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HOUSE BILL NO. 302

Offered January 13, 2016

Prefiled January 4, 2016

A *BILL to amend and reenact § 3.2-6570 of the Code of Virginia, relating to cruelty to elephants; penalty.*

Patrons—Rasoul, Herring and Marshall, R.G.

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-6570 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-6570. Cruelty to animals; penalty.

A. Any person who: (i) overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another; (ii) deprives any animal of necessary food, drink, shelter, or emergency veterinary treatment; (iii) sores any equine for any purpose or administers drugs or medications to alter or mask such sores for the purpose of sale, show, or exhibition of any kind, unless such administration of drugs or medications is within the context of a veterinary client-patient relationship and solely for therapeutic purposes; (iv) ropes, lassoes, or otherwise obstructs or interferes with one or more legs of an equine in order to intentionally cause it to trip or fall for the purpose of engagement in a rodeo, contest, exhibition, entertainment, or sport unless such actions are in the practice of accepted animal husbandry or for the purpose of allowing veterinary care; (v) *(a) uses electricity, martingales, or block and tackle, engages in physical punishment resulting in damage, scarring, or breaking of skin, or inserts any instrument into any bodily orifice of an elephant to discipline an elephant; (b) uses a bullhook, ankus, baseball bat, axe handle, pitchfork, or similar device designed to inflict pain for the purpose of training or controlling the behavior of an elephant; or (c) brandishes, exhibits, or displays any device described in clause (b) in the presence of an elephant;* (vi) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; ~~(vii)~~ (vii) carries or causes to be carried by any vehicle, vessel, or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering; or ~~(viii)~~ (viii) causes any of the above things, or being the owner of such animal permits such acts to be done by another, is guilty of a Class 1 misdemeanor.

In addition to the penalties provided in this subsection, the court may, in its discretion, require any person convicted of a violation of this subsection to attend an anger management or other appropriate treatment program or obtain psychiatric or psychological counseling. The court may impose the costs of such a program or counseling upon the person convicted.

B. Any person who: (i) tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly and unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another; (ii) sores any equine for any purpose or administers drugs or medications to alter or mask such sores for the purpose of sale, show, or exhibit of any kind, unless such administration of drugs or medications is under the supervision of a licensed veterinarian and solely for therapeutic purposes; (iii) ropes, lassoes, or otherwise obstructs or interferes with one or more legs of an equine in order to intentionally cause it to trip or fall for the purpose of engagement in a rodeo, contest, exhibition, entertainment, or sport unless such actions are in the practice of accepted animal husbandry or for the purpose of allowing veterinary care; (iv) *(a) uses electricity, martingales, or block and tackle, engages in physical punishment resulting in damage, scarring, or breaking of skin, or inserts any instrument into any bodily orifice of an elephant to discipline an elephant; (b) uses a bullhook, ankus, baseball bat, axe handle, pitchfork, or similar device designed to inflict pain for the purpose of training or controlling the behavior of an elephant; or (c) brandishes, exhibits, or displays any device described in clause (b) in the presence of an elephant;* (v) maliciously deprives any companion animal of necessary food, drink, shelter, or emergency veterinary treatment; ~~(vi)~~ (vi) instigates, engages in, or in any way furthers any act of cruelty to any animal set forth in clauses (i) through ~~(iv)~~ (v); or ~~(vi)~~ (vii) causes any of the actions described in clauses (i) through ~~(v)~~ (vi), or being the owner of such animal permits such acts to be done by another, and has been within five years convicted of a violation of this subsection or subsection A, is guilty of a Class 6 felony if the current violation or any previous violation of this subsection or subsection A resulted in the death of an animal or the euthanasia of an animal based on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, and such condition

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59 was a direct result of a violation of this subsection or subsection A.

60 C. Nothing in this section shall be construed to prohibit the dehorning of cattle conducted in a
61 reasonable and customary manner.

62 D. This section shall not prohibit authorized wildlife management activities or hunting, fishing, or
63 trapping as regulated under other titles of the Code of Virginia, including Title 29.1, or to farming
64 activities as provided under this title or regulations adopted hereunder.

65 E. It is unlawful for any person to kill a domestic dog or cat for the purpose of obtaining the hide,
66 fur, or pelt of the dog or cat. A violation of this subsection is a Class 1 misdemeanor. A second or
67 subsequent violation of this subsection is a Class 6 felony.

68 F. Any person who: (i) tortures, willfully inflicts inhumane injury or pain not connected with bona
69 fide scientific or medical experimentation, or cruelly and unnecessarily beats, maims, or mutilates any
70 dog or cat that is a companion animal, whether belonging to him or another; and (ii) as a direct result
71 causes the death of such dog or cat that is a companion animal, or the euthanasia of such animal on the
72 recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to
73 the condition of the animal, is guilty of a Class 6 felony. If a dog or cat is attacked on its owner's
74 property by a dog so as to cause injury or death, the owner of the injured dog or cat may use all
75 reasonable and necessary force against the dog at the time of the attack to protect his dog or cat. Such
76 owner may be presumed to have taken necessary and appropriate action to defend his dog or cat and
77 shall therefore be presumed not to have violated this subsection. The provisions of this subsection shall
78 not overrule § 3.2-6540, 3.2-6540.1, or 3.2-6552.

79 G. Any person convicted of violating this section may be prohibited by the court from possession or
80 ownership of companion animals.

81 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
82 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
83 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**
84 **665 of the Acts of Assembly of 2015 requires the Virginia Criminal Sentencing Commission to**
85 **assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the**
86 **necessary appropriation cannot be determined for periods of commitment to the custody of the**
87 **Department of Juvenile Justice.**