



General Assembly

January Session, 2011

**Committee Bill No. 5814**

LCO No. 2857

\* \_\_\_\_\_HB05814JUD\_\_041511\_\_\_\_\_\*

Referred to Committee on Select Committee on Children

Introduced by:  
(KID)

**AN ACT CONCERNING CHILDREN AND CRUELTY TO ANIMALS.**

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

1 Section 1. Subsection (c) of section 46b-140 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2011*):

4 (c) The court may order, as a condition of probation, that the child  
5 (1) reside with a parent, relative or guardian or in a suitable foster  
6 home or other residence approved by the court, (2) attend school and  
7 class on a regular basis and comply with school policies on student  
8 conduct and discipline, (3) refrain from violating any federal or state  
9 law or municipal or local ordinance, (4) undergo any medical or  
10 psychiatric evaluation or treatment deemed necessary by the court, (5)  
11 submit to random drug or alcohol testing, or both, (6) participate in a  
12 program of alcohol or drug treatment, or both, (7) make restitution to  
13 the victim of the offense in accordance with subsection (d) of this  
14 section, (8) participate in an alternative incarceration program or other  
15 program established through the Court Support Services Division, (9)  
16 participate in a program of community service, and (10) satisfy any

17 other conditions deemed appropriate by the court. The court shall  
18 cause a copy of any such order to be delivered to the child, the child's  
19 parents or guardian and the child's probation officer. If the child is  
20 convicted as delinquent for a violation of section 53-247, as amended  
21 by this act, the court [may] shall order, as a condition of probation, that  
22 the child undergo psychiatric or psychological counseling or  
23 participate in an animal cruelty prevention and education program  
24 provided such a program exists and is available to the child.

25 Sec. 2. Subsection (b) of section 54-76j of the general statutes is  
26 repealed and the following is substituted in lieu thereof (*Effective*  
27 *October 1, 2011*):

28 (b) If execution of the sentence is suspended under subdivision (6)  
29 of subsection (a) of this section, the defendant may be placed on  
30 probation or conditional discharge for a period not to exceed three  
31 years, provided, at any time during the period of probation, after  
32 hearing and for good cause shown, the court may extend the period as  
33 deemed appropriate by the court. If the court places the person  
34 adjudicated to be a youthful offender on probation, the court may  
35 order that, as a condition of such probation, the person be referred for  
36 services to a youth service bureau established pursuant to section 10-  
37 19m, provided the court finds, through an assessment by a youth  
38 service bureau or its designee, that the person is in need of and likely  
39 to benefit from such services. If the court places a youthful offender on  
40 probation, school and class attendance on a regular basis and  
41 satisfactory compliance with school policies on student conduct and  
42 discipline may be a condition of such probation and, in such a case,  
43 failure to so attend or comply shall be a violation of probation. If the  
44 court has reason to believe that the person adjudicated to be a youthful  
45 offender is or has been an unlawful user of narcotic drugs, as defined  
46 in section 21a-240, and the court places such youthful offender on  
47 probation, the conditions of probation, among other things, shall  
48 include a requirement that such person shall submit to periodic tests to  
49 determine, by the use of "synthetic opiate antinarcotic in action",

50 nalline test or other detection tests, at a hospital or other facility,  
51 equipped to make such tests, whether such person is using narcotic  
52 drugs. A failure to report for such tests or a determination that such  
53 person is unlawfully using narcotic drugs shall constitute a violation of  
54 probation. If the court places a person adjudicated as a youthful  
55 offender for a violation of section 53-247, as amended by this act, on  
56 probation, the court [may] shall order that, as a condition of such  
57 probation, the person undergo psychiatric or psychological counseling  
58 or participate in an animal cruelty prevention and education program,  
59 provided such a program exists and is available to the person.

60 Sec. 3. Section 53-247 of the general statutes is repealed and the  
61 following is substituted in lieu thereof (*Effective October 1, 2011*):

62 (a) Any person who overdrives, drives when overloaded,  
63 overworks, tortures, deprives of necessary sustenance, mutilates or  
64 cruelly beats or kills or unjustifiably injures any animal, or who,  
65 having impounded or confined any animal, fails to give such animal  
66 proper care or neglects to cage or restrain any such animal from doing  
67 injury to itself or to another animal or fails to supply any such animal  
68 with wholesome air, food and water, or unjustifiably administers any  
69 poisonous or noxious drug or substance to any domestic animal or  
70 unjustifiably exposes any such drug or substance, with intent that the  
71 same shall be taken by an animal, or causes it to be done, or, having  
72 charge or custody of any animal, inflicts cruelty upon it or fails to  
73 provide it with proper food, drink or protection from the weather or  
74 abandons it or carries it or causes it to be carried in a cruel manner, or  
75 fights with or baits, harasses or worries any animal for the purpose of  
76 making it perform for amusement, diversion or exhibition, shall be  
77 fined not more than one thousand dollars or imprisoned not more than  
78 one year or both.

79 (b) Any person who maliciously and intentionally maims, mutilates,  
80 tortures, wounds or kills an animal shall be fined not more than five  
81 thousand dollars or imprisoned not more than five years or both. The  
82 provisions of this subsection shall not apply to any licensed

83 veterinarian while following accepted standards of practice of the  
84 profession or to any person while following approved methods of  
85 slaughter under section 22-272a, while performing medical research as  
86 an employee of, student in or person associated with any hospital,  
87 educational institution or laboratory, while following generally  
88 accepted agricultural practices or while lawfully engaged in the taking  
89 of wildlife.

90 (c) Any person who knowingly (1) owns, possesses, keeps or trains  
91 an animal engaged in an exhibition of fighting for amusement or gain,  
92 (2) possesses, keeps or trains an animal with the intent that it be  
93 engaged in an exhibition of fighting for amusement or gain, (3) permits  
94 an act described in subdivision (1) or (2) of this subsection to take place  
95 on premises under his control, (4) acts as judge or spectator at an  
96 exhibition of animal fighting for amusement or gain, or (5) bets or  
97 wagers on the outcome of an exhibition of animal fighting for  
98 amusement or gain, shall be fined not more than five thousand dollars  
99 or imprisoned not more than five years or both.

100 (d) Any person who intentionally injures any animal while such  
101 animal is in the performance of its duties under the supervision of a  
102 peace officer, as defined in section 53a-3, or intentionally injures a dog  
103 that is a member of a volunteer canine search and rescue team, as  
104 defined in section 5-249, while such dog is in the performance of its  
105 duties under the supervision of the active individual member of such  
106 team, shall be fined not more than five thousand dollars or imprisoned  
107 not more than five years or both.

108 (e) Any person who intentionally kills any animal while such  
109 animal is in the performance of its duties under the supervision of a  
110 peace officer, as defined in section 53a-3, or intentionally kills a dog  
111 that is a member of a volunteer canine search and rescue team, as  
112 defined in section 5-249, while such dog is in the performance of its  
113 duties under the supervision of the active individual member of such  
114 team, shall be fined not more than ten thousand dollars or imprisoned  
115 not more than ten years or both.

