

1 TO THE HONORABLE SENATE:

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 bill be
6 amended by striking out all after the enacting clause and inserting in lieu
7 thereof the following:

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

9 § 352. CRUELTY TO ANIMALS

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

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

14 * * *

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~~ five years
17 or a fine of not more than \$5,000.00, or both. Second and subsequent offenses
18 shall be punishable by a sentence of imprisonment of not more than ~~five~~ ten
19 years or a fine of not more than \$7,500.00, or both.

1 (B) A person who violates subdivision 352a(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 may withdraw the
20 complaint filed with the Judicial Bureau and file an information charging a

1 violation of subdivision 352(3), (4), or (9) of this title in the Criminal Division
2 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 by
7 intentionally killing an animal belonging to another shall be imprisoned not
8 more than two years or fined not more than \$5,000.00, or both.

9 * * *

10 Sec. 4. EFFECTIVE DATE

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

12
13 (Committee vote: _____)

14 _____

15 Senator _____

16 FOR THE COMMITTEE