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HOUSE BILL NO. 223

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources
on February 27, 2024)

(Patron Prior to Substitute—Delegate Orrock)

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

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, ill-treats, or abandons any animal, whether belonging to himself or another; (ii) tortures any animal, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation on any animal, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another; (iii) deprives any animal of necessary food, drink, shelter, or emergency veterinary treatment; (iv) 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; (v) 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; (vi) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; (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) 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) maliciously deprives any companion animal of necessary food, drink, shelter or emergency veterinary treatment; (v) instigates, engages in, or in any way furthers any act of cruelty to any animal set forth in clauses (i) through (iv); or (vi) causes any of the actions described in clauses (i) through (v), 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 was a direct result of a violation of this subsection or subsection A.

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

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

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

F. 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, or mutilates any dog or cat that is a companion animal whether belonging to him or another and (ii) as a direct result

60 causes serious bodily injury to such dog or cat that is a companion animal, the death of such dog or cat
61 that is a companion animal, or the euthanasia of such animal on the recommendation of a licensed
62 veterinarian upon determination that such euthanasia was necessary due to the condition of the animal is
63 guilty of a Class 6 felony. If a dog or cat is attacked on its owner's property by a dog so as to cause
64 injury or death, the owner of the injured dog or cat may use all reasonable and necessary force against
65 the dog at the time of the attack to protect his dog or cat. Such owner may be presumed to have taken
66 necessary and appropriate action to defend his dog or cat and shall therefore be presumed not to have
67 violated this subsection. The provisions of this subsection shall not overrule § 3.2-6540, 3.2-6540.1, or
68 3.2-6552.

69 For the purposes of this subsection, "serious bodily injury" means bodily injury that involves
70 substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss
71 or impairment of the function of a bodily member, organ, or mental faculty.

72 G. Any person convicted of ~~violating~~ *a violation of this section that is punishable as a felony* may
73 be prohibited by the court from possession or ownership of companion *or equine animals for life, and*
74 *any person convicted of a violation of this section that is punishable as a misdemeanor may be*
75 *prohibited by the court from possession or ownership of such animals for a period of up to five years.*
76 *In addition, a violation of any prohibition or restriction imposed by the sentencing court pursuant to*
77 *this subsection is a Class 1 misdemeanor, and all animals under the court's order may be seized and*
78 *forfeited. The court may order that any animal possessed or owned by such person may be disposed of*
79 *by a local governing body pursuant to subsection D of § 3.2-6546 or delivered to another person with a*
80 *right of property in the animal.*

81 H. Any person who has his rights to possession or ownership of companion or equine animals
82 prohibited pursuant to a felony conviction in accordance with subsection G may petition the court where
83 such conviction occurred for a restoration of his rights after five years from the date of conviction.