

ENROLLED ORIGINAL

AN ACT

*Codification
District of
Columbia
Code
2001 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend Chapter 106 of the Acts of the Legislative Assembly to add the action of cruelly chaining any animal to the definition of cruelty to animals and to otherwise modernize the animal cruelty law; to add enhanced penalties if the offenses are committed with the intent to commit serious bodily injury or death and to add certain technical amendments to the law; to amend An Act to prevent cruelty to children or animals in the District of Columbia to clarify and increase penalties for engaging in animal fighting; to amend the Animal Control Act of 1979 to add to prohibited conduct the restriction of a person from allowing a dog to conduct any illegal activity; and to add enhanced penalties.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Freedom From Cruelty to Animals Protection Amendment Act of 2000".

Sec. 2. Chapter 106 of the Acts of the Legislative Assembly is amended as follows:

(a) Section 1 is amended to read as follows:

Sec. 1. Definitions and penalties.

"(a) Whoever knowingly overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly chains, cruelly beats or mutilates, any animal, or knowingly causes or procures any animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly chained, cruelly beaten, or mutilated, and whoever, having the charge or custody of any animal, either as owner or otherwise, knowingly inflicts unnecessary cruelty upon the same, or unnecessarily fails to provide the same with proper food, drink, air, light, space, veterinary care, shelter, or protection from the weather, shall for every such offense be punished by imprisonment in jail not exceeding 180 days, or by fine not exceeding \$250, or by both.

"(b) For the purposes of this section, "cruelly chains" means attaching an animal to a stationary object or a pulley by means of a chain, rope, tether, leash, cable, or similar restraint under circumstances that may endanger its health, safety, or well-being. Cruelly chains includes, but is not limited to, the use of a chain, rope, tether, leash, cable or similar restraint that:

"(1) Exceeds 1/8 the body weight of the animal;

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- "(2) Causes the animal to choke;
- "(3) Is too short for the animal to move around or for the animal to urinate or defecate in a separate area from the area where it must eat, drink, or lie down;
- "(4) Is situated where it can become entangled;
- "(5) Does not permit the animal access to food, water, shade, dry ground, or shelter; or

"(6) Does not permit the animal to escape harm.

"(c) For the purposes of this section, "serious bodily injury" means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, mutilation, or protracted loss or impairment of the function of a bodily member or organ. Serious bodily injury includes, but is not limited to, broken bones, burns, internal injuries, severe malnutrition, severe lacerations or abrasions, and injuries resulting from untreated medical conditions.

"(d) Except where the animal is an undomesticated and dangerous animal such as rats, bats, and snakes, and there is a reasonable apprehension of an imminent attack by such animal on that person or another, whoever commits any of the acts or omissions set forth in subsection (a) of this section with the intent to commit serious bodily injury or death to an animal, or whoever, under circumstances manifesting extreme indifference to animal life, commits any of the acts or omissions set forth in subsection (a) of this section which results in serious bodily injury or death to the animal, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment not exceeding 5 years, or by a fine not exceeding \$25,000, or both.".

(b) Section 4 is amended as follows:

(1) The existing text is designated as subsection (a).

(2) The newly designated subsection (a) is amended by striking the phrase "And the person making such arrest" and inserting the phrase "The person making the arrest or the humane officer taking possession of an animal" in its place.

(3) A new subsection (b) is added to read as follows:

"(b)(1) A humane officer of the Washington Humane Society may take possession of any animal to protect it from neglect or cruelty. The person taking possession of the animal or animals, shall use reasonable diligence to give notice thereof to the owner of animals found in the charge or custody of the person arrested, and shall properly care and provide for the animals until the owner shall take charge of the animals; provided that, the owner shall take charge of the animals within 20 days from the date of the notice.

"(2) If the owner or custodian of the animal or animals fails to respond after 20 days, the animal or animals shall become the property of the Washington Humane Society and the Washington Humane Society shall have the authority to:

- (A) Place the animal or animals up for adoption in a suitable home;
- (B) Retain the animal or animals, or
- (C) Humanely destroy the animal or animals.".

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(c) Section 5 is amended by striking the word "member" and inserting the phrase "humane office" in its place, both times it appears.

(d) Section 6 is amended by striking the word "member" and inserting the phrase "humane officer" in its place, both times it appears.

Sec. 3. An act to prevent cruelty to children or animals in the District of Columbia is amended as follows:

(a) Section 6 is repealed.

(b) A new section 6a is added to read as follows:

"Sec. 6a. Penalty for engaging in animal fighting.

"(a) Any person who: (1) organizes, sponsors, conducts, stages, promotes, is employed at, collects an admission fee for, or bets or wagers any money or other valuable consideration on the outcome of an exhibition between two or more animals of fighting, baiting, or causing injury to each other; (2) any person who owns, trains, buys, sells, offers to buy or sell, steals, transports, or possesses any animal with the intent that it engage in any such exhibition; (3) any person who knowingly allows any animal used for such fighting or baiting to be kept, boarded, housed, or trained on, or transported in, any property owned or controlled by him; (4) any person who owns, manages, or operates any facility and knowingly allows that facility to be kept or used for the purpose of fighting or baiting any animal; or (5) any person who knowingly or recklessly permits any act described in this subsection, to be done on any premises under his or her ownership or control, or who aids or abets that act, is guilty of a felony, punishable by a fine of not more than \$25,000 or by imprisonment not to exceed 5 years, or both.

"(b) Any person who is knowingly present at any place or building where preparations are being made for an exhibition described in subsection (a) of this section, or who is knowingly present as a spectator at any such exhibition, or who knowingly or recklessly aids or abets another in such exhibition, is guilty of a misdemeanor, punishable by a fine of not more than \$1,000 or by imprisonment not to exceed 180 days, or both.

"(c) For the purposes of this section, the term:

(1) "Animal" means a vertebrate other than a human, including, but not limited to, dogs and cocks.

(2) "Baiting" means to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals.

(3) "Fighting" means an organized event wherein there is a display of combat between 2 or more animals in which the fighting, killing, maiming, or injuring of an animal is a significant feature, or main purpose, of the event.".

Sec. 4. The Animal Control Act of 1979 is amended as follows:

(a) Section 9 is amended by adding a new subsection (j) to read as follows:

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"(j) No person who has control or custody of a dog shall, direct, encourage, cause, allow or otherwise aid or assist that dog to threaten, charge, bite, or attack a person or other animal, except that a person may keep a properly trained dog on private property to defend it and its occupants from intruders, and may order a dog to defend a person under attack. This section does not apply to dogs who work for the Metropolitan Police Department or any other law enforcement agency.".

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(2)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia