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SENATE BILL NO. 11

Senate Amendments in [] - January 26, 2024

Prefiled November 21, 2023

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

Patrons Prior to Engrossment—Senators Favola and Boysko

Referred to Committee on Agriculture, Conservation and Natural Resources

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.

ENGROSSED

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59 F. Any person who (i) tortures, willfully inflicts inhumane injury or pain not connected with bona
60 fide scientific or medical experimentation, or cruelly and unnecessarily beats, maims, or mutilates any
61 dog or cat that is a companion animal whether belonging to him or another and (ii) as a direct result
62 causes serious bodily injury to such dog or cat that is a companion animal, the death of such dog or cat
63 that is a companion animal, or the euthanasia of such animal on the recommendation of a licensed
64 veterinarian upon determination that such euthanasia was necessary due to the condition of the animal is
65 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
66 injury or death, the owner of the injured dog or cat may use all reasonable and necessary force against
67 the dog at the time of the attack to protect his dog or cat. Such owner may be presumed to have taken
68 necessary and appropriate action to defend his dog or cat and shall therefore be presumed not to have
69 violated this subsection. The provisions of this subsection shall not overrule § 3.2-6540, 3.2-6540.1, or
70 3.2-6552.

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

74 G. Any person convicted of ~~violating~~ a violation of this section that is punishable as a felony may
75 be prohibited by the court from possession or ownership of ~~companion~~ animals for life and any person
76 convicted of a violation of this section that is punishable as a misdemeanor may be prohibited by the
77 court from possession or ownership of animals for a period of up to five years. In addition [~~to any~~
78 ~~other penalty provided by law, any person who violates the provisions of this subsection shall be~~
79 ~~punished for contempt of court and the~~ , a violation of any prohibition or restriction imposed by the
80 sentencing court pursuant to this subsection is a Class 1 misdemeanor, and all animals under the
81 court's order shall be seized and forfeited. The] court shall order that any animal possessed or owned
82 by such person may be: (i) sold by a local governing body, if not a companion animal [or equine] ;
83 (ii) disposed of by a local governing body pursuant to subsection D of § 3.2-6546, whether such animal
84 is a companion animal or an agricultural animal; or (iii) delivered to another person with a right of
85 property in the animal.