



House of Representatives

File No. 804

General Assembly

January Session, 2003

(Reprint of File No. 582)

Substitute House Bill No. 5530
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
May 31, 2003

**AN ACT CONCERNING ANIMAL CRUELTY PREVENTION AND
EDUCATION.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subsection (a) of section 53a-30 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2003*):

4 (a) When imposing sentence of probation or conditional discharge,
5 the court may, as a condition of the sentence, order that the defendant:
6 (1) Work faithfully at a suitable employment or faithfully pursue a
7 course of study or of vocational training that will equip the defendant
8 for suitable employment; (2) undergo medical or psychiatric treatment
9 and remain in a specified institution, when required for that purpose;
10 (3) support the defendant's dependents and meet other family
11 obligations; (4) make restitution of the fruits of the defendant's offense
12 or make restitution, in an amount the defendant can afford to pay or
13 provide in a suitable manner, for the loss or damage caused thereby
14 and the court may fix the amount thereof and the manner of
15 performance; (5) if a minor, (A) reside with the minor's parents or in a

16 suitable foster home, (B) attend school, and (C) contribute to the
17 minor's own support in any home or foster home; (6) post a bond or
18 other security for the performance of any or all conditions imposed; (7)
19 refrain from violating any criminal law of the United States, this state
20 or any other state; (8) if convicted of a misdemeanor or a felony, other
21 than a capital felony, a class A felony or a violation of section 21a-278,
22 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57, 53a-58 or 53a-70b or any
23 offense for which there is a mandatory minimum sentence which may
24 not be suspended or reduced by the court, and any sentence of
25 imprisonment is suspended, participate in an alternate incarceration
26 program; (9) reside in a residential community center or halfway
27 house approved by the Commissioner of Correction, and contribute to
28 the cost incident to such residence; (10) participate in a program of
29 community service labor in accordance with section 53a-39c; (11)
30 participate in a program of community service in accordance with
31 section 51-181c; (12) if convicted of a violation of subdivision (2) of
32 subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70b, 53a-71,
33 53a-72a or 53a-72b, undergo specialized sexual offender treatment; (13)
34 if convicted of a criminal offense against a victim who is a minor, a
35 nonviolent sexual offense or a sexually violent offense, as defined in
36 section 54-250, or of a felony that the court finds was committed for a
37 sexual purpose, as provided in section 54-254, register such person's
38 identifying factors, as defined in section 54-250, with the
39 Commissioner of Public Safety when required pursuant to section 54-
40 251, 54-252 or 54-253, as the case may be; (14) be subject to electronic
41 monitoring; (15) if convicted of a violation of section 46a-58, 53-37a,
42 53a-181j, 53a-181k or 53a-181l, participate in an anti-bias crime
43 education program; (16) if convicted of a violation of section 53-247,
44 undergo psychiatric or psychological counseling or participate in an
45 animal cruelty prevention and education program provided such a
46 program exists and is available to the defendant; or (17) satisfy any
47 other conditions reasonably related to the defendant's rehabilitation.
48 The court shall cause a copy of any such order to be delivered to the
49 defendant and to the probation officer, if any.

50 Sec. 2. Subsection (d) of section 54-56e of the general statutes is
51 repealed and the following is substituted in lieu thereof (*Effective*
52 *October 1, 2003*):

53 (d) Except as provided in subsection (e) of this section, any
54 defendant who enters such program shall pay to the court a
55 participation fee of one hundred dollars. Any defendant who enters
56 such program shall agree to the tolling of any statute of limitations
57 with respect to such crime and to a waiver of the right to a speedy trial.
58 Any such defendant shall appear in court and shall, under such
59 conditions as the court shall order, be released to the custody of the
60 Court Support Services Division, except that, if a criminal docket for
61 drug-dependent persons has been established pursuant to section
62 51-181b in the judicial district, such defendant may be transferred,
63 under such conditions as the court shall order, to the court handling
64 such docket for supervision by such court. If the defendant refuses to
65 accept, or, having accepted, violates such conditions, the defendant's
66 case shall be brought to trial. The period of such probation or
67 supervision, or both, shall not exceed two years. The court may order
68 that as a condition of such probation the defendant participate in the
69 zero-tolerance drug supervision program established pursuant to
70 section 53a-39d. If the defendant has reached the age of sixteen years
71 but has not reached the age of eighteen years, the court may order that
72 as a condition of such probation the defendant be referred for services
73 to a youth service bureau established pursuant to section 17a-39,
74 provided the court finds, through an assessment by a youth service
75 bureau or its designee, that the defendant is in need of and likely to
76 benefit from such services. When determining any conditions of
77 probation to order for a person entering such program who was
78 charged with a misdemeanor that did not involve the use, attempted
79 use or threatened use of physical force against another person or a
80 motor vehicle violation, the court shall consider ordering the person to
81 perform community service in the community in which the offense or
82 violation occurred. If the court determines that community service is
83 appropriate, such community service may be implemented by a

84 community court established in accordance with section 51-181c if the
85 offense or violation occurred within the jurisdiction of a community
86 court established by said section. If the defendant is charged with a
87 violation of section 46a-58, 53-37a, 53a-181j, 53a-181k or 53a-181l, the
88 court may order that as a condition of such probation the defendant
89 participate in a hate crimes diversion program as provided in
90 subsection (e) of this section. If a defendant is charged with a violation
91 of section 53-247, the court may order that as a condition of such
92 probation the defendant undergo psychiatric or psychological
93 counseling or participate in an animal cruelty prevention and
94 education program provided such a program exists and is available to
95 the defendant.

96 Sec. 3. Subsection (c) of section 46b-140 of the general statutes is
97 repealed and the following is substituted in lieu thereof (*Effective*
98 *October 1, 2003*):

99 (c) The court may order, as a condition of probation, that the child
100 (1) reside with a parent, relative or guardian or in a suitable foster
101 home or other residence approved by the court, (2) attend school and
102 class on a regular basis and comply with school policies on student
103 conduct and discipline, (3) refrain from violating any federal or state
104 law or municipal or local ordinance, (4) undergo any medical or
105 psychiatric evaluation or treatment deemed necessary by the court, (5)
106 submit to random drug or alcohol testing, or both, (6) participate in a
107 program of alcohol or drug treatment, or both, (7) make restitution to
108 the victim of the offense in accordance with subsection (d) of this
109 section, (8) participate in an alternative incarceration program or other
110 program established through the Court Support Services Division, (9)
111 participate in a program of community service, and (10) satisfy any
112 other conditions deemed appropriate by the court. The court shall
113 cause a copy of any such order to be delivered to the child, the child's
114 parents or guardian and the child's probation officer. If the child is
115 convicted as delinquent for a violation of section 53-247, the court may
116 order, as a condition of probation, that the child undergo psychiatric or
117 psychological counseling or participate in an animal cruelty

118 prevention and education program provided such a program exists
119 and is available to the child.

120 Sec. 4. Subsection (b) of section 54-76j of the general statutes is
121 repealed and the following is substituted in lieu thereof (*Effective*
122 *October 1, 2003*):

123 (b) If execution of the sentence is suspended under subdivision (6)
124 of subsection (a) of this section, the defendant may be placed on
125 probation or conditional discharge for a period not to exceed three
126 years, provided the court in its discretion may from time to time, while
127 such probation is in force, extend such probation for a period not to
128 exceed five years, including the original probationary period. If the
129 court places the person adjudicated to be a youthful offender on
130 probation, the court may order that as a condition of such probation
131 the person be referred for services to a youth service bureau
132 established pursuant to section 17a-39, provided the court finds,
133 through an assessment by a youth service bureau or its designee, that
134 the person is in need of and likely to benefit from such services. If the
135 court places a person adjudicated as a youthful offender on probation,
136 the court may order that as a condition of such probation the person
137 participate in the zero-tolerance drug supervision program established
138 pursuant to section 53a-39d. If the court places a youthful offender on
139 probation, school and class attendance on a regular basis and
140 satisfactory compliance with school policies on student conduct and
141 discipline may be a condition of such probation and, in such a case,
142 failure to so attend or comply shall be a violation of probation. If the
143 court has reason to believe that the person adjudicated to be a youthful
144 offender is or has been an unlawful user of narcotic drugs as defined in
145 section 21a-240, and the court places such youthful offender on
146 probation, the conditions of probation, among other things, shall
147 include a requirement that such person shall submit to periodic tests to
148 determine, by the use of "synthetic opiate antinarcotic in action",
149 nalline test or other detection tests, at a hospital or other facility,
150 equipped to make such tests, whether such person is using narcotic
151 drugs. A failure to report for such tests or a determination that such

152 person is unlawfully using narcotic drugs shall constitute a violation of
153 probation. If the court places a person adjudicated as a youthful
154 offender for a violation of section 53-247 on probation, the court may
155 order that as a condition of such probation the person undergo
156 psychiatric or psychological counseling or participate in an animal
157 cruelty prevention and education program provided such a program
158 exists and is available to the person.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Judicial Dept.; Children & Families, Dept.; Mental Health & Addiction Serv., Dept.	GF - Cost	Potential Significant	Potential Significant

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill permits the court to require someone convicted of animal cruelty to undergo psychiatric or psychological counseling, or to participate in an animal cruelty prevention and education program if one exists and is available to the defendant.

The potential cost to the Judicial Department, the Department of Children and Families, and the Department of Mental Health and Addiction Services from the provision permitting courts to order defendants to undergo psychiatric or psychological counseling is uncertain since the court may order a defendant to undergo mental or psychiatric treatment under current law. However, to the extent that the bill increases the use of such treatment, a significant cost could result.

House Amendment "A" provides that the court can order participation in the animal cruelty prevention and education program only if it exists and is available to the defendant. Since the Department would no longer be required to provide for this new program, the associated cost is eliminated.

Background

There could be over 100 clients annually (adult and juvenile.) In FY 02 there were 194 adult offenses and 55 convictions for cruelty to animals, with fifty-eight people on probation. The number of juvenile offenses is unavailable, but estimated to be at least 194.

OLR Bill Analysis

sHB 5530 (as amended by House "A")*

AN ACT CONCERNING ANIMAL CRUELTY PREVENTION AND EDUCATION**SUMMARY:**

This bill allows the court, as a condition of probation or conditional discharge, to require someone convicted of cruelty to animals to undergo psychiatric or psychological counseling or to participate in an animal cruelty prevention and education program if the program exists and is available to the defendant. The court may use this condition with people convicted in regular criminal court, with children (under age 16) convicted as delinquent, with first-time offenders being granted accelerated rehabilitation, and with those (age 16 and 17) being granted youthful offender status.

*House Amendment "A" adds the condition that, for the court to order participation, the program must exist and be available to the defendant.

EFFECTIVE DATE: October 1, 2003

BACKGROUND***Cruelty to Animals, Fighting Animals, and Killing a Police Animal***

The law establishes four animal cruelty offenses that are covered by this bill. The first, overworking; cruelly beating; failing to give proper air, food, and water; improperly protecting an animal from self injury; administering poisonous or noxious drugs; and baiting or worrying an animal for amusement or exhibition is punishable by a fine of up to \$1,000, imprisonment for up to one year, or both.

The second, maliciously and intentionally maiming, mutilating, torturing, wounding, or killing an animal is punishable by a fine of up to \$5,000, imprisonment for up to five years, or both.

The third, owning, keeping, or training animals that fight in exhibitions for amusement or gain; permitting such exhibitions on one's property; acting as a judge or spectator at such an exhibition; and wagering on the outcome of such exhibitions is punishable by a fine of up to \$5,000, imprisonment for up to five years, or both.

The fourth, killing an animal performing its duties under the supervision of a peace officer is punishable by a fine of up to \$5,000, imprisonment for up to five years, or both.

Accelerated Rehabilitation

Accelerated rehabilitation (AR) is a pretrial diversion program for people accused of offenses "not of a serious nature." Those accused of class A and B felonies are ineligible, while those accused of class C felonies are only eligible for "good cause." The court must also believe the defendant will probably not offend again, and the crime victim is notified and given an opportunity to comment.

AR participants waive their right to a speedy trial. The court places them under the supervision of the Office of Adult Probation for up to two years. If they successfully complete the program, the court dismisses the charges and erases the person's record.

Youthful Offender Status

The court can grant youthful offender (YO) status to 16- and 17-year olds who are first offenders and charged with less serious crimes. A youth is ineligible if he or she is charged with a class A felony or a serious sexual assault crime, was previously granted YO or AR, or was previously convicted of a felony or adjudged a serious juvenile offender or serious juvenile repeat offender. YO status allows the court to erase the records of youths who successfully complete a court-imposed sentence such as probation or community service.

Legislative History

On May 6, the House referred the bill (File 582) to the Appropriations Committee, which reported it favorably without change on May 12. On May 14, the House referred the bill to the Human Services Committee, which reported it favorably without change on May 20.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 41 Nay 0

Appropriations Committee

Joint Favorable Report
Yea 38 Nay 5

Human Services Committee

Joint Favorable Report
Yea 19 Nay 0