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SENATE BILL NO. 851

Offered January 13, 1999

A *BILL to amend and reenact §§ 3.1-796.76, 3.1-796.122, 18.2-144 and 18.2-403.1 of the Code of Virginia, relating to cruelty to animals; penalties.*

Patron—Stolle

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1-796.76, 3.1-796.122, 18.2-144 and 18.2-403.1 of the Code of Virginia are amended and reenacted as follows:

§ 3.1-796.76. Injured or sick animal; action by veterinarian.

A. If a licensed veterinarian is called or by his own action comes upon an animal that is sick or injured and the owner of such animal cannot be immediately located, then the licensed veterinarian, in his professional judgment, may treat, hospitalize or euthanize the animal without the permission of the owner. The veterinarian shall make such reports and keep such records of such sick or injured animals as may be prescribed by the Board of Veterinary Medicine, including the information required under subsection B of § 3.1-796.105.

B. In no event shall a licensed veterinarian who has *acted in good faith and* properly exercised professional judgment regarding such an animal be subject to liability for his actions *in (i) acting in accordance with subsection A or (ii) reporting cases of suspected cruelty to animals.*

§ 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. *Any second or subsequent violation of this section shall be a Class 6 felony if the current violation or any previous violation resulted in the death of an animal or the euthanasia of an animal based on the recommendation of a licensed veterinarian.* 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. *The court may, in its discretion, (i) require any person convicted of a violation of subsection A to attend an anger management or other treatment program and (ii) suspend any fine that may be imposed for the violation upon the completion of such program.*

§ 18.2-144. Maiming, killing or poisoning animals, fowl, etc.

Except as otherwise provided for by law, if any person maliciously shoot, stab, wound or otherwise cause bodily injury to, or administer poison to or expose poison with intent that it be taken by, any horse, mule, pony, cattle, swine or other livestock of another, with intent to maim, disfigure, disable or kill the same, or if he do any of the foregoing acts to any animal of his own with intent to defraud any insurer thereof, he shall be guilty of a Class 5 felony. ~~And if~~ *If any person does any of the foregoing acts to any fowl or to any companion animal with any of the aforesaid intents, he shall be guilty of a Class 1 misdemeanor, except that any second or subsequent offense shall be a Class 6 felony if the current offense or any previous offense resulted in the death of an animal or the euthanasia of an animal based on the recommendation of a licensed veterinarian.*

§ 18.2-403.1. Offenses involving animals - Class 1 misdemeanors.

The following unlawful acts and offenses against animals shall constitute and be punished as a Class 1 misdemeanor:

INTRODUCED

SB851

- 60 1. Violation of subsection A of § 3.1-796.122 pertaining to cruelty to animals, *except as provided for*
61 *second or subsequent violations in that section.*
- 62 2. Violation of § 3.1-796.69 pertaining to transporting animals under certain conditions.
- 63 3. Making a false claim or receiving money on a false claim under § 3.1-796.118 pertaining to
64 compensation for livestock and poultry killed by dogs.
- 65 4. Violation of § 3.1-796.83:1 pertaining to boarding establishments and groomers as defined in
66 § 3.1-796.68.
- 67 **2. That the provisions of this act may result in a net increase in periods of imprisonment in state**
68 **correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation**
69 **is \$ 0.**