

2025 Regular Session

HOUSE BILL NO. 492

BY REPRESENTATIVE VENTRELLA

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

CRIME: Provides relative to cruelty to animals

## 1 AN ACT

2 To amend and reenact R.S. 14:102.1(A)(1)(introductory paragraph), (b), (d), (e), and (h) and  
3 (2), (B), and (C)(6) and to repeal R.S. 14:102.1(A)(1)(i) and (j), relative to offenses  
4 affecting the public sensibility; to provide relative to the crimes of simple cruelty to  
5 animals and aggravated cruelty to animals; to provide for conduct that constitutes  
6 simple cruelty to animals; to provide for conduct that constitutes aggravated cruelty  
7 to animals; to provide for exceptions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:102.1(A)(1)(introductory paragraph), (b), (d), (e), and (h) and (2),  
10 (B), and (C)(6) are hereby amended and reenacted to read as follows:

11 §102.1. Cruelty to animals; simple and aggravated

12 A.(1) ~~Any person who~~ Simple cruelty to animals is when a person  
13 intentionally or with criminal negligence ~~commits~~ does any of the following ~~shall be~~  
14 ~~guilty of simple cruelty to animals:~~

15 \* \* \*

16 (b) Torments, cruelly beats, or unjustifiably injures any living animal;  
17 ~~whether belonging to himself or another.~~

18 \* \* \*

19 (d) Abandons any animal. A person shall not be considered to have  
20 abandoned an animal if he delivers to an animal which he found running at large in

1        the care of an animal control center ~~an animal which he found running at large,~~  
2        shelter, or rescue location.

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

7 \* \* \*

8 (h) ~~Injures any animal belonging to another person.~~

~~(i) 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.~~

12                   (f) Causes or procures to be done by any person any act enumerated in this

13                   Subsection Paragraph.

(2)(a) Whoever commits the crime of simple cruelty to animals shall be fined not more than one thousand dollars or imprisoned for not more than six months, or both. The court may also order the offender to pay for any expenses incurred for the housing of the animal and for medical treatment of the animal, pursuant to Code of Criminal Procedure Article 883.2. In addition, the court may issue an order prohibiting the ~~defendant~~ offender from owning or keeping animals for a period of not more than one year.

(b) Whoever commits a second or subsequent offense of simple cruelty to animals shall be fined not less than five thousand dollars nor more than twenty-five thousand dollars or imprisoned, with or without hard labor, for not less than one year nor more than ten years, or both. In addition, the court may issue an order prohibiting the ~~defendant~~ offender from owning or keeping animals for a period of not more than five years.

(c) In addition to any other penalty imposed, a person who commits the crime of simple cruelty to animals shall be ordered to perform five eight-hour days

1 of court-approved community service. The community service requirement shall not  
2 be suspended.

3 (d) In addition to any other penalty imposed, the court may order a  
4 psychological evaluation or anger management treatment for a first conviction of the  
5 crime of simple cruelty to animals. For a second or subsequent offense of the crime  
6 of simple cruelty to ~~an animal~~ animals, the court shall order a psychological  
7 evaluation or anger management treatment. Any costs associated with any  
8 evaluation or treatment ordered by the court shall be borne by the ~~defendant~~  
9 offender.

10 \* \* \*

11 B.(1) ~~Any person who~~ Aggravated cruelty to animals is when a person  
12 intentionally or with criminal negligence ~~tortures, maims, or mutilates any living~~  
13 ~~animal, whether belonging to himself or another, shall be guilty of aggravated cruelty~~  
14 ~~to animals.~~ does any of the following:

15 (a) Tortures, maims, or mutilates any living animal.

16 (2) ~~Any person who tampers~~ (b) Tampers with livestock at a public  
17 livestock exhibition or at a private sale ~~shall also be guilty of aggravated cruelty to~~  
18 ~~animals.~~

19 (3) ~~Any person who causes~~ (c) Causes or procures to be done by ~~any another~~  
20 person any act designated in this Subsection ~~shall also be guilty of aggravated cruelty~~  
21 ~~to animals~~ Paragraph.

22 (4) ~~Any person who intentionally or with criminal negligence mistreats~~  
23 (d) Mistreats any living animal ~~whether belonging to himself or another~~ by any act  
24 or omission which causes or permits unnecessary or unjustifiable physical pain,  
25 suffering, or death to the animal ~~shall also be guilty of aggravated cruelty to animals.~~

26 (e) Having charge, custody, or possession of any animal as either an owner  
27 or otherwise, unjustifiably fails to provide it with proper food, proper water, proper  
28 shelter, or proper veterinary care, which results in the animal's death.

(5) (2) In addition to any other penalty imposed for a violation of Paragraph  
(1) of this Subsection, the offender shall be ordered to undergo a psychological  
evaluation and subsequently recommended psychological treatment and may be  
banned by court order from owning or keeping animals for a period of not more than  
ten years. Any costs associated with any evaluation or treatment ordered by the  
court shall be borne by the ~~defendant~~ offender.

7                    ~~(6)~~ (3) Whoever commits the crime of aggravated cruelty to animals shall  
8                    be fined not less than five thousand dollars nor more than twenty-five thousand  
9                    dollars or imprisoned, with or without hard labor, for not less than one year nor more  
10                  than ten years, or both.

(7) (4) For purposes of this Subsection, where more than one animal is  
tortured, maimed, mutilated, or maliciously killed<sup>1</sup> or where more than one head of  
livestock is tampered with, each act comprises a separate offense.

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

15 \* \* \*

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

Section 2. R.S. 14:102.1(A)(1)(i) and (j) are hereby repealed in their entirety.

## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 492 Engrossed

2025 Regular Session

Ventrella

**Abstract:** Provides relative to acts that constitute cruelty to animals.

Present law (R.S. 14:102.1) provides for the crimes of simple cruelty to animals and aggravated cruelty to animals.

Proposed law retains present law generally.

Present law (R.S. 14:102.1(A)) provides that any person who intentionally or with criminal negligence commits any of the following shall be guilty of simple cruelty to animals:

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

- (2) Torments, cruelly beats, or unjustifiably injures any living animal, whether belonging to himself or another.
- (3) Having charge, custody, or possession of any animal, either as owner or otherwise, unjustifiably fails to provide it with proper food, proper drink, proper shelter, or proper veterinary care.
- (4) Abandons any animal. A person shall not be considered to have abandoned an animal if he delivers to an animal control center an animal which he found running at large.
- (5) Impounds or confines or causes to be impounded or confined in a pound or other place, a living animal and fails to supply it during such confinement with proper food, proper drink, and proper shelter.
- (6) Carries, or causes to be carried, a living animal in or upon a vehicle or otherwise, in a cruel or inhumane manner.
- (7) Unjustifiably administers any poisonous or noxious drug or substance to any domestic animal or unjustifiably exposes any such drug or substance, with intent that the same shall be taken or swallowed by any domestic animal.
- (8) Injures any animal belonging to another person.
- (9) 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.
- (10) Causes or procures to be done by any person any act enumerated in present law.

Proposed law amends these elements of present law as follows:

- (1) Relative to the tormenting, cruelly beating, or unjustifiably injuring of any living animal, removes the condition that the animal belong to the offender.
- (2) Relative to abandonment of an animal, provide that a person shall not be considered to have abandoned an animal if he delivers an animal which he found running at large in the care of an animal control center, shelter, or rescue location.
- (3) Changes the word "drink" to "water".
- (4) Removes as elements from present law the injuring of any animal belonging to another person and the mistreatment of 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 amends present law to change the term "defendant" to "offender" throughout present law.

Present law (R.S. 14:102.1(B)) provides that any person who intentionally or with criminal negligence commits any of the following shall be guilty of aggravated cruelty to animals:

- (1) Tortures, maims, or mutilates any living animal, whether belonging to himself or another.
- (2) Tamperes with livestock at a public livestock exhibition or at a private sale.
- (3) Causes or procures to be done by any person any act designated in present law.

- (4) Mistreats any living animal whether belonging to himself or another by any act or omission which causes or permits unnecessary or unjustifiable physical pain, suffering, or death to the animal.

Proposed law retains present law generally, but removes the condition that the animal belong to the offender within elements of present law pertaining to torture, maiming, mutilation, and mistreatment.

Proposed law adds that aggravated cruelty to animals is when a person has charge, custody, or possession of any animal as either an owner or otherwise and unjustifiably fails to provide it with proper food, proper water, proper shelter, or proper veterinary care, which results in the animal's death.

Present law (R.S. 14:102.1(C)(6) provides that nothing in present law shall prohibit the standard transportation and agricultural processing of agriculture products as defined in present law (R.S. 3:3602(5) and (6)).

Proposed law removes an incorrect cross-reference to the term "agricultural products" with the correct cross-reference as defined in present law (R.S. 3:3602).

(Amends R.S. 14:102.1(A)(1)(intro. para.), (b), (d), (e), and (h) and (2), (B), and (C)(6); Repeals R.S. 14:102.1(A)(1)(i) and (j))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.
2. Add an animal shelter or rescue location as areas where a person may deliver an animal which he found running at large.
3. Clarify that an element of aggravated cruelty to animals is when a person fails to provide proper veterinary care which results in the animal's death.