

Regular Session, 2009

SENATE BILL NO. 31

BY SENATOR ADLEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME/PUNISHMENT. Provides with respect to the penalty for the unnecessary unjustified causing of physical pain, suffering or death of an animal.

1 AN ACT

2 To amend and reenact R.S. 14:102.1, relative to offenses affecting public sensibility; to
3 provide for the reclassification of certain acts as aggravated cruelty to an animal; to
4 provide for penalties for unjustified causing of physical pain, suffering or death of
5 an animal, and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:102.1 is hereby amended and reenacted to read as follows:

8 §102.1 Cruelty to animals; simple and aggravated

9 A.(1) Any person who intentionally or with criminal negligence commits any
10 of the following shall be guilty of simple cruelty to animals:

11 (a) Overdrives, overloads, drives when overloaded, or overworks a living
12 animal.

13 (b) Torments, cruelly beats, or unjustifiably injures any living animal,
14 whether belonging to himself or another.

15 (c) Having charge, custody, or possession of any animal, either as owner or
16 otherwise, unjustifiably fails to provide it with proper food, proper drink, proper
17 shelter, or proper veterinary care.

1 (d) Abandons any animal. A person shall not be considered to have
2 abandoned an animal if he delivers to an animal control center an animal which he
3 found running at large.

4 (e) Impounds or confines or causes to be impounded or confined in a pound
5 or other place, a living animal and fails to supply it during such confinement with
6 proper food, proper drink, and proper shelter.

7 (f) Carries, or causes to be carried, a living animal in or upon a vehicle or
8 otherwise, in a cruel or inhumane manner.

9 (g) Unjustifiably administers any poisonous or noxious drug or substance to
10 any domestic animal or unjustifiably exposes any such drug or substance, with intent
11 that the same shall be taken or swallowed by any domestic animal.

12 (h) Injures any animal belonging to another person without legal privilege or
13 consent of the owner.

14 ~~(i) Mistreats any living animal by any act or omission whereby unnecessary~~
15 ~~or unjustifiable physical pain, suffering, or death is caused to or permitted upon the~~
16 ~~animal.~~

17 ~~(j)~~ **(i)** Causes or procures to be done by any person any act enumerated in this
18 Subsection.

19 (2)(a) Whoever commits the crime of simple cruelty to animals shall be fined
20 not more than one thousand dollars, or imprisoned for not more than six months, or
21 both.

22 (b) In addition to any other penalty imposed, a person who commits the crime
23 of cruelty to animals shall be ordered to perform five eight-hour days of
24 court-approved community service. The community service requirement shall not
25 be suspended.

26 B.(1) Any person who intentionally or with criminal negligence tortures,
27 maims, or mutilates any living animal, whether belonging to himself or another, shall
28 be guilty of aggravated cruelty to animals.

29 (2) Any person who tampers with livestock at a public livestock exhibition

1 or at a private sale shall also be guilty of aggravated cruelty to animals.

2 (3) Any person who causes or procures to be done by any person any act
3 designated in this Subsection shall also be guilty of aggravated cruelty to animals.

4 (4) Whoever commits the crime of aggravated cruelty to animals shall be
5 fined not less than five thousand dollars nor more than twenty-five thousand dollars
6 or imprisoned, with or without hard labor, for not less than one year nor more than
7 ten years, or both.

8 (5) For purposes of this Subsection, where more than one animal is tortured,
9 maimed, mutilated, or maliciously killed or where more than one head of livestock
10 is tampered with, each act comprises a separate offense.

11 **(6) Mistreats any living animal by any act or omission whereby**
12 **unnecessary or unjustifiable physical pain, suffering, or death is caused to or**
13 **permitted upon the animal.**

14 C. This Section shall not apply to any of the following:

15 (1) The lawful hunting or trapping of wildlife as provided by law.

16 (2) Herding of domestic animals.

17 (3) Accepted veterinary practices.

18 (4) Activities carried on for scientific or medical research governed by
19 accepted standards.

20 (5) Traditional rural Mardi Gras parades, processions, or runs involving
21 chickens.

22 (6) Nothing in this Section shall prohibit the standard transportation and
23 agricultural processing of agriculture products as defined in R.S. 3:3602(5) and (6).

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Dennis C. Weber.

DIGEST

Present law provides for two classifications of cruelty to animals, simple and aggravated.

Present law list as a simple offence " mistreats any living animal by any act or omission whereby unnecessary or unjustifiable physical pain, suffering, or death is caused to or permitted upon the animal."

Proposed law reclassifies the mistreatment of "any living animal by the act or omission whereby unnecessary or unjustifiable physical pain, suffering , or death is caused to or permitted upon the animal" as an aggravated offense.

R.S. 14:102.1