

2024 Regular Session

HOUSE BILL NO. 224

BY REPRESENTATIVE KERNER

CRIME: Prohibits ownership of any animal by a person who has been convicted of cruelty to animals

1 AN ACT

2 To amend and reenact R.S. 14:102.1(A)(2)(a) and (b) and (B)(5), relative to the crime of
3 cruelty to animals; to provide for prohibition of owning or keeping an animal after
4 committing the offense of simple cruelty to animals or aggravated cruelty to animals;
5 to provide for penalties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:102.1(A)(2)(a) and (b) and (B)(5) are hereby amended and
8 reenacted to read as follows:

9 §102.1. Cruelty to animals; simple and aggravated

10 A.

11 * * *

12 (2)(a) Whoever commits the crime of simple cruelty to animals shall be fined
13 not more than one thousand dollars, or imprisoned for not more than six months, or
14 both. ~~In addition, the~~ The court may also order the offender to pay for any expenses
15 incurred for the housing of the animal and for medical treatment of the animal,
16 pursuant to Code of Criminal Procedure Article 883.2. In addition, the court may
17 issue an order prohibiting the defendant from owning or keeping animals for a period
18 of not more than one year.

19 (b) Whoever commits a second or subsequent offense of simple cruelty to
20 animals shall be fined not less than five thousand dollars nor more than twenty-five

thousand dollars or imprisoned, with or without hard labor, for not less than one year
nor more than ten years, or both. In addition, the court ~~shall~~ may issue an order
prohibiting the defendant from owning or keeping animals for a period of ~~time~~
~~deemed appropriate by the court~~ not more than five years.

5 * *

6 B.

7 * * *

(5) In addition to any other penalty imposed for a violation of this Subsection, the offender shall be ordered to undergo a psychological evaluation and subsequently recommended psychological treatment and ~~shall~~ may be banned by court order from owning or keeping animals for a period of time ~~deemed appropriate by the court~~ not more than ten years. Any costs associated with any evaluation or treatment ordered by the court shall be borne by the defendant.

4 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 224 Engrossed

2024 Regular Session

Kerner

Abstract: Prohibits the owning or keeping of an animal for certain periods of time after a conviction for simple cruelty to animals or aggravated cruelty to animals.

Present law provides for the crime of simple cruelty to animals.

Proposed law retains present law.

Present law provides that whoever commits the crime of simple cruelty to animals shall be fined not more than \$100, or imprisoned for not more than six months, or both.

Proposed law retains present law and provides that the court may also issue an order prohibiting the defendant from owning or keeping animals for a period of not more than one year.

Present law provides that whoever commits a second or subsequent offense of simple cruelty to animals shall be fined not less than \$5,000 nor more than \$25,000 or be imprisoned, with or without hard labor, for not less than one year nor more than 10 years, or both. Further provides that the court shall issue an order prohibiting the defendant from owning or keeping animals for a period of time deemed appropriate by the court.

Proposed law provides that the court may prohibit the defendant from owning or keeping animals for a period of five years for a second or subsequent offense, rather than for a period of time deemed appropriate by the court.

Present law provides for the crime of aggravated cruelty to animals.

Proposed law retains present law.

Present law provides that in addition to any other penalty imposed for a violation of present law, the offender shall be ordered to undergo a psychological evaluation and subsequently be recommended psychological treatment and shall be banned by court order from owning or keeping animals for a period of time deemed appropriate by the court.

Proposed law provides that the court may prohibit the defendant from owning or keeping animals for a period of not more than 10 years, rather than for a period of time deemed appropriate by the court.

(Amends R.S. 14:102.1(A)(2)(a) and (b) and (B)(5))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.
2. Provide that a court has discretion to issue an order as follows:
 - (a) Prohibiting a defendant convicted of simple cruelty of animals from owning or keeping animals for a period of not more than one year.
 - (b) Prohibiting a defendant convicted of a second or subsequent offense of simple cruelty of animals from owning or keeping animals for a period of not more than five years.
 - (c) Prohibiting a defendant convicted of aggravated cruelty of animals from owning or keeping animals for a period of not more than 10 years.
3. Remove proposed law penalties that prohibit the following:
 - (a) The owning or keeping of animals for a period of five years for a second offense and 10 years for a subsequent offense for a defendant convicted of simple cruelty of animals.
 - (b) The owning or keeping of animals for a period of 10 years and for the remainder of life for a subsequent offense for a defendant convicted of aggravated cruelty of animals.
4. Remove proposed law penalties for the violation of a court order that prohibits ownership or keeping of animals for a person convicted of simple cruelty of animals or aggravated cruelty of animals.