

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 3.2-6570 of the Code of Virginia, relating to cruelty to animals;*
 3 *possession and ownership of animals.*

[S 11]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 3.2-6570 of the Code of Virginia is amended and reenacted as follows:**8 **§ 3.2-6570. Cruelty to animals; penalty.**

9 A. Any person who (i) overrides, overdrives, overloads, ill-treats, or abandons any animal, whether
 10 belonging to himself or another; (ii) tortures any animal, willfully inflicts inhumane injury or pain not
 11 connected with bona fide scientific or medical experimentation on any animal, or cruelly or
 12 unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another; (iii)
 13 deprives any animal of necessary food, drink, shelter, or emergency veterinary treatment; (iv) sores any
 14 equine for any purpose or administers drugs or medications to alter or mask such sores for the purpose
 15 of sale, show, or exhibition of any kind, unless such administration of drugs or medications is within the
 16 context of a veterinary client-patient relationship and solely for therapeutic purposes; (v) ropes, lassoes,
 17 or otherwise obstructs or interferes with one or more legs of an equine in order to intentionally cause it
 18 to trip or fall for the purpose of engagement in a rodeo, contest, exhibition, entertainment, or sport
 19 unless such actions are in the practice of accepted animal husbandry or for the purpose of allowing
 20 veterinary care; (vi) willfully sets on foot, instigates, engages in, or in any way furthers any act of
 21 cruelty to any animal; (vii) carries or causes to be carried by any vehicle, vessel or otherwise any
 22 animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering; or
 23 (viii) causes any of the above things, or being the owner of such animal permits such acts to be done by
 24 another is guilty of a Class 1 misdemeanor.

25 In addition to the penalties provided in this subsection, the court may, in its discretion, require any
 26 person convicted of a violation of this subsection to attend an anger management or other appropriate
 27 treatment program or obtain psychiatric or psychological counseling. The court may impose the costs of
 28 such a program or counseling upon the person convicted.

29 B. Any person who (i) tortures, willfully inflicts inhumane injury or pain not connected with bona
 30 fide scientific or medical experimentation, or cruelly and unnecessarily beats, maims, mutilates or kills
 31 any animal whether belonging to himself or another; (ii) sores any equine for any purpose or administers
 32 drugs or medications to alter or mask such sores for the purpose of sale, show, or exhibit of any kind,
 33 unless such administration of drugs or medications is under the supervision of a licensed veterinarian
 34 and solely for therapeutic purposes; (iii) ropes, lassoes, or otherwise obstructs or interferes with one or
 35 more legs of an equine in order to intentionally cause it to trip or fall for the purpose of engagement in
 36 a rodeo, contest, exhibition, entertainment, or sport unless such actions are in the practice of accepted
 37 animal husbandry or for the purpose of allowing veterinary care; (iv) maliciously deprives any
 38 companion animal of necessary food, drink, shelter or emergency veterinary treatment; (v) instigates,
 39 engages in, or in any way furthers any act of cruelty to any animal set forth in clauses (i) through (iv);
 40 or (vi) causes any of the actions described in clauses (i) through (v), or being the owner of such animal
 41 permits such acts to be done by another; and has been within five years convicted of a violation of this
 42 subsection or subsection A, is guilty of a Class 6 felony if the current violation or any previous
 43 violation of this subsection or subsection A resulted in the death of an animal or the euthanasia of an
 44 animal based on the recommendation of a licensed veterinarian upon determination that such euthanasia
 45 was necessary due to the condition of the animal, and such condition was a direct result of a violation
 46 of this subsection or subsection A.

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

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

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

55 F. Any person who (i) tortures, willfully inflicts inhumane injury or pain not connected with bona
 56 fide scientific or medical experimentation, or cruelly and unnecessarily beats, maims, or mutilates any

57 dog or cat that is a companion animal whether belonging to him or another and (ii) as a direct result
58 causes serious bodily injury to such dog or cat that is a companion animal, the death of such dog or cat
59 that is a companion animal, or the euthanasia of such animal on the recommendation of a licensed
60 veterinarian upon determination that such euthanasia was necessary due to the condition of the animal is
61 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
62 injury or death, the owner of the injured dog or cat may use all reasonable and necessary force against
63 the dog at the time of the attack to protect his dog or cat. Such owner may be presumed to have taken
64 necessary and appropriate action to defend his dog or cat and shall therefore be presumed not to have
65 violated this subsection. The provisions of this subsection shall not overrule § 3.2-6540, 3.2-6540.1, or
66 3.2-6552.

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

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

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