



House of Representatives

General Assembly

File No. 502

February Session, 2012

House Bill No. 5289

House of Representatives, April 18, 2012

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT INCREASING THE PENALTY FOR SUBSEQUENT OFFENSES OF CRUELTY TO ANIMALS.

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

1 Section 1. Section 53-247 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2012*):

3 (a) Any person who overdrives, drives when overloaded,
4 overworks, tortures, deprives of necessary sustenance, mutilates or
5 cruelly beats or kills or unjustifiably injures any animal, or who,
6 having impounded or confined any animal, fails to give such animal
7 proper care or neglects to cage or restrain any such animal from doing
8 injury to itself or to another animal or fails to supply any such animal
9 with wholesome air, food and water, or unjustifiably administers any
10 poisonous or noxious drug or substance to any domestic animal or
11 unjustifiably exposes any such drug or substance, with intent that the
12 same shall be taken by an animal, or causes it to be done, or, having
13 charge or custody of any animal, inflicts cruelty upon it or fails to
14 provide it with proper food, drink or protection from the weather or

15 abandons it or carries it or causes it to be carried in a cruel manner, or
16 fights with or baits, harasses or worries any animal for the purpose of
17 making it perform for amusement, diversion or exhibition, shall, for a
18 first offense, be fined not more than one thousand dollars or
19 imprisoned not more than one year or both, and for each subsequent
20 offense, shall be fined not more than five thousand dollars or
21 imprisoned not more than five years or both.

22 (b) Any person who maliciously and intentionally maims, mutilates,
23 tortures, wounds or kills an animal shall be fined not more than five
24 thousand dollars or imprisoned not more than five years or both. The
25 provisions of this subsection shall not apply to any licensed
26 veterinarian while following accepted standards of practice of the
27 profession or to any person while following approved methods of
28 slaughter under section 22-272a, while performing medical research as
29 an employee of, student in or person associated with any hospital,
30 educational institution or laboratory, while following generally
31 accepted agricultural practices or while lawfully engaged in the taking
32 of wildlife.

33 (c) Any person who knowingly (1) owns, possesses, keeps or trains
34 an animal engaged in an exhibition of fighting for amusement or gain,
35 (2) possesses, keeps or trains an animal with the intent that it be
36 engaged in an exhibition of fighting for amusement or gain, (3) permits
37 an act described in subdivision (1) or (2) of this subsection to take place
38 on premises under his control, (4) acts as judge or spectator at an
39 exhibition of animal fighting for amusement or gain, or (5) bets or
40 wagers on the outcome of an exhibition of animal fighting for
41 amusement or gain, shall be fined not more than five thousand dollars
42 or imprisoned not more than five years or both.

43 (d) Any person who intentionally injures any animal while such
44 animal is in the performance of its duties under the supervision of a
45 peace officer, as defined in section 53a-3, or intentionally injures a dog
46 that is a member of a volunteer canine search and rescue team, as
47 defined in section 5-249, while such dog is in the performance of its

48 duties under the supervision of the active individual member of such
49 team, shall be fined not more than five thousand dollars or imprisoned
50 not more than five years or both.

51 (e) Any person who intentionally kills any animal while such
52 animal is in the performance of its duties under the supervision of a
53 peace officer, as defined in section 53a-3, or intentionally kills a dog
54 that is a member of a volunteer canine search and rescue team, as
55 defined in section 5-249, while such dog is in the performance of its
56 duties under the supervision of the active individual member of such
57 team, shall be fined not more than ten thousand dollars or imprisoned
58 not more than ten years or both.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	53-247

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Judicial Dept.	GF - Potential Revenue Gain	Less than \$5,000	Less than \$5,000
Judicial Dept (Probation)/Dept of Correction	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill increases subsequent offense of specified types of animal cruelty and could result in a potential revenue gain of less than \$5,000. In FY 11, less than 10 offenders were fined under this statute for total revenue of less than \$1,000.

To the extent that offenders are prosecuted criminally and subsequently convicted or plead guilty, the state could incur a cost associated with incarceration and/or probation supervision in the community. On average, it costs the state \$3,736 to supervise an offender on probation in the community as compared to \$44,165 to incarcerate the offender. However, violations of similar statute rarely result in incarceration. Therefore impact to the Department of Corrections is anticipated to be minimal.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of offenders who violated this statute.

Sources: *Judicial Department Offenses and Revenue Database*

OLR Bill Analysis**HB 5289*****AN ACT INCREASING THE PENALTY FOR SUBSEQUENT OFFENSES OF CRUELTY TO ANIMALS.*****SUMMARY:**

This bill increases the penalty for subsequent convictions for specified types of animal cruelty. Under existing law, violators may be fined up to \$1,000, imprisoned for up to one year, or both for a first or subsequent offense. The bill increases the penalties for subsequent offenses to a fine of up to \$5,000, imprisonment for up to five years, or both.

The bill applies to the following:

1. overdriving, overloading, overworking, torturing, depriving of sustenance, mutilating, cruelly beating or killing, or unjustifiably injuring any animal;
2. if impounding or confining an animal, (a) failing to provide it proper care; (b) neglecting to cage or restrain it from injuring itself or another animal; or (c) failing to supply it with wholesome air, food, and water;
3. unjustifiably administering or exposing a domestic animal to any poisonous or noxious drug or substance intending that the animal will take it;
4. if having custody of an animal, (a) inflicting cruelty on it; (b) failing to provide it with proper food, drink, or shelter; (c) abandoning it; or (d) carrying or causing it to be carried in a cruel manner; or
5. fighting with or baiting, harassing, or worrying an animal to

make it perform for amusement, diversion, or exhibition.

EFFECTIVE DATE: October 1, 2012

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 45 Nay 0 (04/02/2012)