
OLR Bill Analysis

sHB 6714

AN ACT CONCERNING CRUELTY TO ANIMALS.

SUMMARY

This bill establishes a new crime, “sexual assault of an animal.” In doing so, it makes it a class A misdemeanor for anyone to knowingly, and for the purpose of the person’s or another person’s sexual gratification:

1. engage in sexual contact with an animal (see below), or force another person to do so, or
2. create or distribute pornographic images of prohibited sexual contact with an animal.

Under current law, a person who engages in sexual contact with an animal is guilty of 4th degree sexual assault, which is also a class A misdemeanor. The bill replaces this current crime with the new one it creates. (By law, a class A misdemeanor is punishable by up to 364 days in prison, a fine up to \$2,000 or both.)

Among other things, the bill also:

1. authorizes law enforcement officers and animal control officers to take possession of an animal when the officer has a reasonable belief that an animal was sexually assaulted;
2. authorizes animal control officers to take physical custody of an animal when the officer has reasonable cause to believe, or upon issuance of a warrant finding probable cause, that the animal has been treated cruelly, including sexually assaulted;
3. imposes a duty on veterinarians to report suspected harm, neglect, or cruelty to an animal due to the animal’s participation

in an animal fighting exhibition, and gives a veterinarian immunity from civil liability for making the report; and

4. requires the court to issue an order prohibiting anyone convicted for an animal cruelty crime from, among other things, owning, residing with, or working with any entity in a position that involves care for, or regular contact with, any animal for five years after conviction or the date of the person's release, whichever is later.

Under the bill, "animal" means any brute creature, including dogs, cats, monkeys, guinea pigs, hamsters, rabbits, birds, and reptiles.

The bill also makes conforming changes.

EFFECTIVE DATE: October 1, 2023

§ 1 — SEXUAL CONTACT WITH AN ANIMAL

Under the bill, "sexual contact with an animal" means:

1. any act between a person and an animal that involves contact between a sex organ or anus of one and the mouth, anus, or a sex organ of the other;
2. a person touching or fondling a sex organ or anus of an animal, either directly or through clothing, without a bona fide veterinary or animal husbandry purpose;
3. any intentional transfer or transmission of semen by a person upon any part of an animal; or
4. the insertion, however slight, of any part of a person's body or any object into the vaginal or anal opening of an animal, without a bona fide veterinary or animal husbandry purpose, or the insertion of any part of the animal's body into the vaginal or anal opening of the person.

§§ 4 & 5 — LAW ENFORCEMENT OR ANIMAL CONTROL OFFICERS

Take Animal Into Possession (§ 4)

The bill authorizes law enforcement officers and animal control officers investigating an allegation of a person committing sexual assault of an animal to lawfully take possession of an animal when the officer has a reasonable belief that the animal was sexually assaulted. The officer may do so to protect the animal's or other persons' health or safety and to obtain evidence of the alleged offense.

The bill requires the officer to promptly transport the animal, whether dead or alive, to an animal shelter or veterinary hospital to be examined by a licensed veterinarian, for care and treatment and to preserve evidence of the alleged crime. (The bill does not specify who takes possession of the animal after that.)

Take Physical Custody (§ 5)

The bill authorizes a state, municipal, or regional animal control officer to take physical custody of any animal when the officer has reasonable cause to believe, or upon issuance of a warrant finding probable cause, that the animal is in imminent harm and is neglected or cruelly treated in violation of the bill's provisions prohibiting sexual assault of an animal. By law, a court may vest temporary care and custody of an animal in another person or entity or, if warranted, have a veterinarian humanely euthanize the animal.

§ 6 — VETERINARIAN REPORTING OF SUSPECTED ANIMAL FIGHTING

Mandatory Reporting

The bill requires a licensed veterinarian, who in the course of his or her employment has reasonable cause to suspect that an animal is being or has been harmed, neglected, or treated cruelly due to participating in an animal fighting exhibition for amusement or gain to report the following information to the local law enforcement agency or animal control officer:

1. the address of the owner or other person responsible for the animal's care;
2. a description of the animal; and

3. the approximate date and time the harm, neglect, or cruelty was discovered.

Immunity From Liability

The bill gives immunity from civil liability to any veterinarian, who in good faith, makes a report under the bill. It also gives the same immunity with respect to any judicial proceeding resulting from the report. Under the bill, the immunity extends only to actions the veterinarian takes pursuant to the bill and does not extend to his or her malpractice that results in the animal's injury or death.

§§ 2, 7 & 8 — ADDITIONAL PENALTY FOR ALL ANIMAL CRUELTY CRIMES

Existing law prohibits many abusive behaviors toward animals and has different penalties based on the severity of abuse and the abuser's intent. Under current law, the prohibited acts and associated penalties are the following distinct crimes: cruelty to animals, malicious or intentional cruelty to animals, knowingly engaging in the exhibition of animal fighting, and intentionally injuring or killing police animals or dogs in volunteer canine service and rescue teams (see BACKGROUND). The bill establishes another distinct animal cruelty crime, "sexual assault of an animal."

The law generally punishes people convicted of specified animal cruelty acts with maximum fines ranging from \$1,000 to \$10,000, maximum imprisonment ranging from one to 10 years, or both (see BACKGROUND). The bill punishes the new sexual assault of an animal crime as a class A misdemeanor.

For the existing animal cruelty crimes and the new one the bill creates, the bill requires the court to impose a penalty in addition to the ones described above and others that the law allows, such as victim restitution, probation, or conditional discharge. Under the bill, the court must issue an order prohibiting the offender from (1) harboring, owning, possessing, residing with, adopting, or serving as a foster placement for any animal and (2) being employed by, or volunteering for, any entity in any position that involves care for, or regular contact

with, any animal. The order must be for the five-year period beginning on the later of the date of conviction or the date of the person's release from imprisonment for the conviction.

BACKGROUND

Related Bill

SB 932 (File 375), reported favorably by the Public Safety and Security Committee, modifies the criminal penalties for injuring or killing a peace officer's animal or a volunteer canine search and rescue team's dog and makes it a crime to harass a peace officer's animal.

Cruelty to Animals

The law prohibits people from overdriving, overloading, overworking, torturing, depriving of sustenance, mutilating, cruelly beating or killing, or unjustifiably injuring any animal. The law prohibits a person who impounds or confines an animal from (1) failing to provide it with proper care; (2) neglecting to cage or restrain it from injuring itself or another animal; or (3) failing to provide it with wholesome air, food, and water.

The statute also bans unjustifiably administering or exposing a domestic animal to any poisonous or noxious drug or substance intending the animal to take it. Individuals who have custody of an animal may not treat it cruelly; fail to provide it with proper food, drink, or shelter; abandon it; or carry or cause it to be carried in a cruel manner. Fighting with or baiting, harassing, or worrying an animal to make it perform for amusement, diversion, or exhibition is also prohibited.

A first violation of any of the above provisions is punishable by up to one year in prison, a fine of up to \$1,000, or both. Each subsequent offense is a class D felony, punishable by a fine of up to \$5,000, imprisonment for up to five years, or both (CGS § 53-247(a)).

Malicious or Intentional Cruelty to Animals

Under the law, it is a class D felony for a first offense, and class C felony for subsequent offenses, to maliciously and intentionally maim, mutilate, torture, wound, or kill an animal. This law does not apply to:

1. licensed veterinarians following accepted practice standards;
2. persons following approved slaughter methods;
3. students, employees, or persons doing medical research and associated with a hospital, educational institution, or laboratory; and
4. persons abiding by generally accepted agricultural practices or lawfully engaged in taking wildlife.

A class C felony is punishable by one to 10 years in prison, a fine of up to \$10,000, or both (CGS § 53-247(b)).

Knowingly Engaging in Animal Fighting Exhibition

By law, it is a class D felony to knowingly commit any of the following actions:

1. own, possess, keep, or train an animal engaged in exhibition fighting for amusement or gain;
2. possess, keep, or train an animal with the intent that it fights in an exhibition for amusement or gain;
3. allow any of the above-mentioned acts to occur on premises under one's control;
4. act as a judge or spectator at such an exhibition; or
5. bet or wage on the outcome of an exhibition (CGS § 53-247(c)).

Intentionally Injuring or Killing Police Animals or Dogs in Volunteer Canine Service and Rescue Teams

Under the law, intentionally injuring (1) an animal performing its duties under a peace officer's supervision or (2) a dog performing its duties as a member of a volunteer canine search and rescue team is a class D felony (CGS § 53-247(d)). Intentionally killing these animals is punishable by up to 10 years in prison, a fine of up to \$10,000, or both under (CGS § 53-247(e)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 0 (03/27/2023)