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## DIGEST

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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) Tampers 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.