

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred Senate Bill No. 12
3 entitled “An act relating to increasing the maximum prison sentence for first,
4 second, and subsequent offenses of aggravated animal cruelty” respectfully
5 reports that it has considered the same and recommends that the House propose
6 to the Senate that the bill be amended by striking out all after the enacting
7 clause and inserting in lieu thereof the following:

8 Sec. 1. 13 V.S.A. chapter 8 is amended to read:

9 CHAPTER 8. HUMANE AND PROPER TREATMENT OF ANIMALS

10 Subchapter 1. Cruelty to Animals

11 § 351. DEFINITIONS

12 As used in this chapter:

13 (1) “Animal” means all living sentient creatures, not human beings.

14 * * *

15 (19) “Sexual conduct” means:

16 (A) any act between a person and animal that involves contact
17 between the mouth, sex organ, or anus of a person and the mouth, sex organ, or
18 anus of an animal; or

19 (B) without a bona fide veterinary or animal husbandry purpose, the
20 insertion, however slight, of any part of a person’s body or of any instrument,
21 apparatus, or other object into the vaginal or anal opening of an animal.

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§ 352. CRUELTY TO ANIMALS

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

(1) intentionally kills or attempts to kill any animal belonging to another person without first obtaining legal authority or consent of the owner, or engages in a reckless course of conduct that results in the death of an animal;

* * *

(10) 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 of Title 10 or the rules adopted thereunder;

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

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

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

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

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

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

1 § 352a. AGGRAVATED CRUELTY TO ANIMALS

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

3 (1) kills an animal by intentionally causing the animal undue pain or
4 suffering;

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

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

9 * * *

10 § 353. DEGREE OF OFFENSE; SENTENCING UPON CONVICTION

11 (a) Penalties.

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

18 (2) Aggravated cruelty under section 352a of this title shall be
19 punishable by a sentence of imprisonment of not more than three years or a
20 fine of not more than \$5,000.00, or both. Second and subsequent offenses

1 shall be punishable by a sentence of imprisonment of not more than five years
2 or a fine of not more than \$7,500.00, or both.

3 * * *

4 (5) A person who violates subdivision 352(1) of this title by
5 intentionally killing or attempting to kill an animal belonging to another shall
6 be imprisoned not more than two years or fined not more than \$5,000.00, or
7 both.

8 * * *

9 Sec. 2. EFFECTIVE DATE

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

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13 (Committee vote: _____)

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Representative _____

FOR THE COMMITTEE