

Bestiality Statutes in Other States
Requested by the Senate Committee on Judiciary
Marie Horbar, Law Clerk, Legislative Council
February 7, 2017

Connecticut

- Conn. Gen. Stat. Ann. § 53a-73a. Sexual assault in the fourth degree: Class A misdemeanor or class D felony
- Maximum Prison Sentence: 1 year for class A misdemeanor

(a) A person is guilty of sexual assault in the fourth degree when . . . (3) such person engages in sexual contact with an animal or dead body

* * *

(b) Sexual assault in the fourth degree is a class A misdemeanor or, if the victim of the offense is under sixteen years of age, a class D felony.

Maine

- Me. Rev. Stat. Ann. 17, § 1031. Cruelty to animals
- Maximum Prison Sentence: Less than 1 year

1. Cruelty to animals. *Except as provided in subsections 1-D and 1-E, a person, including an owner or the owner's agent, is guilty of cruelty to animals if that person intentionally, knowingly or recklessly:*

* * *

I. Commits bestiality on an animal. For purposes of this paragraph, "commits bestiality" means that a person:

- (1) Engages in a sexual act with an animal for the purpose of that person's sexual gratification;*
- (2) Coerces anyone to engage in a sexual act with an animal;*
- (3) Engages in a sexual act with an animal in the presence of a minor;*
- (4) Uses any part of the person's body or an object to sexually stimulate an animal;*
- (5) Videotapes a person engaging in a sexual act with an animal; or*
- (6) For the purpose of that person's sexual gratification, kills or physically abuses an animal.*

For purposes of this paragraph, "sexual act" means any act between a person and an animal involving direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other. A sexual act may be proved without allegation or proof of penetration.

This paragraph may not be construed to prohibit normal and accepted practices of animal husbandry.

Violation of this paragraph is a Class D crime

** * **

New Hampshire

- N.H. Rev. Stat. § 644:8-g Bestiality
- Maximum Prison Sentence: 7 years

I. A person commits bestiality by knowingly committing any of the following acts:

(a) Engaging in sexual contact or sexual penetration with an animal for the purpose of sexual arousal or gratification.

(b) Offering or accepting the offer of an animal for consideration with the intent that it be subject to sexual contact or sexual penetration by a human.

(c) Photographing or filming or distributing such photographs or films, for the purpose of sexual arousal or gratification, of a person engaged in sexual contact or sexual penetration with an animal.

II. Any person convicted of a violation of this section shall be guilty of a class A misdemeanor for a first offense and a class B felony for a second or subsequent offense.

III. In addition to any other penalty imposed for a violation of this section, the court shall order that the convicted person:

(a) Submit to a psychological assessment and participate in appropriate counseling at the convicted person's own expense.

(b) Reimburse an animal shelter for any reasonable costs incurred for the care and maintenance of any animal that was taken to the animal shelter as a result of conduct proscribed by this section.

(c) Shall not own, harbor, exercise control over, or reside in the same household with any animal for a period of time deemed reasonable by the court.

IV. This section shall not apply to:

(a) Accepted veterinary medical practices.

(b) Insemination of animals for the purpose of procreation.

(c) Accepted animal husbandry practices that provide care for animals.

V. In this section:

(a) "Animal" means a nonhuman mammal, bird, reptile, or amphibian, either dead or alive.

(b) "Sexual contact" means any act between a person or an animal involving direct physical contact between the genitals or anus of one and the mouth, anus, or other part of the body of the other, or direct physical contact between the genitals of one and the genitals of the other, where such contact can be reasonably construed for the purpose of the person's sexual arousal or gratification.

(c) *“Sexual penetration” means any intrusion, however, slight, of any part of the person’s or animal’s body into the body of the other, or any object manipulated by the person into the body of the animal, where such penetration can be reasonably construed for the purpose of sexual arousal or gratification.*

New York

- N.Y. Penal Law § 130.20 Sexual Misconduct
- Maximum Prison Sentence: 1 year

A person is guilty of sexual misconduct when . . . 3. He or she engages in sexual conduct with an animal or a dead human body. Sexual misconduct is a class A misdemeanor.