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HOUSE BILL NO. 281

Offered January 13, 2010

Prefiled January 11, 2010

A BILL to amend and reenact §§ 3.2-6503, 3.2-6504, 3.2-6570, and 3.2-6574 of the Code of Virginia, relating to animal cruelty; penalty.

Patrons—Albo, Bell, Robert B. and Rust

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6503, 3.2-6504, 3.2-6570, and 3.2-6574 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-6503. Care of companion animals by owner; penalty.

A. Each owner shall provide for each of his companion animals:

1. Adequate feed;

2. Adequate water;

3. Adequate shelter that is properly cleaned;

4. Adequate space in the primary enclosure for the particular type of animal depending upon its age, size, species, and weight;

5. Adequate exercise;

6. Adequate care, treatment, and transportation; and

7. Veterinary care when needed or to prevent suffering or disease transmission.

The provisions of this section shall also apply to every pound, animal shelter, or other releasing agency, and every foster care provider, dealer, pet shop, exhibitor, kennel, groomer, and boarding establishment. This section shall not require that animals used as food for other animals be euthanized.

B. Violation of this section is a Class 4 2 misdemeanor.

§ 3.2-6504. Abandonment of animal; penalty.

No person shall abandon or dump any animal. Violation of this section is a Class 3 2 misdemeanor. Nothing in this section shall be construed to prohibit the release of an animal by its owner to a pound, animal shelter, or other releasing agency.

§ 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 soring 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) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; (v) 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 (vi) 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 *with a mandatory minimum of five days in jail*.

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 soring 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) maliciously deprives any companion animal of necessary food, drink, shelter or emergency veterinary treatment; (iv) instigates, engages in, or in any way furthers any act of cruelty to any animal set forth in clauses (i) through (iv); or (v) causes any of the actions described in clauses (i) through (iv), 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

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59 subsection A resulted in the death of an animal or the euthanasia of an animal based on the
60 recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to
61 the condition of the animal, and such condition was a direct result of a violation of this subsection or
62 subsection A.

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

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

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

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

82 G. Any person convicted of violating this section ~~may~~ *shall* be prohibited by the court from
83 possession or ownership of companion animals.

84 § 3.2-6574. Sterilization of adopted dogs and cats; enforcement; civil penalty.

85 A. Every new owner of a dog or cat adopted from a releasing agency shall cause to be sterilized the
86 dog or cat pursuant to the agreement required by subdivision 2 of subsection B of this article.

87 B. A dog or cat shall not be released for adoption from a releasing agency unless:

88 1. The animal has already been sterilized; or

89 2. The individual adopting the animal signs an agreement to have the animal sterilized by a licensed
90 veterinarian: (i) within 30 days of the adoption, if the animal is sexually mature; or (ii) within 30 days
91 after the animal reaches six months of age, if the animal is not sexually mature at the time of adoption.

92 C. A releasing agency may extend for 30 days the date by which a dog or cat must be sterilized on
93 presentation of a written report from a veterinarian stating that the life or health of the adopted animal
94 may be jeopardized by sterilization. In cases involving extenuating circumstances, the veterinarian and
95 the releasing agency may negotiate the terms of an extension of the date by which the animal must be
96 sterilized.

97 D. Nothing in this section shall preclude the sterilization of a sexually immature dog or cat upon the
98 written agreement of the veterinarian, the releasing agency, and the new owner.

99 E. Upon the petition of an animal control officer, humane investigator, the State Veterinarian or a
100 State Veterinarian's representative to the district court of the county or city where a violation of this
101 article occurs, the court may order the new owner to take any steps necessary to comply with the
102 requirements of this article. This remedy shall be exclusive of and in addition to any civil penalty that
103 may be imposed under this article.

104 F. Any person who violates subsection A or B of this section shall be subject to a civil penalty not
105 to exceed \$50 \$250.