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SENATE BILL NO. 729

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on January 22, 2018)

(Patron Prior to Substitute—Senator DeSteph)

*A BILL to amend and reenact §§ 3.2-6500, 3.2-6569, 3.2-6570, and 18.2-403.2 of the Code of Virginia, relating to cruelty to animals, aggravated cruelty; penalty.***Be it enacted by the General Assembly of Virginia:****1. That §§ 3.2-6500, 3.2-6569, 3.2-6570, and 18.2-403.2 of the Code of Virginia are amended and reenacted as follows:****§ 3.2-6500. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Abandon" means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in § 3.2-6503 for a period of five consecutive days.

"Adequate care" or "care" means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

"Adequate exercise" or "exercise" means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

"Adequate feed" means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

"Adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors: (i) permit the animals' feet to pass through the openings; (ii) sag under the animals' weight; or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

"Adequate space" means sufficient space to allow each animal to: (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal; and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

"Adequate water" means provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

"Adoption" means the transfer of ownership of a dog or a cat, or any other companion animal, from

60 a releasing agency to an individual.

61 *"Aggravated cruelty" means conduct that results in significant injury or death of a dog or cat.*

62 "Agricultural animals" means all livestock and poultry.

63 "Ambient temperature" means the temperature surrounding the animal.

64 "Animal" means any nonhuman vertebrate species except fish. For the purposes of § 3.2-6522, animal
65 means any species susceptible to rabies. For the purposes of § 3.2-6570, animal means any nonhuman
66 vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and
67 customary manner.

68 "Animal control officer" means a person appointed as an animal control officer or deputy animal
69 control officer as provided in § 3.2-6555.

70 "Boarding establishment" means a place or establishment other than a public or private animal shelter
71 where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a
72 fee.

73 "Collar" means a well-fitted device, appropriate to the age and size of the animal, attached to the
74 animal's neck in such a way as to prevent trauma or injury to the animal.

75 "Commercial dog breeder" means any person who, during any 12-month period, maintains 30 or
76 more adult female dogs for the primary purpose of the sale of their offspring as companion animals.

77 "Companion animal" means any domestic or feral dog, domestic or feral cat, nonhuman primate,
78 guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or
79 native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any
80 animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any
81 animals regulated under federal law as research animals shall not be considered companion animals for
82 the purposes of this chapter.

83 "Consumer" means any natural person purchasing an animal from a dealer or pet shop or hiring the
84 services of a boarding establishment. The term "consumer" shall not include a business or corporation
85 engaged in sales or services.

86 "Dealer" means any person who in the regular course of business for compensation or profit buys,
87 sells, transfers, exchanges, or barter companion animals. The following shall not be considered dealers:
88 (i) any person who transports companion animals in the regular course of business as a common carrier
89 or (ii) any person whose primary purpose is to find permanent adoptive homes for companion animals.

90 "Direct and immediate threat" means any clear and imminent danger to an animal's health, safety or
91 life.

92 "Dump" means to knowingly desert, forsake, or absolutely give up without having secured another
93 owner or custodian any dog, cat, or other companion animal in any public place including the
94 right-of-way of any public highway, road or street or on the property of another.

95 "Emergency veterinary treatment" means veterinary treatment to stabilize a life-threatening condition,
96 alleviate suffering, prevent further disease transmission, or prevent further disease progression.

97 "Enclosure" means a structure used to house or restrict animals from running at large.

98 "Euthanasia" means the humane destruction of an animal accomplished by a method that involves
99 instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced
100 by an agent that causes painless loss of consciousness, and death during such loss of consciousness.

101 "Exhibitor" means any person who has animals for or on public display, excluding an exhibitor
102 licensed by the U.S. Department of Agriculture.

103 "Facility" means a building or portion thereof as designated by the State Veterinarian, other than a
104 private residential dwelling and its surrounding grounds, that is used to contain a primary enclosure or
105 enclosures in which animals are housed or kept.

106 "Farming activity" means, consistent with standard animal husbandry practices, the raising,
107 management, and use of agricultural animals to provide food, fiber, or transportation and the breeding,
108 exhibition, lawful recreational use, marketing, transportation, and slaughter of agricultural animals
109 pursuant to such purposes.

110 "Foster care provider" means a person who provides care or rehabilitation for companion animals
111 through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or
112 other animal welfare organization.

113 "Foster home" means a private residential dwelling and its surrounding grounds, or any facility other
114 than a public or private animal shelter, at which site through an affiliation with a public or private
115 animal shelter, home-based rescue, releasing agency, or other animal welfare organization care or
116 rehabilitation is provided for companion animals.

117 "Groomer" means any person who, for a fee, cleans, trims, brushes, makes neat, manicures, or treats
118 for external parasites any animal.

119 "Home-based rescue" means an animal welfare organization that takes custody of companion animals
120 for the purpose of facilitating adoption and houses such companion animals in a foster home or a
121 system of foster homes.

"Humane" means any action taken in consideration of and with the intent to provide for the animal's health and well-being.

"Humane investigator" means a person who has been appointed by a circuit court as a humane investigator as provided in § 3.2-6558.

"Humane society" means any incorporated, nonprofit organization that is organized for the purposes of preventing cruelty to animals and promoting humane care and treatment or adoptions of animals.

"Incorporated" means organized and maintained as a legal entity in the Commonwealth.

"Kennel" means any establishment in which five or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

"Law-enforcement officer" means any person who is a full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

"Livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; caprae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in § 3.2-2600; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

"New owner" means an individual who is legally competent to enter into a binding agreement pursuant to subdivision B 2 of § 3.2-6574, and who adopts or receives a dog or cat from a releasing agency.

"Ordinance" means any law, rule, regulation, or ordinance adopted by the governing body of any locality.

"Other officer" includes all other persons employed or elected by the people of Virginia, or by any locality, whose duty it is to preserve the peace, to make arrests, or to enforce the law.

"Owner" means any person who: (i) has a right of property in an animal; (ii) keeps or harbors an animal; (iii) has an animal in his care; or (iv) acts as a custodian of an animal.

"Pet shop" means an establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

"Poultry" includes all domestic fowl and game birds raised in captivity.

"Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

"Private animal shelter" means a facility operated for the purpose of finding permanent adoptive homes for animals that is used to house or contain animals and that is owned or operated by an incorporated, nonprofit, and nongovernmental entity, including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other similar organization.

"Properly cleaned" means that carcasses, debris, food waste, and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

"Properly lighted" when referring to a facility means sufficient illumination to permit routine inspections, maintenance, cleaning, and housekeeping of the facility, and observation of the animals; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the facility; and to promote the well-being of the animals.

"Properly lighted" when referring to a private residential dwelling and its surrounding grounds means sufficient illumination to permit routine maintenance and cleaning thereof, and observation of the companion animals; and to provide regular diurnal lighting cycles of either natural or artificial light to promote the well-being of the animals.

"Public animal shelter" means a facility operated by the Commonwealth, or any locality, for the purpose of impounding or sheltering seized, stray, homeless, abandoned, unwanted, or surrendered animals or a facility operated for the same purpose under a contract with any locality.

"Releasing agency" means (i) a public animal shelter or (ii) a private animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue that releases companion animals for adoption.

"Research facility" means any place, laboratory, or institution licensed by the U.S. Department of Agriculture at which scientific tests, experiments, or investigations involving the use of living animals

183 are carried out, conducted, or attempted.

184 "Sanitize" means to make physically clean and to remove and destroy, to a practical minimum,
185 agents injurious to health.

186 "Sore" means, when referring to an equine, that an irritating or blistering agent has been applied,
187 internally or externally, by a person to any limb or foot of an equine; any burn, cut, or laceration that
188 has been inflicted by a person to any limb or foot of an equine; any tack, nail, screw, or chemical agent
189 that has been injected by a person into or used by a person on any limb or foot of an equine; any other
190 substance or device that has been used by a person on any limb or foot of an equine; or a person has
191 engaged in a practice involving an equine, and as a result of such application, infliction, injection, use,
192 or practice, such equine suffers, or can reasonably be expected to suffer, physical pain or distress,
193 inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not
194 include such an application, infliction, injection, use, or practice in connection with the therapeutic
195 treatment of an equine by or under the supervision of a licensed veterinarian. Notwithstanding anything
196 contained herein to the contrary, nothing shall preclude the shoeing, use of pads, and use of action
197 devices as permitted by 9 C.F.R. Part 11.2.

198 "Sterilize" or "sterilization" means a surgical or chemical procedure performed by a licensed
199 veterinarian that renders a dog or cat permanently incapable of reproducing.

200 "Treasurer" includes the treasurer and his assistants of each county or city or other officer designated
201 by law to collect taxes in such county or city.

202 "Treatment" or "adequate treatment" means the responsible handling or transportation of animals in
203 the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of
204 the animal.

205 "Veterinary treatment" means treatment by or on the order of a duly licensed veterinarian.

206 "Weaned" means that an animal is capable of and physiologically accustomed to ingestion of solid
207 food or food customary for the adult of the species and has ingested such food, without nursing, for a
208 period of at least five days.

209 **§ 3.2-6569. Seizure and impoundment of animals; notice and hearing; disposition of animal;**
210 **disposition of proceeds upon sale.**

211 A. Any humane investigator, law-enforcement officer or animal control officer may lawfully seize
212 and impound any animal that has been abandoned, has been cruelly treated, or is suffering from an
213 apparent violation of this chapter that has rendered the animal in such a condition as to constitute a
214 direct and immediate threat to its life, safety or health. The seizure or impoundment of an equine
215 resulting from a violation of clause (iii) (iv) of subsection A or clause (ii) of subsection B of § 3.2-6570
216 may be undertaken only by the State Veterinarian or State Veterinarian's representative who has received
217 training in the examination and detection of sore horses as required by 9 C.F.R. Part 11.7.

218 B. Before seizing or impounding any agricultural animal, the humane investigator, law-enforcement
219 officer or animal control officer shall contact the State Veterinarian or State Veterinarian's representative,
220 who shall recommend to the person the most appropriate action for effecting the seizure and
221 impoundment. The humane investigator, law-enforcement officer or animal control officer shall notify
222 the owner of the agricultural animal and the local attorney for the Commonwealth of the
223 recommendation. The humane investigator, law-enforcement officer or animal control officer may
224 impound the agricultural animal on the land where the agricultural animal is located if:

225 1. The owner or tenant of the land where the agricultural animal is located gives written permission;

226 2. A general district court so orders; or

227 3. The owner or tenant of the land where the agricultural animal is located cannot be immediately
228 located, and it is in the best interest of the agricultural animal to be impounded on the land where it is
229 located until the written permission of the owner or tenant of the land can be obtained.

230 If there is a direct and immediate threat to an agricultural animal, the humane investigator,
231 law-enforcement officer or animal control officer may seize the animal, in which case the humane
232 investigator, law-enforcement officer or animal control officer shall file within five business days on a
233 form approved by the State Veterinarian a report on the condition of the animal at the time of the
234 seizure, the location of impoundment, and any other information required by the State Veterinarian.

235 C. Upon seizing or impounding an animal, the humane investigator, law-enforcement officer or
236 animal control officer shall petition the general district court in the city or county where the animal is
237 seized for a hearing. The hearing shall be not more than 10 business days from the date of the seizure
238 of the animal. The hearing shall be to determine whether the animal has been abandoned, has been
239 cruelly treated, or has not been provided adequate care.

240 D. The humane investigator, law-enforcement officer, or animal control officer shall cause to be
241 served upon the person with a right of property in the animal or the custodian of the animal notice of
242 the hearing. If such person or the custodian is known and residing within the jurisdiction wherein the
243 animal is seized, written notice shall be given at least five days prior to the hearing of the time and
244 place of the hearing. If such person or the custodian is known but residing out of the jurisdiction where

such animal is seized, written notice by any method or service of process as is provided by the Code of Virginia shall be given. If such person or the custodian is not known, the humane investigator, law-enforcement officer, or animal control officer shall cause to be published in a newspaper of general circulation in the jurisdiction wherein such animal is seized notice of the hearing at least one time prior to the hearing and shall further cause notice of the hearing to be posted at least five days prior to the hearing at the place provided for public notices at the city hall or courthouse wherein such hearing shall be held.

E. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2. The Commonwealth shall be required to prove its case beyond a reasonable doubt.

F. The humane investigator, law-enforcement officer, or animal control officer shall provide for such animal until the court has concluded the hearing. Any locality may require the owner of any animal held pursuant to this subsection for more than ~~thirty~~ 30 days to post a bond in surety with the locality for the amount of the cost of boarding the animal for a period of time set by ordinance, not to exceed nine months.

In any locality that has not adopted such an ordinance, a court may order the owner of an animal held pursuant to this subsection for more than 30 days to post a bond in surety with the locality for the amount of the cost of boarding the animal for a period of time not to exceed nine months. The bond shall not be forfeited if the owner is found to be not guilty of the violation.

If the court determines that the animal has been neither abandoned, cruelly treated, nor deprived of adequate care, the animal shall be returned to the owner. If the court determines that the animal has been (i) abandoned or cruelly treated, (ii) deprived of adequate care, as that term is defined in § 3.2-6500, or (iii) raised as a dog that has been, is, or is intended to be used in dogfighting in violation of § 3.2-6571, then the court shall order that the animal may be: (a) sold by a local governing body, if not a companion animal; (b) disposed of by a local governing body pursuant to subsection D of § 3.2-6546, whether such animal is a companion animal or an agricultural animal; or (c) delivered to the person with a right of property in the animal as provided in subsection G.

G. In no case shall the owner be allowed to purchase, adopt, or otherwise obtain the animal if the court determines that the animal has been abandoned, cruelly treated, or deprived of adequate care. The court shall direct that the animal be delivered to the person with a right of property in the animal, upon his request, if the court finds that the abandonment, cruel treatment, or deprivation of adequate care is not attributable to the actions or inactions of such person.

H. The court shall order the owner of any animal determined to have been abandoned, cruelly treated, or deprived of adequate care to pay all reasonable expenses incurred in caring and providing for such animal from the time the animal is seized until such time that the animal is disposed of in accordance with the provisions of this section, to the provider of such care.

I. The court may prohibit the possession or ownership of other companion animals by the owner of any companion animal found to have been abandoned, cruelly treated, or deprived of adequate care. In making a determination to prohibit the possession or ownership of companion animals, the court may take into consideration the owner's past record of convictions under this chapter or other laws prohibiting cruelty to animals or pertaining to the care or treatment of animals and the owner's mental and physical condition.

J. If the court finds that an agricultural animal has been abandoned or cruelly treated, the court may prohibit the possession or ownership of any other agricultural animal by the owner of the agricultural animal if the owner has exhibited a pattern of abandoning or cruelly treating agricultural animals as evidenced by previous convictions of violating § 3.2-6504 or 3.2-6570. In making a determination to prohibit the possession or ownership of agricultural animals, the court may take into consideration the owner's mental and physical condition.

K. Any person who is prohibited from owning or possessing animals pursuant to subsection I or J may petition the court to repeal the prohibition after two years have elapsed from the date of entry of the court's order. The court may, in its discretion, repeal the prohibition if the person can prove to the satisfaction of the court that the cause for the prohibition has ceased to exist.

L. When a sale occurs, the proceeds shall first be applied to the costs of the sale then next to the unreimbursed expenses for the care and provision of the animal, and the remaining proceeds, if any, shall be paid over to the owner of the animal. If the owner of the animal cannot be found, the proceeds remaining shall be paid into the Literary Fund.

M. Nothing in this section shall be construed to prohibit the humane destruction of a critically injured or ill animal for humane purposes by the impounding humane investigator, law-enforcement officer, animal control officer, or licensed veterinarian.

§ 3.2-6570. Cruelty to animals; penalty.

A. Any person who: (i) overrides, overdrives, overloads, ~~tortures~~, ill-treats, or abandons any animal,

306 *whether belonging to himself or another; (ii) tortures, willfully inflicts inhumane injury or pain not*
307 *connected with bona fide scientific or medical experimentation on any animal, or cruelly or*
308 *unnecessarily beats, maims, mutilates, or kills any animal other than a dog or cat, whether belonging to*
309 *himself or another; (iii) deprives any animal of necessary food, drink, shelter, or emergency*
310 *veterinary treatment; (iv) sores any equine for any purpose or administers drugs or medications to*
311 *alter or mask such sores for the purpose of sale, show, or exhibition of any kind, unless such*
312 *administration of drugs or medications is within the context of a veterinary client-patient relationship*
313 *and solely for therapeutic purposes; (v) ropes, lassoes, or otherwise obstructs or interferes with one*
314 *or more legs of an equine in order to intentionally cause it to trip or fall for the purpose of engagement*
315 *in a rodeo, contest, exhibition, entertainment, or sport, unless such actions are in the practice of accepted*
316 *animal husbandry or for the purpose of allowing veterinary care; (vi) willfully sets on foot,*
317 *instigates, engages in, or in any way furthers any act of cruelty to any animal; (vii) carries or causes*
318 *to be carried by any vehicle, vessel, or otherwise any animal in a cruel, brutal, or inhumane manner, so*
319 *as to produce torture or unnecessary suffering; or (viii) causes any of the above things, or being the*
320 *owner of such animal permits such acts to be done by another, is guilty of a Class 1 misdemeanor.*

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

325 B. Any person who: (i) tortures, willfully inflicts inhumane injury or pain not connected with bona
326 fide scientific or medical experimentation, or cruelly and unnecessarily beats, maims, mutilates, or kills
327 any animal, whether belonging to himself or another; (ii) sores any equine for any purpose or
328 administers drugs or medications to alter or mask such sores for the purpose of sale, show, or exhibit
329 of any kind, unless such administration of drugs or medications is under the supervision of a licensed
330 veterinarian and solely for therapeutic purposes; (iii) ropes, lassoes, or otherwise obstructs or interferes
331 with one or more legs of an equine in order to intentionally cause it to trip or fall for the purpose of
332 engagement in a rodeo, contest, exhibition, entertainment, or sport, unless such actions are in the
333 practice of accepted animal husbandry or for the purpose of allowing veterinary care; (iv) maliciously
334 deprives any companion animal of necessary food, drink, shelter, or emergency veterinary treatment; (v)
335 instigates, engages in, or in any way furthers any act of cruelty to any animal set forth in clauses (i)
336 through (iv); or (vi) causes any of the actions described in clauses (i) through (v), or being the owner of
337 such animal permits such acts to be done by another; and has been within five years convicted of a
338 violation of this subsection or subsection A, is guilty of a Class 6 felony if the current violation or any
339 previous violation of this subsection or subsection A resulted in the death of an animal or the euthanasia
340 of an animal based on the recommendation of a licensed veterinarian upon determination that such
341 euthanasia was necessary due to the condition of the animal, and such condition was a direct result of a
342 violation of this subsection or subsection A.

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

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

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

351 F. Any person who: (i) ~~tortures, willfully inflicts inhumane injury or pain not connected with bona~~
352 ~~fide scientific or medical experimentation or commits an act of aggravated cruelty;~~ (ii) cruelly and
353 unnecessarily beats, maims, ~~or~~ mutilates, *or kills* any dog or cat ~~that is a companion animal whether~~
354 ~~belonging to him or another; and (ii) or (iii) as a direct result of such person's conduct causes the death~~
355 ~~of such a dog or cat that is a companion animal, or the euthanasia of such animal on the~~
356 ~~recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to~~
357 ~~the condition of the animal, is guilty of a Class 6 felony. If a dog or cat is attacked on its owner's~~
358 ~~property by a dog so as to cause injury or death, the owner of the injured dog or cat may use all~~
359 ~~reasonable and necessary force against the dog at the time of the attack to protect his dog or cat. Such~~
360 ~~owner may be presumed to have taken necessary and appropriate action to defend his dog or cat and~~
361 ~~shall therefore be presumed not to have violated this subsection. The provisions of this subsection shall~~
362 ~~not overrule § 3.2-6540, 3.2-6540.1, or 3.2-6552.~~

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

365 **§ 18.2-403.2. Offenses involving animals — Class 3 misdemeanors.**

366 The following unlawful acts and offenses against animals shall constitute and be punished as a Class
367 3 misdemeanor:

1. Violation of § 3.2-6511 pertaining to the failure of a shopkeeper or pet dealer to provide adequate care to animals.

2. Violation of § 3.2-6509 pertaining to the misrepresentation of an animal's condition by the shopkeeper or pet dealer.

3. Violation of § 3.2-6504 pertaining to the abandonment of animals.

4. Violation of § 3.2-6510 pertaining to the sale of baby fowl.

5. Violation of clause ~~(iii)~~ (iv) of subsection A of § 3.2-6570 pertaining to soring horses.

6. Violation of § 3.2-6519 pertaining to notice of consumer remedies required to be supplied by boarding establishments.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 836 of the Acts of Assembly of 2017 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.