

2023 -- H 5207

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

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A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- ANIMAL ABUSER REGISTRY  
ACT

Introduced By: Representatives Corvese, Vella-Wilkinson, Azzinaro, Phillips, Fellela,  
and Solomon

Date Introduced: January 19, 2023

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative findings.

2 The general assembly hereby makes the following findings:

3 (1) The general assembly finds and determines that animal cruelty is a serious problem  
4 resulting in the abuse of many animals each year and that while the State of Rhode Island has  
5 criminalized the cruel treatment of animals, animal abuse and cruelty continues to occur throughout  
6 the state.

7 (2) The general assembly further finds and determines that people who have abused  
8 animals in the past are likely to do so in the future and studies show that there is a nearly one  
9 hundred percent (100%) recidivism rate for certain types of abuse such as animal hoarding.

10 (3) The general assembly further finds and determines that individuals who abuse animals  
11 are statistically more likely to commit violent acts against humans and, in particular, the general  
12 assembly also determines that a strong correlation has been established linking individuals who  
13 abuse animals with incidents of domestic violence.

14 (4) The general assembly further finds and determines that animals in need of homes need  
15 to be protected from potential abusers.

16 (5) The general assembly further finds and determines that it is in the best interest of the  
17 residents of the State of Rhode Island and their animals that an online registry be established  
18 identifying individuals residing in the state convicted of animal abuse crimes that will prevent those

1 individuals convicted of animal cruelty from adopting, purchasing, or otherwise obtaining animals  
2 from any animal shelter, pet seller, or other person or entity involved in the exchange of animals  
3 by adoption, sale, or other means.

4 SECTION 2. Title 4 of the General Laws entitled "ANIMALS AND ANIMAL  
5 HUSBANDRY" is hereby amended by adding thereto the following chapter:

6 CHAPTER 1.3

7 ANIMAL ABUSER REGISTRY ACT

8 **4-1.3-1. Title.**

9 This chapter shall be known and may be cited as the "Animal Abuser Registry Act".

10 **4-1.3-2. Definitions.**

11 The following terms shall have the meanings indicated:

12 (1) "Animal" means any living mammal (except a human being), bird, reptile, amphibian,  
13 or fish.

14 (2) "Animal abuse crime" means any of the crimes contained in title 4 "animals and animal  
15 husbandry" where the offense is punishable by imprisonment for more than one year.

16 (3) "Animal abuse offender" means any person eighteen (18) years of age, or older,  
17 convicted of an animal abuse crime, except youthful offenders whose convictions or adjudications  
18 include sealed records.

19 (4) "Animal abuser registry" means the online registry established and maintained by the  
20 department of public safety for registering any person convicted of an animal abuse crime.

21 (5) "Animal shelter" means any public or privately owned organization including, but not  
22 limited to, any duly incorporated humane society, pound, animal protective association or animal  
23 rescue group which maintains buildings, structures, or other property for the purpose of harboring  
24 animals which may be stray, unwanted, lost, abandoned, or abused and seeks to find appropriate  
25 temporary or permanent homes for such animals.

26 (6) "Conviction" or "convicted" means any instance wherein:

27 (i) A judgment of conviction has been entered against any person for an animal abuse  
28 crime;

29 (ii) There has been a finding of guilty for an animal abuse offense, regardless of whether  
30 an appeal is pending;

31 (iii) There has been a plea of guilty or nolo contendere for an animal abuse offense,  
32 regardless of whether an appeal is pending; or

33 (iv) There has been an admission of sufficient facts or a finding of delinquency of a minor  
34 for an animal abuse offense, whether or not an appeal is pending.

1 (7) "Farm animal" means an animal used in the production of human or animal food, feed  
2 or fiber.

3 (8) "Pet seller" means any individual, person, partnership, firm, corporation or other legal  
4 entity which offers animals for sale or is engaged in the sale, exchange, or other transfer of  
5 ownership of animals.

6 (9) "Service animal" means any dog or miniature horse that has been individually trained  
7 to do work or perform tasks for people with disabilities as defined by the "Americans with  
8 Disabilities Act of 1990" 42 U.S.C. §12101 et seq.

9 **4-1.3-3. Establishing an animal abuser registry.**

10 (a) The department of public safety is hereby authorized, empowered and directed to  
11 establish an online animal abuser registry that shall contain the names and residence information  
12 of all available animal abuse offenders living in Rhode Island who are convicted of an animal abuse  
13 crime on or after the effective date of this chapter. The online registry will be maintained by the  
14 department of public safety and shall be listed on their official website. The online animal abuser  
15 registry shall also contain links to other registries to be used as informational resources by animal  
16 shelters, pet sellers, or other persons when they shall sell, exchange or otherwise transfer the  
17 ownership of any animal.

18 (b) The registry shall contain the required information about each animal abuse offender  
19 for a period of not more than fifteen (15) years following their release from incarceration or, if not  
20 incarcerated, from the date of the judgment of conviction. Any currently or previously registered  
21 animal abuse offender convicted of a subsequent animal abuse crime shall be placed on the animal  
22 abuser registry for life, following the second conviction. Upon notification to the department of  
23 public safety, of a successful appeal of a conviction of an animal abuse crime by an individual who  
24 has been required to register pursuant to this chapter, the registration information for that individual  
25 shall be removed from the animal abuser registry, within five (5) days following the notification.

26 **4-1.3-4. Registry requirements.**

27 (a) All animal abuse offenders who reside in Rhode Island and who are convicted of an  
28 animal abuse crime on or after the effective date of this chapter must register with the animal abuser  
29 registry within five (5) days of their release from incarceration or, if not incarcerated, from the date  
30 of their judgment of conviction.

31 (b) Whenever a person is convicted of an animal abuse crime, the prosecuting department  
32 shall forward to the department of public safety the name and address of the convicted person,  
33 along with the name of the animal abuse crime the person was convicted of, thereby notifying the  
34 department of public safety, that the person is required to register with the animal abuser registry.

1 (c) Each person required to register with the animal abuser registry shall submit the  
2 following information to the attorney general's office:

3 (1) Their name and any aliases they may be known by;

4 (2) Their residence address;

5 (3) Their date of birth; and

6 (4) A photograph of the front of their head and shoulders, not less than two inches (2") by  
7 three inches (3") or a digital image commonly known as a digital photograph of the front of their  
8 head and shoulders.

9 (d) Every person required to register with the animal abuser registry, shall update their  
10 registry information within five (5) days of any change of residential address and/or upon any  
11 official change of name.

12 (e) Every person required to register with the animal abuser registry shall pay a fee of one  
13 hundred twenty-five dollars (\$125) to the department of public safety, at the time of registration.

14 (f) The department of public safety is hereby authorized and empowered to promulgate  
15 such rules and regulations as may be necessary to implement and administer the animal abuser  
16 registry.

17 **4-1.3-5. Prohibition of animal shelters and pet sellers from transferring animal**  
18 **ownership to animal abuse offenders.**

19 (a) No animal shelter, pet seller, or other person or entity located in this state shall sell,  
20 exchange or otherwise transfer the ownership of any animal to any person having resided in this  
21 state and listed as an animal abuse offender on the animal abuser registry, nor shall such animal  
22 abuse offender be allowed to retain possession of any currently owned animals. Prior to the sale,  
23 exchange, or other transfer of ownership of any animal, the animal shelter, pet seller, or other person  
24 or entity is required to examine the animal abuser registry to confirm that the name of the potential  
25 owner of the animal, is not listed.

26 (b) This section shall not apply to farm animals for farmers, nor to service animals for  
27 people with disabilities.

28 **4-1.3-6. Penalties.**

29 (a) Any animal abuse offender required to register with the animal abuser registry who fails  
30 to so register shall be guilty of a misdemeanor punishable by incarceration for a period of not more  
31 than one year, a fine not to exceed one thousand dollars (\$1,000), or both.

32 (b) Any animal abuse offender who violates the prohibition against possessing, owning,  
33 adopting, or purchasing an animal, except for farm animals for farmers, and service animals for  
34 people with disabilities, shall be guilty of a misdemeanor punishable by incarceration for a period

1 of not more than one year, a fine not to exceed one thousand dollars (\$1,000), or both.

2 (c) Any animal shelter, pet seller or other individual or entity that violates the provision of  
3 § 4-1.3-5 shall be guilty of a violation and subject to a fine not to exceed one thousand (\$1,000)  
4 dollars. It shall not be a violation of this chapter, if the animal shelter, pet seller, or other individual  
5 or entity checked with the animal abuser registry and the name did not appear thereon.

6 **4-1.3-7. Severability.**

7 If any provision of this chapter or the application thereof to any person or circumstances is  
8 held invalid, such invalidity shall not affect other provisions or applications of the chapter, which  
9 can be given effect without the invalid provision or application, and to this end the provisions of  
10 this chapter are declared to be severable.

11 SECTION 3. This act shall take effect on January 1, 2024.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- ANIMAL ABUSER REGISTRY  
ACT

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1           This act would establish an animal abuser registry which would require all persons  
2 convicted of felonies involving animal abuse, to register with an online registry, within five (5)  
3 days of conviction, or release from incarceration, to be established and maintained by the  
4 department of public safety.

5           This act would take effect on January 1, 2024.

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