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## HOUSE BILL NO. 2322

Offered January 21, 1999

*A BILL to amend and reenact § 3.1-796.122 of the Code of Virginia, relating to cruelty to animals.*

Patrons—Albo, Baskerville, Blevins, Moran, Wardrup and Weatherholtz

Referred to Committee on Agriculture

**Be it enacted by the General Assembly of Virginia:****1. That § 3.1-796.122 of the Code of Virginia is amended and reenacted as follows:**

§ 3.1-796.122. 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; or (ii) deprives any animal of necessary food, drink, shelter or emergency veterinary treatment; or (iii) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; or (iv) carries or causes to be carried in or upon any vehicle, vessel or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering; or (v) causes any of the above things, or, being the owner of such animal, permits such acts to be done by another, shall be guilty of a Class 1 misdemeanor. Prosecution for violations of this subsection shall commence within five years after commission of the offense. Prosecutions of this subsection regarding agricultural animals, as defined in § 3.1-796.66, shall commence within one year after commission of the offense.

B. Any person who abandons any dog, cat or other domesticated animal in any public place including the right-of-way of any public highway, road or street or on the property of another shall be guilty of a Class 3 misdemeanor.

C. Nothing in this section shall be construed to prohibit the dehorning of cattle.

D. For the purposes of this section and §§ 3.1-796.111, 3.1-796.113, 3.1-796.114, 3.1-796.115, and 3.1-796.125, the word animal shall be construed to include birds and fowl.

E. In addition to the penalties provided in subsection A, the court may, in its discretion, require any person convicted of a violation of subsection A 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.

INTRODUCED

HB2322