



PA 23-149—sHB 6714

Judiciary Committee

AN ACT CONCERNING CRUELTY TO ANIMALS

SUMMARY: This act establishes a new crime, “sexual assault of an animal.” In doing so, it makes it a class A misdemeanor (see [Table on Penalties](#)) 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 prior law, a person who engaged in sexual contact with an animal was guilty of 4th degree sexual assault, which is also a class A misdemeanor. The act replaces this crime with the new one it creates.

Among other things, the act 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, living 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 act, “animal” means any brute creature, including dogs, cats, monkeys, guinea pigs, hamsters, rabbits, birds, and reptiles.

The act also makes conforming changes.

EFFECTIVE DATE: October 1, 2023

§ 1 — SEXUAL CONTACT WITH AN ANIMAL

Under the act, “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;

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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 act 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 act 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.

Take Physical Custody (§ 5)

The act 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 act'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 act 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.

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Immunity From Liability

The act gives immunity from civil liability to any veterinarian, who in good faith, makes a report under the act. It also gives the same immunity with respect to any judicial proceeding resulting from the report. Under the act, the immunity extends only to actions the veterinarian takes pursuant to the act and does not extend to the veterinarian's 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. The prohibited acts are classified into 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. The act 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. The act 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 act creates, the act 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 act, the court must issue an order prohibiting the offender from (1) harboring, owning, possessing, living 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.