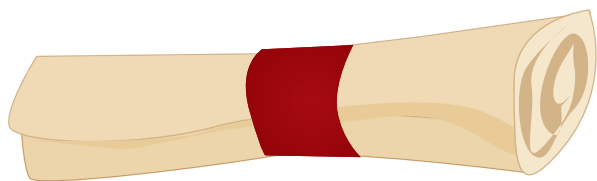


THE PREVENTION OF CRUELTY TO ANIMALS ACT



Model Legislation from the No Kill Advocacy Center

WHY THE PREVENTION OF CRUELTY TO ANIMALS ACT?



Over 150 years ago, the nation's first Society for the Prevention of Cruelty to Animals was launched by reformers who also started the first Society for the Prevention of Cruelty to Children. Indeed, early humane organizations often had dual missions: to protect not just animals as is now primarily their cause, but children as well.

With the belief that these two groups represent the most vulnerable populations in our society—which by virtue of their inability to advocate for themselves require a strong legal framework to guarantee their welfare—early humane organizations set out to pass both anti-cruelty and child protection laws across the nation. And while over a century later, the number of legal protections afforded for children have thankfully increased dramatically, there are still simple, common-sense protections for animals that our legal system has yet to provide.

For example, there is currently no means of ensuring that animals are not placed into the hands of convicted animal abusers, which, studies show, have a tragically high rate of reoffending. While many states offer the public access to registries of convicted child abusers, allowing people to make informed decisions about whom they can trust to care for their children, such laws for animals are rare, forcing those who are looking to find them homes—

such as shelters, rescue groups, and others—to do so without access to basic information that would help them to ensure that the animal they are entrusting to another's care will be treated responsibly and with kindness.

Two starving dogs were recently found in a woman's home. By the time police discovered the dogs, it was too late for one of them. The dog died from complications after eating cloth and plastic in a desperate bid to end the pain of hunger. Their abuser was eventually convicted of animal cruelty. Yet despite her conviction, there is little preventing her from acquiring more animals. In fact, if she was to apply to adopt an animal from a shelter or rescue group, these organizations would have no way of knowing that she was, in fact, a convicted animal abuser or that she was not permitted to have animals. In the absence of information that would help people make better, more informed decisions when placing the animals in their care, scenarios such as this are commonplace across our nation. It doesn't have to be this way.

An "Animal Abuser Registry" modeled on those laws which currently exist to protect children (as well as the elderly and victims of sexual assaults) would require people convicted of these types of crimes to register with the state. The registry would then be available to shelters, rescue groups, pet stores, breeders, and



the public. Not only would such a law help prevent animal abuse by keeping animals out of harm's way, but they would protect the people who love them by providing them with legally accurate information to make educated decisions about their own animals: whether it is safe to allow their cat to go outside and whom they should trust to care for their animals, such as pet sitters and dog walkers.

Today, Americans hold the humane treatment of animals as a personal value, reflected in our cultural practices, the proliferation of organizations founded for animal protection, increased per capita spending on animal care, and great advancements in veterinary medicine. With expenses totaling over 50 billion dollars annually, spending on animal companions is the eighth largest sector of the U.S. economy, while giving to animal related causes is the fastest growing segment in American philanthropy. Not only do 165 million animals share our homes, but they are treated and regarded as members of the family. We talk to them, keep their pictures on our desks, celebrate their birthdays, care for them when they get sick, and when it is time to say goodbye, we grieve. In fact, a national study found that 96% of Americans—*almost every single person surveyed*—believes we have a moral duty to protect animals and should have strong laws to do so. Laws mandating the creation of publicly accessible databases that would prevent convicted animal abusers from acquiring more animals to harm are therefore consistent with public sentiment.

And they are desperately needed.

In one prosecutor's experience, 80% of perpetrators reoffended within one year of conviction, while statistics show that

some classes of animal abusers, such as hoarders, have even higher rates of recidivism. Moreover, therapy and other rehabilitation efforts are costly, do not exist in many communities, and are not mandated by the courts. Where they do exist, they are unlikely to be required as a term of sentencing. Moreover, in this and other contexts, they've generally been shown to be ineffective. In short, a Prevention of Cruelty to Animals Act would provide a level of protection for animals where no other protections or assurances against future abuse currently exist.

In fact, animal cruelty is strongly associated with a variety of other crimes including assault, and studies of serial killers found that most began by abusing animals. In cases of domestic violence, abusers often torment animals in order to punish their partners. Animal cruelty in the context of domestic violence is, therefore, predictive of future offenses since the recidivism rate of spousal abusers is statistically very high as well. That is why it is so essential to arm those in decision-making positions with the knowledge they need to ensure that they are adequately protecting animals from future harm. As a former shelter director explains,

There are currently no means of ensuring that animals are not placed into the hands of convicted animal abusers, which, studies show, have a tragically high rate of reoffending.



I knew there were individuals within our community who had been convicted of animal cruelty, and yet I had no way of determining who they were. Any responsible shelter director dedicated to ensuring the welfare of the animals in their care understands the value of such a registry and enthusiastically supports such laws.

Without a law of this kind, animals are helpless and vulnerable to neglect and cruelty. By knowing the right lies to tell and which

truths to omit, convicted animal abusers can potentially acquire animals even from those who are dedicated to their protection but are currently forced to operate in a state of ignorance simply because they lack access to valuable information that would help them make better, more informed choices about the animals in their care. Such a law would strip abusers of this advantage and prevent future animal abuse with nothing more than a few simple strokes of a keyboard.

The Prevention of Cruelty to Animals Act assures people access to valuable information that would help them make better, more informed choices about the animals in their care with nothing more than a few simple strokes of a keyboard.



THE PREVENTION OF CRUELTY TO ANIMALS ACT

Sec. 1(a) The Legislature finds and declares:

- (1) Studies in psychology, sociology, and criminology have demonstrated that violent offenders frequently have childhood and adolescent histories of serious and repeated animal cruelty;
- (2) The federal bureau of investigation has recognized this connection since the 1970s, when its analysis of serial killers suggested that most had killed or tortured animals;
- (3) Other research has shown consistent patterns of animal cruelty among perpetrators of other forms of violence, including child abuse, spouse abuse, and elder abuse, leading the American Psychiatric Association to consider animal cruelty as one of the

- diagnostic criteria of conduct disorder;
- (4) It is a compelling and necessary public interest that the public have information concerning persons convicted of an offense having as its effect the prevention or punishment of animal neglect or cruelty, to allow members of the public to adequately protect themselves and animals from these persons;
- (5) It is a compelling and necessary public interest that animal shelters, rescue organizations, pet stores, breeders, and others have information concerning persons convicted of an offense having as its effect the prevention or punishment of animal neglect or cruelty, to prevent animals from being sold,

adopted, fostered by, or given to animal abusers; (6) In balancing the abuser's due process and other rights against the interests of public security, the legislature finds that releasing certain information about animal abusers under the circumstances specified in this chapter will further the primary governmental interest of protecting vulnerable populations from potential harm;

(7) To protect the safety and general welfare of the people and animals of this state, it is necessary to provide for registration of abusers and for the public release of specified information regarding abusers. This policy of authorizing the release of necessary and relevant information about abusers to members of the public is a means of assuring public and animal protection and it is not intended that the information be used to inflict retribution punishment on those abusers.

Sec. 2 (a) For purposes of this Act, the following definitions shall apply:

(1) "Animal abuser" means a person over eighteen years of age or a minor who has been tried as an adult who has been convicted of an offense having as its effect the prevention or punishment of animal neglect or cruelty.

(2) "An offense having as its effect the prevention or punishment of animal neglect or cruelty" such as those in violation of sections <<>>, et seq., of the penal code, includes, but is not limited to, maiming, torturing, wounding, fighting, killing, cruelly beating, mutilating, overdriving, overloading, overworking, tormenting, depriving of necessary sustenance, drink or shelter, subjecting to needless suffering, bestiality and other crimes against nature, or inflicting unnecessary cruelty; failing as an owner to provide with proper food, drink, shelter, or protection from the weather; as an owner driving, riding, or otherwise using an animal when unfit for labor, or failing to provide necessary veterinary care.

(3) "Conviction" means a judgment entered by a court upon a plea of guilty, a plea of nolo

contendere, or a finding of guilt by a jury or the court, notwithstanding any pending appeal or habeas corpus proceeding arising from the judgment. A conviction includes, but is not limited to, a conviction by a federal court or military tribunal, including a court-martial conducted by the armed forces of the United States, and a conviction in any other state of the United States, other jurisdiction, or other country. A conviction for an offense committed in another jurisdiction that would be classified as an offense having as its effect the prevention or punishment of animal neglect or cruelty if committed in this state, shall be considered a conviction.

(4) "Residence" means a place where the person abides, lodges, resides, or establishes any other living accommodations in this state for ten consecutive days.

(5) "Resident" means any person who abides, lodges, resides, or establishes any other living accommodations in this state, as well as those employed in the state or students enrolled part-time or full-time in any public or private educational institution, including any secondary school, trade, or professional institution or institution of higher learning.

(6) "Public sheltering agency" is a public or private animal shelter, society for the prevention of cruelty to animals, humane society, or other entity or individual, that receives town, city, county, state or other public funding or has a contract with a city, town, county, state or other government entity, under which it accepts stray or owner-relinquished animals.

(7) "Private sheltering agency" is a shelter, society for the prevention of cruelty to animals, humane society, or animal adoption group and:

(a) which does not receive funding or have a contract with a city, town, county, state or other public entity, under which it accepts stray or owner-relinquished animals; (b) accepts animals into a physical facility other than a private residence; and, (c) places into new homes stray or owner-relinquished animals or

animals who have been removed from a public or private sheltering agency.

(8) “Rescue group” is an organization whose primary stated purpose is animal adoption, animal rescue, or formed for the prevention of cruelty to animals.

(9) “Pet dealer” means any individual, person, partnership, firm, corporation or other entity which offers animals for sale or is engaged in the sale, exchange or other transfer of ownership of animals.

Sec. 3(a) Any person eighteen years of age or older who resides in the state and who is convicted of an offense having as its effect the prevention or punishment of animal neglect or cruelty must register with the attorney general within five calendar days following his or her release from incarceration or, if not incarcerated, five calendar days from the date of conviction.

(b) Any out of state person who is convicted of animal abuse or is registered in another state of an offense having as its effect the prevention or punishment of animal neglect or cruelty, must register with the attorney general within five calendar days of residing in the state.

(c) The registry shall be maintained by the attorney general and made available for public inquiry in person, by telephone, and on the internet.

(d) Any person required to register with the attorney general will remain on the registry for ten years following his or her release from incarceration or the date judgment was rendered, whichever is later, for a first conviction. Any person who is convicted of a second or subsequent offense having as its effect the prevention or punishment of animal neglect or abuse will remain on the registry for life following his or her most recent conviction.

(e) Within five calendar days of changing a

residence, the animal abuser shall update his or her registration by notifying the attorney general in a manner prescribed by the attorney general.

(f) Following an animal abuser’s initial registration pursuant to the provisions of this section, the animal abuser shall annually renew his or her registration prior to December 31 of each subsequent calendar year he or she is required to be registered.

(g) The attorney general shall charge an annual fee of fifty dollars and a fee of ten dollars for any change of address. The fee shall be paid to the attorney general to defray the costs of administering the registry.

(h) Animal abusers who do not maintain a residence, shall be considered homeless, and are subject to the registration requirements of this chapter.

Sec. 4(a) The clerk of the court in which a person's conviction for an offense having as its effect the prevention or punishment of animal neglect or cruelty occurs shall forward to the attorney general, electronically or otherwise, a copy of the judgment document of the conviction, the animal abuser's home address, and the information listed on subsection (c) of this provision. The information shall be forwarded to the attorney general within five business days of the date of judgment. Failure of the clerk to do so shall not relieve an animal abuser of the obligations imposed by this chapter.

(b) Upon conviction of an offense having as its effect the prevention or punishment of animal neglect or cruelty, the court shall advise the animal abuser of his or her duties under this article. Failure of the court to do so shall not relieve an animal abuser of the obligations imposed by this chapter.



(c) The registry shall consist of the person's name, aliases, tattoos, scars or other distinguishing features, date of birth, residential address, all offense convictions, conviction dates, county and state of convictions, the person's photograph and such other identifying data as the attorney general determines is necessary for the public to properly identify the person, but shall not include the person's social security number. The attorney general may use the driver's license photograph of the animal abuser maintained by the department of motor vehicles for the registry. If no driver's license photograph is available, the attorney general shall use the photograph taken at the animal abuser's booking.

(d) The registry shall utilize a standardized registration form in a format developed by the attorney general.

Sec. 5 (a) A person required to register pursuant to this chapter shall not own, possess, reside with, have custody of, or contact with any animal for the period such person is required to register.

Sec. 6 (a) An animal abuser who violates any provision of this chapter shall be guilty and punishable as a felony.

(b) Violations shall include, but not be limited to, the following:

- (1) Failure to register;
- (2) Falsification of information supplied to the attorney general;
- (3) Failure to timely disclose required information to the attorney general; and
- (4) Owning, possessing, residing with, having custody of, or contact with any animal for the period such person is required to register.

(c) A violation of this chapter is a continuing offense.

(d) Venue lies in any county in which the animal abuser may be found or in any county where the violation occurred.

Sec. 7 (a) Any individual or any employee, volunteer, or other authorized agent of a public or private animal shelter, humane society, rescue group, pet store, pet dealer, breeder, organization formed for the prevention of cruelty to animals, or entity, seeking to give, sell, adopt out, exchange, or otherwise transfer an animal shall examine the registry to confirm that any potential owners are not registrants. No animal shall be given, sold, adopted out, exchanged, or otherwise transferred to an animal abuser listed on the registry or to a person living where an animal abuser resides.

(b) Any individual or any employee, volunteer, or other authorized agent of a public or private animal shelter, humane society, rescue group, pet store, pet dealer, breeder, organization formed for the prevention of cruelty to animals, or entity who fails to examine the registry and gives, sells, adopts out, exchanges, or otherwise transfers an animal to someone who is a registered animal abuser or to a person living where an animal abuser resides shall be guilty and punishable as a misdemeanor.

(c) Any individual or any employee, volunteer, or other authorized agent of a public or private animal shelter, humane society, rescue group, pet store, pet dealer, breeder, organization formed for the prevention of cruelty to animals, or entity, who knowingly gives, sells, adopts out, exchanges, or otherwise transfers an animal to someone who is a registered animal abuser or to a person living where an animal abuser resides shall be guilty and punishable as a felony.

Sec. 8 This act shall take effect immediately.




For a copy of the Companion Animal Protection Act, our model shelter reform law which also restricts and, in some cases, bans the killing of animals in favor of proven, innovative and cost-effective lifesaving alternatives, as well as a guide to passing humane legislation, visit:

nokilladvocacycenter.org

Model Legislation to Improve the Performance and Life-Saving of Animal Shelters


The Animal Rescue Act



Saving Lives
Saving Taxpayer Money
Mandating Collaboration
Ending Discrimination Against Non-Profits


Model Legislation to Improve the Performance and Life-Saving of Animal Shelters

The Companion Animal Protection Act




Saving Lives
Saving Taxpayer Money
Improving Public Health and Safety
Improving Public Satisfaction with Government

There Ought to Be a Shelter Reform Law



An Activist's Guide to Passing Humane Legislation



No Kill Advocacy Center

A PUBLICATION OF THE NO KILL ADVOCACY CENTER

If every animal shelter in the United States embraced the No Kill philosophy and the programs and services that make it possible, we would save nearly four million animals who are scheduled to die in shelters this year, and the year after that. It is not an impossible dream.



A No Kill Nation Is Within Our Reach

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