13 V.S.A. § 353 is amended to read:

6 § 353. DEGREE OF OFFENSE; SENTENCING UPON CONVICTION

7 (a) Penalties.

8 (1) Except as provided in subdivision (3), ~~or (4), or (5)~~ of this
9 subsection, cruelty to animals under section 352 of this title shall be punishable
10 by a sentence of imprisonment of not more than one year, or a fine of not more
11 than \$2,000.00, or both. Second and subsequent convictions shall be
12 punishable by a sentence of imprisonment of not more than two years or a fine
13 of not more than \$5,000.00, or both.

14 (2) ~~Aggravated~~ (A) Except as provided in subdivision (B) of this
15 subdivision (2), aggravated animal cruelty under section 352a of this title shall
16 be punishable by a sentence of imprisonment of not more than ~~three~~ seven
17 years or a fine of not more than \$5,000.00, or both. Second and subsequent
18 offenses shall be punishable by a sentence of imprisonment of not more than
19 ~~five~~ ten years or a fine of not more than \$7,500.00, or both.

1 (B) A person who violates subdivision 352(1) of this title by
2 intentionally causing the animal undue pain or suffering and death shall be
3 imprisoned not more than ten years or fined not more than \$7,500.00, or both.

4 (3) An offense committed under subdivision 352(5) or (6) of this title
5 shall be punishable by a sentence of imprisonment of not more than five years,
6 or a fine of not more than \$5,000.00, or both.

7 (4)(A) Except as provided in subdivision (B) of this subdivision (4), a
8 person found in violation of subdivision 352(3), (4), or (9) of this title pursuant
9 to this subdivision shall be imprisoned not more than one year or fined not
10 more than \$2,000.00, or both. Second and subsequent convictions shall be
11 punishable by a sentence of imprisonment of not more than two years or a fine
12 of not more than \$5,000.00, or both.

13 (B) In lieu of a criminal citation or arrest, a law enforcement officer
14 may issue a civil citation to a person who violates subdivision 352(3), (4), or
15 (9) of this title if the person has not been previously adjudicated in violation of
16 this chapter. A person adjudicated in violation of subdivision 352(3), (4), or
17 (9) of this title pursuant to this subdivision shall be assessed a civil penalty of
18 not more than \$500.00. At any time prior to the person admitting the violation
19 and paying the assessed penalty, the ~~state's attorney~~ State's Attorney may
20 withdraw the complaint filed with the Judicial Bureau and file an information

1 charging a violation of subdivision 352(3), (4), or (9) of this title in the
2 Criminal Division of the Superior Court.

3 (C) Nothing in this subdivision shall be construed to require that a
4 civil citation be issued prior to a criminal charge of violating subdivision
5 352(3), (4), or (9) of this title.

6 (5) A person who violates subdivision 352(1) of this title shall be
7 imprisoned not more than five years or fined not more than \$5,000.00, or both.

8 * * *

9 Sec. 4. EFFECTIVE DATE

10 This act shall take effect on July 1, 2017.