

## ANIMAL PROTECTION LAWS OF ARKANSAS



# Animal Protection Laws of Arkansas

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*This chapter contains Arkansas’s general animal protection and related statutes with an effective date on or before September 1, 2020. It begins with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories with the relevant part of each statute italicized.*

*Arkansas may employ similar provisions within other non-animal-specific criminal and civil statutes; may have other more specific statutes in addition to those included; and may have a variety of animal-related regulations in effect. Because the law is continually evolving, always review an official source for the most current language of any statute.*

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## ARKANSAS

1. <u>DEFINITION OF "ANIMAL"</u>	"[A]ny living vertebrate creature, except human beings and fish" ARK. CODE ANN. § 5-62-102(2)
2. <u>GENERAL CRUELTY *</u>	<p>Definitions ARK. CODE ANN. § 5-62-102</p> <p>Cruelty to animals ARK. CODE ANN. § 5-62-103 <i>1<sup>st</sup> – 3<sup>rd</sup> offense: 1 year imprisonment or community service and \$1,000 fine</i> <i>Subsequent offenses: Class D felony</i></p> <p>Aggravated cruelty to dogs, cats, horses ARK. CODE ANN. § 5-62-104 <i>1<sup>st</sup> offense: Class D felony</i> <i>Subsequent offenses: Class C felony</i></p>
3. <u>EXEMPTIONS</u>	<p>Veterinary practice, research animals, wildlife, accepted farm animal husbandry practices, slaughter, pest control, rodeo, zoos/circuses, other. ARK. CODE ANN. §§ 5-62-102; 5-62-105</p> <p>Other ARK. CODE ANN. § 5-62-126</p>
4. <u>FIGHTING &amp; RACKETEERING</u>	<p>Various animal fighting activities ARK. CODE ANN. § 5-62-120 <i>Class D felony</i></p> <p>Spectatorship ARK. CODE ANN. § 5-62-120 <i>Class A misdemeanor</i></p>
5. <u>SEXUAL ASSAULT</u>	<p>Sexual assault of an animal ARK. CODE ANN. § 5-14-122</p>

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	<i>Class A misdemeanor</i>
6. <u>CRUELTY TO WORKING ANIMALS</u>	<p>Purposely killing or physically injuring animals used by law enforcement  <b>ARK. CODE ANN. § 5-54-126</b>  <i>Class D felony</i></p> <p>Killing or injuring service animal or search rescue dog  <b>ARK. CODE ANN. § 20-14-304</b>  <i>Class D felony</i></p>
7. <u>MAXIMUM PENALTIES &amp; STATUTE OF LIMITATIONS**</u>	<p><i>Class A misdemeanor</i>  <b>1 year imprisonment and \$2,500 fine</b>  <b>ARK. CODE ANN. § 5-4-201(b)</b>  <b>ARK. CODE ANN. § 5-4-401(b)</b>  <b>ARK. CODE ANN. § 20-19-608</b></p> <p><i>Class D felony</i>  <b>6 years imprisonment and \$10,000 fine</b>  <b>ARK. CODE ANN. § 5-4-201(a)(2)</b>  <b>ARK. CODE ANN. § 5-4-401(a)(5)</b></p> <p><i>Class C felony</i>  <b>10 years imprisonment and \$10,000 fine</b>  <b>ARK. CODE ANN. § 5-4-201(a)(2)</b>  <b>ARK. CODE ANN. § 5-4-401(a)(4)</b></p> <p><b>NOTE:</b> Any aggravated cruelty to a dog, cat, or equine offender may be subject to an enhanced sentence of an additional term of imprisonment not to exceed five (5) years if the offense was committed in the presence of a child.  <b>ARK. CODE. ANN. §§ 5-4-701, 5-4-702</b></p> <p><b>Statute of Limitations</b>  <b>Misdemeanor: 1 year</b>  <b>Ark. Code Ann. § 5-1-109(b)(3)(A)</b>  <b>Class C or D Felony: 3 years</b>  <b>Ark. Code Ann. § 5-1-109(b)(2)(A)</b></p>

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<p><b>8. <u>CROSS ENFORCEMENT &amp; REPORTING</u></b></p>	<p>A person who in good faith reports suspected animal cruelty or aggravated animal cruelty is immune from civil or criminal liability for such reporting.  <b>ARK. CODE ANN. § 5-62-107</b></p>
<p><b>9. <u>VETERINARIAN REPORTING &amp; IMMUNITY</u></b></p>	<p>A person who in good faith reports suspected animal cruelty or aggravated animal cruelty is immune from civil or criminal liability for such reporting.  <b>ARK. CODE ANN. § 5-62-107</b></p> <p>A licensed veterinarian or a person acting at the direction of a licensed veterinarian is immune from civil or criminal liability for assistance in an animal cruelty investigation.  <b>ARK. CODE ANN. § 5-62-109</b></p>
<p><b>10. <u>LAW ENFORCEMENT POLICIES</u></b></p>	<p>Any person may lawfully interfere to prevent cruelty.  <b>ARK. CODE ANN. § 5-62-111</b></p>
<p><b>11. <u>SEIZURE</u></b></p>	<p>If a law enforcement officer arrests a person in charge of any vehicle drawn by or containing an animal, the law enforcement officer may seize the animal.  <b>ARK. CODE ANN. § 5-62-108</b></p> <p>Any person may interfere to prevent ongoing cruelty perpetrated in his/her presence  <b>ARK. CODE ANN. § 5-62-111</b></p> <p>Animals used in animal fighting may be seized at the time of arrest.  <b>ARK. CODE ANN. § 5-62-120</b></p>
<p><b>12. <u>COURTROOM ANIMAL ADVOCATE PROGRAM</u></b></p>	<p>-----</p>
<p><b>13. <u>PROTECTION ORDERS†</u></b></p>	<p>Court may order the direct care, custody, or control of any pet in a domestic household.  <b>ARK. CODE ANN. § 9-15-205(a)(7)</b></p>
<p><b>14. <u>RESTITUTION †</u></b></p>	<p>If a court orders an animal forfeited, the defendant may post a bond to</p>

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	<p>prevent disposition.  <b>ARK. CODE. ANN. § 5-62-106(b)</b></p> <p>Before an impounded animal may be reclaimed, all reasonable costs incurred in caring for the animal must be paid.  <b>ARK. CODE. ANN. § 5-62-106(e),(f)</b></p> <p>Upon conviction, the court may require restitution for costs of care for animals seized from animal fights.  <b>ARK. CODE ANN. § 5-62-120</b></p>
<b>15. <u>FORFEITURE &amp; POSSESSION BANS †</u></b>	<p>The court, upon petition by prosecutor, may order impounded animal forfeited if owner does not contest impoundment, or an ordered bond for costs of care is not posted or renewed. Upon conviction, the court shall order the animal victim of the offender forfeited.  <b>ARK. CODE ANN. § 5-62-106</b></p> <p>Upon conviction, the court may order animals seized from animal fights to be forfeited.  <b>ARK. CODE ANN. § 5-62-120</b></p>
<b>16. <u>COURT-ORDERED TREATMENT†</u></b>	<p>Upon conviction, the court shall order a psychiatric or psychological evaluation, and if warranted, counseling or treatment. Costs to be borne by offender.  <b>ARK. CODE ANN. §§ 5-62-103(c)-(f), 5-62-104(c), (d)</b></p>
<b>17. <u>HOT CARS</u></b>	-----
<b>18. <u>CIVIL NUISANCE ABATEMENT</u></b>	-----
<b>19. <u>AG-GAG LAWS</u></b>	<p>Civil cause of action for unauthorized access to property  <b>ARK. CODE. ANN. § 16-118-113</b></p>
<b>20. <u>BREED SPECIFIC LEGISLATION</u></b>	-----

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- \* States may have other more specific statutes in addition to the general animal protection statutes referenced in this table.
- \*\* Despite statutory maximums, states often employ sentencing guidelines that may significantly alter the allowable sentence.
- † This table generally references only those provisions that are within each state's animal protection statutes. States may employ similar provisions within other non-animal-specific criminal and civil statutes, and may also have a variety of animal-related regulations in effect.

## ANIMAL PROTECTION LAWS OF ARKANSAS

### 1. DEFINITION OF “ANIMAL”

#### ARK. CODE ANN. § 5-62-102. Definitions.

As used in this subchapter:

- (1) “Abandon” means to desert, surrender, forsake, or to give up absolutely;
- (2) “Animal” means any living vertebrate creature, except human beings and fish;
- (3) “Animal control officer” means an officer employed by or under contract with an agency of the state, county, municipality, or other governmental or political subdivision of the state which is responsible for animal control operations in its jurisdiction;
- (4)
  - (A) “Animal husbandry practices” means the breeding, raising, production, and management of animals.
  - (B) “Animal husbandry practice” includes without limitation dehorning, docking, and castration;
- (5) “Animal identification” means the use of a microchip, tattoo, an ear tag, an ear notch, branding, or any similar technology to identify the owner of an animal and that is generally accepted for the breed, species, and type of animal being identified;
- (6) “Appropriate place of custody” means any of the following within this state and, if practicable, within twenty (20) miles of the residence of the owner or other place owned by the owner:
  - (A) A nonprofit animal shelter;
  - (B) An animal pound;
  - (C) A location owned or managed by a society incorporated for the prevention of cruelty to animals;
  - (D) A location owned or managed by an agency of the state, county, municipality, or other governmental or political subdivision of the state that is responsible for animal control operations in its jurisdiction;
  - (E) A location owned or managed by a public or private custodian that provides shelter, care, and necessary medical treatment to an animal; or
  - (F) The residence or other place owned by the owner of the animal, if approved by written order of a court of competent jurisdiction;
- (7) “Competitive activity” means a lawful activity that is generally recognized as having an established schedule of events involving competition of animals or exhibitions of animals;
- (8) “Cruel mistreatment” means any act that causes or permits the continuation of unjustifiable pain or suffering;
- (9) “Equine” means a horse, pony, mule, donkey, or hinny;
- (10) “Equine activity” means:
  - (A) Equine participation in equine shows, fairs, competitions, performances, or parades that involve any breed of equine and any of the equine disciplines,

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- including without limitation dressage, hunter and jumper horse shows, grand prix jumping, three-day events, combined training, rodeos, pulling, cutting, polo, steeplechasing, endurance trail riding and western games, and hunting;
- (B) Teaching and training activities of an equine show or rodeo;
  - (C) Boarding an equine; Riding, inspecting, or evaluating an equine owned by another person, whether or not the owner has received some monetary consideration or other thing of value for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect, or evaluate the equine; or
  - (D) Any activity that involves riding or hunting;
- (11) “Euthanizing” means humanely killing an animal accomplished by a method that utilizes anesthesia produced by an agent that causes painless loss of consciousness and subsequent death, and administered by a licensed veterinarian or a euthanasia technician licensed by the federal Drug Enforcement Administration and certified by the Department of Health;
- (12) “Humanely killing” means causing the death of an animal in a manner intended to limit the pain or suffering of the animal as much as reasonably possible under the circumstances;
- (13) “Law enforcement officer” means any public servant vested by law with a duty to maintain public order or to make an arrest for an offense;
- (14) “Licensed veterinarian” means a veterinarian licensed to engage in the practice of veterinary medicine in Arkansas in accordance with applicable Arkansas laws;
- (15) “Livestock” means a horse, mule, bovine animal, goat, sheep, swine, chicken, duck, or similar animal or fowl commonly raised or used for farm purposes;
- (16) “Local law enforcement agency” means the police force of a municipality or the office of the county sheriff;
- (17) “Owner” means a person that:
- (A) Has a right of property or title in an animal;
  - (B) Keeps or harbors an animal;
  - (C) Has an animal in his, her, or its care;
  - (D) Acts as an animal's custodian; or
  - (E) Knowingly permits an animal to remain on or about any premises occupied by him or her or it;
- (18) “Person” means an individual, company, partnership, limited liability company, joint venture, joint agreement, mutual association or other, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other private entity;
- (19) “Professional pest control activities” means those activities governed by the Arkansas Pesticide Control Act, § 2-16-401 et seq., and the Arkansas Pest Control Law, § 17-37-101 et seq.;
- (20) “Rodeo” means an event involving a practice accepted by the Professional Rodeo Cowboys Association on January 1, 2009; and
- (21) “Torture” means:
- (A) The knowing commission of physical injury to a dog, cat, or horse by the



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infliction of inhumane treatment or gross physical abuse, causing the dog, cat, or horse intensive or prolonged pain, serious physical injury, or thereby causing death; and

- (B) Mutilating, maiming, burning, poisoning, drowning, or starving a dog, cat, or horse.

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### 2. GENERAL CRUELTY

#### ARK. CODE ANN. § 5-62-102. Definitions.

As used in this subchapter:

- (1) *“Abandon” means to desert, surrender, forsake, or to give up absolutely;*
- (2) *“Animal” means any living vertebrate creature, except human beings and fish;*
- (3) *“Animal control officer” means an officer employed by or under contract with an agency of the state, county, municipality, or other governmental or political subdivision of the state which is responsible for animal control operations in its jurisdiction;*
- (4)
  - (A) *“Animal husbandry practices” means the breeding, raising, production, and management of animals.*
  - (B) *“Animal husbandry practice” includes without limitation dehorning, docking, and castration;*
- (5) *“Animal identification” means the use of a microchip, tattoo, an ear tag, an ear notch, branding, or any similar technology to identify the owner of an animal and that is generally accepted for the breed, species, and type of animal being identified;*
- (6) *“Appropriate place of custody” means any of the following within this state and, if practicable, within twenty (20) miles of the residence of the owner or other place owned by the owner:*
  - (A) A nonprofit animal shelter;
  - (B) An animal pound;
  - (C) A location owned or managed by a society incorporated for the prevention of cruelty to animals;
  - (D) A location owned or managed by an agency of the state, county, municipality, or other governmental or political subdivision of the state that is responsible for animal control operations in its jurisdiction;
  - (E) A location owned or managed by a public or private custodian that provides shelter, care, and necessary medical treatment to an animal; or
  - (F) The residence or other place owned by the owner of the animal, if approved by written order of a court of competent jurisdiction;
- (7) *“Competitive activity” means a lawful activity that is generally recognized as having an established schedule of events involving competition of animals or exhibitions of animals;*
- (8) *“Cruel mistreatment” means any act that causes or permits the continuation of unjustifiable pain or suffering;*
- (9) *“Equine” means a horse, pony, mule, donkey, or hinny;*
- (10) *“Equine activity” means:*
  - (A) Equine participation in equine shows, fairs, competitions, performances, or parades that involve any breed of equine and any of the equine disciplines,

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- including without limitation dressage, hunter and jumper horse shows, grand prix jumping, three-day events, combined training, rodeos, pulling, cutting, polo, steeplechasing, endurance trail riding and western games, and hunting;
- (B) Teaching and training activities of an equine show or rodeo;
  - (C) Boarding an equine; Riding, inspecting, or evaluating an equine owned by another person, whether or not the owner has received some monetary consideration or other thing of value for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect, or evaluate the equine; or
  - (D) Any activity that involves riding or hunting;
- (11) “Euthanizing” means humanely killing an animal accomplished by a method that utilizes anesthesia produced by an agent that causes painless loss of consciousness and subsequent death, and administered by a licensed veterinarian or a euthanasia technician licensed by the federal Drug Enforcement Administration and certified by the Department of Health;
- (12) “Humanely killing” means causing the death of an animal in a manner intended to limit the pain or suffering of the animal as much as reasonably possible under the circumstances;
- (13) “Law enforcement officer” means any public servant vested by law with a duty to maintain public order or to make an arrest for an offense;
- (14) “Licensed veterinarian” means a veterinarian licensed to engage in the practice of veterinary medicine in Arkansas in accordance with applicable Arkansas laws;
- (15) “Livestock” means a horse, mule, bovine animal, goat, sheep, swine, chicken, duck, or similar animal or fowl commonly raised or used for farm purposes;
- (16) “Local law enforcement agency” means the police force of a municipality or the office of the county sheriff;
- (17) “Owner” means a person that:
- (A) Has a right of property or title in an animal;
  - (B) Keeps or harbors an animal;
  - (C) Has an animal in his, her, or its care;
  - (D) Acts as an animal's custodian; or
  - (E) Knowingly permits an animal to remain on or about any premises occupied by him or her or it;
- (18) “Person” means an individual, company, partnership, limited liability company, joint venture, joint agreement, mutual association or other, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other private entity;
- (19) “Professional pest control activities” means those activities governed by the Arkansas Pesticide Control Act, § 2-16-401 et seq., and the Arkansas Pest Control Law, § 17-37-101 et seq.;
- (20) “Rodeo” means an event involving a practice accepted by the Professional Rodeo Cowboys Association on January 1, 2009; and
- (21) “Torture” means:
- (A) *The knowing commission of physical injury to a dog, cat, or horse by the infliction*

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*of inhumane treatment or gross physical abuse, causing the dog, cat, or horse intensive or prolonged pain, serious physical injury, or thereby causing death; and*

- (B) *Mutilating, maiming, burning, poisoning, drowning, or starving a dog, cat, or horse.*

### ARK. CODE ANN. § 5-62-103. Offense of cruelty to animals.

- (a) *A person commits the offense of cruelty to animals if he or she knowingly:*
- (1) *Subjects any animal to cruel mistreatment;*
  - (2) *Kills or injures any animal owned by another person without legal privilege or consent of the owner;*
  - (3) *Abandons an animal at a location without providing for the animal's continued care;*
  - (4) *Fails to supply an animal in his or her custody with a sufficient quantity of wholesome food and water;*
  - (5) *Fails to provide an animal in his or her custody with adequate shelter that is consistent with the breed, species, and type of animal; or*
  - (6) *Carries or causes to be carried in or upon any motorized vehicle or boat an animal in a cruel or inhumane manner.*
- (b) *For purposes of this section, each alleged act of the offense of cruelty to animals committed against more than one (1) animal may constitute a separate offense.*
- (c) *Any person who pleads guilty or nolo contendere to or is found guilty of cruelty to animals is guilty of an unclassified misdemeanor and shall be:*
- (1) Fined no less than one hundred fifty dollars (\$150) and no more than one thousand dollars (\$1,000);
  - (2) Either:
    - (A) Imprisoned for no less than one (1) day and no more than one (1) year in jail; or
    - (B) Ordered to complete community service; and
  - (3)
    - (A) Both:
      - (i) Ordered to complete a psychiatric or psychological evaluation; and
      - (ii) If determined appropriate, psychiatric or psychological counseling or treatment for a length of time prescribed by the court.
    - (B) The cost of any psychiatric or psychological evaluation, counseling, or treatment may be ordered paid by the person up to the jurisdictional limit of the court.
- (d) Any person who pleads guilty or nolo contendere to or is found guilty of the offense of cruelty to animals for a second offense occurring within five (5) years of a previous

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offense of cruelty to animals or of any other equivalent penal offense of another state or foreign jurisdiction is guilty of an unclassified misdemeanor and shall be:

- (1) Fined no less than four hundred dollars (\$400) and no more than one thousand dollars (\$1,000);
  - (2) Either:
    - (A) Imprisoned for no fewer than seven (7) days and no more than one (1) year; or
    - (B) Ordered to complete no fewer than thirty (30) days of community service; and
  - (3)
    - (A) Both:
      - (i) Ordered to receive a psychiatric or psychological evaluation; and
      - (ii) If determined appropriate, ordered to receive psychiatric or psychological counseling or treatment for a length of time prescribed by the court.
    - (B) The cost of any psychiatric or psychological evaluation, counseling, or treatment may be ordered paid by the person up to the jurisdictional limit of the court.
- (e) Any person who pleads guilty or nolo contendere to or is found guilty of the offense of cruelty to animals for a third offense occurring within five (5) years of a previous offense of cruelty to animals or of any other equivalent penal offense of another state or foreign jurisdiction is guilty of an unclassified misdemeanor and shall be:
- (1) Fined no less than nine hundred dollars (\$900) and no more than one thousand dollars (\$1,000);
  - (2) Either:
    - (A) Imprisoned for no fewer than ninety (90) days and no more than one (1) year; or
    - (B) Ordered to complete no fewer than ninety (90) days of community service; and
  - (3)
    - (A) Both:
      - (i) Ordered to receive a psychiatric or psychological evaluation; and
      - (ii) If determined appropriate, ordered to receive psychiatric or psychological counseling or treatment for a length of time prescribed by the court.
    - (B) The cost of any psychiatric or psychological evaluation, counseling, or treatment may be ordered paid by the person up to the jurisdictional limit of the court.
- (f)
- (1) Any person who pleads guilty or nolo contendere to or is found guilty of cruelty to animals for a fourth or subsequent offense occurring within (5) five years of a

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previous offense of cruelty to animals or of any other equivalent penal offense of another state or foreign jurisdiction is guilty of a Class D felony and shall be:

- (A) Ordered to receive a psychiatric or psychological evaluation; and
- (B) If determined appropriate, ordered to receive psychiatric or psychological counseling or treatment for a length of time prescribed by the court.

(2) The cost of any psychiatric or psychological evaluation, counseling, or treatment may be ordered paid by the person.

(g)

(1) For the sole purpose of calculating the number of previous offenses under subsections (d), (e), and (f) of this section, all offenses that are committed against one (1) or more animals and as part of the same criminal episode are a single offense.

(2) As used in this section, "criminal episode" means an act that constitutes the offense of cruelty to animals that is committed by a person against one (1) or more animals within a period of twenty-four (24) hours.

### ARK. CODE ANN. § 5-62-104. Offense of aggravated cruelty to a dog, cat, or equine.

(a) *A person commits the offense of aggravated cruelty to a dog, cat, or equine if he or she knowingly tortures any dog, cat, or equine.*

(b) *A person who pleads guilty or nolo contendere to or is found guilty of aggravated cruelty to a dog, cat, or equine:*

- (1) *Shall be guilty of a Class D felony;*
- (2) *May be ordered to perform up to four hundred (400) hours of community service; and*
- (3) *Both:*
  - (A) *Ordered to receive a psychiatric or psychological evaluation; and*
  - (B) *If determined appropriate, ordered to receive psychiatric or psychological counseling or treatment for a length of time prescribed by the court.*

(c) *A person who pleads guilty or nolo contendere to or is found guilty of aggravated cruelty to a dog, cat, or horse for a subsequent offense occurring within five (5) years from a previous offense of aggravated cruelty to a dog, cat, or equine or of any other equivalent penal offense of another state or foreign jurisdiction is guilty of a Class C felony and shall be:*

- (1) *Ordered to receive a psychiatric or psychological evaluation; and*
- (2) *If determined appropriate, ordered to receive psychiatric or psychological counseling or treatment for a length of time prescribed by the court.*

(d) *The cost of any psychiatric or psychological evaluation, counseling, or treatment ordered under this section shall be paid by the person ordered to receive the psychiatric*

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or psychological evaluation, counseling, or treatment.

(e) *For purposes of this section, each alleged act of the offense of aggravated cruelty to a dog, cat, or equine committed against more than one (1) dog, cat or equine may constitute a separate offense.*

(f)

(1) For the sole purpose of calculating the number of previous offenses under subsection (b) of this section, all offenses of aggravated cruelty to a dog, cat or *equine* that are committed against one (1) or more dogs, cats, or *equine*, as part of the same criminal episode are a single offense.

(2) As used in this section, “criminal episode” means an act that constitutes the offense of aggravated cruelty to a dog, cat, or *equine*, committed by a person against one (1) or more dogs, cats, or *equine* within a period of twenty-four (24) hours.

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### 3. EXEMPTIONS

#### ARK. CODE ANN. § 5-62-102. Definitions.

As used in this subchapter:

- (1) “Abandon” means to desert, surrender, forsake, or to give up absolutely;
- (2) “Animal” means any living vertebrate creature, except human beings and fish;
- (3) “Animal control officer” means an officer employed by or under contract with an agency of the state, county, municipality, or other governmental or political subdivision of the state which is responsible for animal control operations in its jurisdiction;
- (4)
  - (A) *“Animal husbandry practices” means the breeding, raising, production, and management of animals.*
  - (B) *“Animal husbandry practice” includes without limitation dehorning, docking, and castration;*
- (5) “Animal identification” means the use of a microchip, tattoo, an ear tag, an ear notch, branding, or any similar technology to identify the owner of an animal and that is generally accepted for the breed, species, and type of animal being identified;
- (6) “Appropriate place of custody” means any of the following within this state and, if practicable, within twenty (20) miles of the residence of the owner or other place owned by the owner:
  - (A) A nonprofit animal shelter;
  - (B) An animal pound;
  - (C) A location owned or managed by a society incorporated for the prevention of cruelty to animals;
  - (D) A location owned or managed by an agency of the state, county, municipality, or other governmental or political subdivision of the state that is responsible for animal control operations in its jurisdiction;
  - (E) A location owned or managed by a public or private custodian that provides shelter, care, and necessary medical treatment to an animal; or
  - (F) The residence or other place owned by the owner of the animal, if approved by written order of a court of competent jurisdiction;
- (7) *“Competitive activity” means a lawful activity that is generally recognized as having an established schedule of events involving competition of animals or exhibitions of animals;*
- (8) “Cruel mistreatment” means any act that causes or permits the continuation of unjustifiable pain or suffering;
- (9) “Equine” means a horse, pony, mule, donkey, or hinny;
- (10) *“Equine activity” means:*
  - (A) *Equine participation in equine shows, fairs, competitions, performances, or parades that involve any breed of equine and any of the equine disciplines,*



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- including without limitation dressage, hunter and jumper horse shows, grand prix jumping, three-day events, combined training, rodeos, pulling, cutting, polo, steeplechasing, endurance trail riding and western games, and hunting;*
- (B) *Teaching and training activities of an equine show or rodeo;*
- (C) *Boarding an equine; Riding, inspecting, or evaluating an equine owned by another person, whether or not the owner has received some monetary consideration or other thing of value for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect, or evaluate the equine; or*
- (D) *Any activity that involves riding or hunting;*
- (11) *“Euthanizing” means humanely killing an animal accomplished by a method that utilizes anesthesia produced by an agent that causes painless loss of consciousness and subsequent death, and administered by a licensed veterinarian or a euthanasia technician licensed by the federal Drug Enforcement Administration and certified by the Department of Health;*
- (12) *“Humanely killing” means causing the death of an animal in a manner intended to limit the pain or suffering of the animal as much as reasonably possible under the circumstances;*
- (13) *“Law enforcement officer” means any public servant vested by law with a duty to maintain public order or to make an arrest for an offense;*
- (14) *“Licensed veterinarian” means a veterinarian licensed to engage in the practice of veterinary medicine in Arkansas in accordance with applicable Arkansas laws;*
- (15) *“Livestock” means a horse, mule, bovine animal, goat, sheep, swine, chicken, duck, or similar animal or fowl commonly raised or used for farm purposes;*
- (16) *“Local law enforcement agency” means the police force of a municipality or the office of the county sheriff;*
- (17) *“Owner” means a person that:*
- (A) *Has a right of property or title in an animal;*
- (B) *Keeps or harbors an animal;*
- (C) *Has an animal in his, her, or its care;*
- (D) *Acts as an animal's custodian; or*
- (E) *Knowingly permits an animal to remain on or about any premises occupied by him or her or it;*
- (18) *“Person” means an individual, company, partnership, limited liability company, joint venture, joint agreement, mutual association or other, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other private entity;*
- (19) *“Professional pest control activities” means those activities governed by the Arkansas Pesticide Control Act, § 2-16-401 et seq., and the Arkansas Pest Control Law, § 17-37-101 et seq.;*
- (20) *“Rodeo” means an event involving a practice accepted by the Professional Rodeo Cowboys Association on January 1, 2009; and*
- (21) *“Torture” means:*
- (A) *The knowing commission of physical injury to a dog, cat, or horse by the*

## ANIMAL PROTECTION LAWS OF ARKANSAS

infliction of inhumane treatment or gross physical abuse, causing the dog, cat, or horse intensive or prolonged pain, serious physical injury, or thereby causing death; and

- (B) Mutilating, maiming, burning, poisoning, drowning, or starving a dog, cat, or horse.

### ARK. CODE ANN. § 5-62-105. Exemptions.

- (a) *This subchapter does not prohibit any of the following activities:*
- (1) *Reasonably acting to protect a person or a person's property from damage;*
  - (2) *Injuring or humanely killing an animal on the property of a person if the person is acting as a reasonable person would act under similar circumstances and if the animal is reasonably believed to constitute a threat of physical injury or damage to any animal under the care or control of the person;*
  - (3) *Engaging in practices lawful under the Arkansas Veterinary Medical Practice Act, § 17-101-101 et seq., or engaging in activities by or at the direction of any licensed veterinarian while following accepted standards of practice of the profession, including the euthanizing of an animal;*
  - (4) *Rendering emergency care, treatment, or assistance, including humanely killing an animal, that is abandoned, ill, injured, or in distress related to an accident or disaster, or where there appears to be no reasonable probability that the life or usefulness of the animal can be saved, if the person rendering the emergency care, treatment, or assistance is:*
    - (A) *Acting in good faith;*
    - (B) *Not receiving compensation; and*
    - (C) *Acting as a reasonable person would act under similar circumstances;*
  - (5) *Performing generally accepted animal husbandry practices;*
  - (6) *Performing professional pest control activities in a lawful manner;*
  - (7) *Performing generally accepted training for or participating in a rodeo, equine activity, or competitive activity;*
  - (8) *Engaging in generally accepted practices of animal identification;*
  - (9) *Engaging in the taking of game or fish through hunting, trapping, or fishing, or engaging in any other activity authorized by Amendment 35 of the Arkansas Constitution, by § 15-41-101 et seq., or by any Arkansas State Game and Fish Commission regulation or rule promulgated under either Amendment 35 of the Arkansas Constitution or statute;*
  - (10) *Conducting activities undertaken by research and education facilities or institutions that are:*
    - (A) *Regulated under the Animal Welfare Act, 7 U.S.C. 2131 et seq., as in effect on January 1, 2009;*
    - (B) *Regulated under the Health Research Extension Act of 1985, Pub. L. No. 99-*

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158; or

(C) *Subject to any federal law or regulation governing animal research that is in effect on January 1, 2009; and*

(11) *Applying generally accepted methods used to train dogs engaged in hunting, field trials, service work, obedience training, or any similar activities authorized by the Arkansas State Game and Fish Commission.*

(b) *In addition to the exemptions in subsection (a) of this section, this subchapter does not prohibit a person from engaging in or performing conduct that is otherwise permitted under the laws of this state or of the United States, including without limitation agricultural activities, butchering, food processing, marketing, medical activities, zoological activities, or exhibitions.*

### **ARK. CODE ANN. § 5-62-126. Acts of God—Emergency conditions.**

An owner of an animal or person in control of an animal is not guilty of either the offense of cruelty to animals, § 5-62-103, or the offense of aggravated cruelty to a dog, cat, or equine, § 5-62-104, if the owner of the animal or the person in control of the animal *was reasonably precluded as the result of an act of God or emergency conditions from engaging in an act or omission that might prevent an allegation of the offense of cruelty to animals, § 5-62-103, or the offense of aggravated cruelty to a dog, cat, or equine, § 5-62-104.*

**ANIMAL PROTECTION LAWS OF ARKANSAS****4. FIGHTING AND RACKETEERING****ARK. CODE ANN. § 5-62-120. Unlawful animal fighting.**

- (a)
- (1) *A person commits the offense of unlawful animal fighting in the first degree if he or she knowingly:*
    - (A) *Promotes, engages in, or is employed at animal fighting;*
    - (B) *Receives money for the admission of another person to a place kept for animal*
    - (C) *fighting; or*
    - (D) *Sells, purchases, possesses, or trains an animal for animal fighting.*
  - (2) *Unlawful animal fighting in the first degree is a Class D felony.*
- (b)
- (1) *A person commits the offense of unlawful animal fighting in the second degree if he or she knowingly:*
    - (A) *Purchases a ticket of admission to or is present at an animal fight; or*
    - (B) *Witnesses an animal fight if it is presented as a public spectacle.*
  - (2) *Unlawful animal fighting in the second degree is a Class A misdemeanor.*
- (c) *Upon the arrest of any person for violating a provision of this section, the arresting law enforcement officer or animal control officer may seize and take custody of all animals in the possession of the arrested person.*
- (d)
- (1) *Upon the conviction of any person for violating a provision of this section, any court of competent jurisdiction may order the forfeiture by the convicted person of all animals the use of which was the basis of the conviction.*
  - (2) *Any animal ordered forfeited under a provision of this subsection shall be placed with an appropriate place of custody or an animal control agency.*
- (e) *In addition to the fines, penalties, and forfeitures imposed under this section, the court may require the defendant to make restitution to the state, any of its political subdivisions, or an appropriate place of custody for housing, feeding, or providing medical treatment to an animal used for unlawful animal fighting.*
- (f) *As used in this section, "animal fighting" means fighting between roosters or other birds or between dogs, bears, or other animals.*

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**ANIMAL PROTECTION LAWS OF ARKANSAS****5 SEXUAL ASSAULT****ARK. CODE ANN. § 5-14-122. Bestiality.**

- (a) *As used in this section, “animal” means any dead or alive nonhuman vertebrate.*
- (b) *A person commits bestiality if he or she performs or submits to any act of sexual gratification with an animal involving his or her or the animal's sex organs and the mouth, anus, penis, or vagina of the other.*
- (c) *Bestiality is a Class A misdemeanor.*

## ANIMAL PROTECTION LAWS OF ARKANSAS

### 6. CRUELTY TO WORKING ANIMALS

#### ARK. CODE ANN. § 5-54-126. Killing or injuring search and rescue dogs or animals used by law enforcement

- (a) *Any person who:*
- (1) *Purposely kills or physically injures;*
  - (2) *Purposely causes physical contact that is of a nature likely to cause physical injury to; or*
  - (3) *Attempts to cause physical contact that is of a nature likely to cause physical injury to,*  
*any animal owned by or used by a law enforcement agency or any search and rescue dog upon conviction is guilty of a Class D felony.*
- (b) *A person who purposely interferes with or obstructs an animal owned by or used by a law enforcement agency or a search and rescue dog used by a law enforcement officer in the discharge or attempted discharge of his or her duties upon conviction is guilty of a Class A misdemeanor.*
- (c) As used in this section, “search and rescue dog” means a dog:
- (1) In training for or trained for the purpose of search and rescue;
  - (2) Owned by an independent handler or member of a search and rescue team;
  - (3) Used in conjunction with a local law enforcement organization or an emergency services organization for the purpose of locating a missing person or evidence of arson;
  - (4) Trained for the purpose of locating controlled substances; or
  - (5) Trained to assist in the apprehension of persons alleged to have violated any law.
- (d) A person guilty of violating this section is also required to make restitution to the law enforcement agency or owner of the animal that suffered a loss due to the violation, including without limitation reimbursement for veterinary bills, and the replacement cost of the animal if the animal is permanently disabled or killed as a result of the violation.

#### ARK. CODE ANN. § 20-14-304. Right to be accompanied by service animal—Penalty and restitution for killing or injuring a service animal or search and rescue dog.

- (a) Every visually handicapped, hearing impaired, or other disabled person has the right to be accompanied by a service animal especially trained to do work or to perform tasks for the benefit of an individual with a disability in or upon any and all public ways, public places, and other public accommodations and housing accommodations prescribed in § 20-14-303 and to be accompanied by a service dog as defined in Titles II and III of the Americans with Disabilities Act, as it existed on January 1, 2017 and shall not be

## ANIMAL PROTECTION LAWS OF ARKANSAS

- required to pay any extra fee or charge for the service animal.
- (b) However, any visually handicapped, hearing impaired, or other physically disabled person accompanied by a service animal in any public way, public place, public accommodation, or housing accommodation shall be liable for any damage caused to the premises or facilities by the animal.
- (c) *As used in this section, "search and rescue dog" means any dog:*
- (1) In training for or trained for the purpose of search and rescue;*
  - (2) Owned by an independent handler or a member of a search and rescue team;*  
*and*
  - (3) Used in conjunction with local law enforcement or emergency services organizations for the purpose of locating missing persons or evidence of arson.*
- (d) *Any person who without just cause purposely kills or injures any service animal described in this section or any search and rescue dog is guilty of a Class D felony.*
- (e) *Any person who kills or injures any service animal described in this section or any search and rescue dog shall make restitution to the owner of the animal.*

## ANIMAL PROTECTION LAWS OF ARKANSAS

### 7. MAXIMUM PENALTIES & STATUTES OF LIMITATIONS

#### ARK. CODE ANN. § 5-1-109. Statute of limitations.

- (a)
- (1) A prosecution for the following offenses may be commenced at any time:
    - (A) Capital murder, § 5-10-101;
    - (B) Murder in the first degree, § 5-10-102;
    - (C) Murder in the second degree, § 5-10-103;
    - (D) Rape, § 5-14-103, if the victim was a minor at the time of the offense;
    - (E) Sexual indecency with a child, § 5-14-110;
    - (F) Sexual assault in the first degree, § 5-14-124;
    - (G) Sexual assault in the second degree, § 5-14-125, if the victim was a minor at the time of the offense;
    - (H) Incest, § 5-26-202, if the victim was a minor at the time of the offense;
    - (I) Engaging children in sexually explicit conduct for use in visual or print medium, § 5-27-303;
    - (J) Transportation of minors for prohibited sexual conduct, § 5-27-305;
    - (K) Employing or consenting to the use of a child in a sexual performance, § 5-27-402;
    - (L) Producing, directing, or promoting a sexual performance by a child, § 5-27-403; and
    - (M) Computer exploitation of a child in the first degree, § 5-27-605.
  - (2) A prosecution may be commenced for a violation of the following offenses, if, when the alleged violation occurred, the offense was committed against a minor, the violation has not been previously reported to a law enforcement agency or prosecuting attorney, and the victim has not reached the age of twenty-eight (28) years of age:
    - (A) Sexual assault in the third degree, § 5-14-126;
    - (B) Sexual assault in the fourth degree, § 5-14-127;
    - (C) Endangering the welfare of a minor in the first degree, § 5-27-205;
    - (D) Permitting abuse of a minor, § 5-27-221; and
    - (E) Computer child pornography, § 5-27-603.
  - (3) A prosecution for arson, § 5-38-301(a)(1)(G), may be commenced within ten (10) years after the offense was committed.
- (b) Except as otherwise provided in this section, a prosecution for another offense shall be commenced within the following periods of limitation after the offense's commission:
- (1)
    - (A) Class Y felony or Class A felony, six (6) years.
    - (B) However, for rape, § 5-14-103, the period of limitation is eliminated if biological evidence of the alleged perpetrator is identified that is capable of producing a deoxyribonucleic acid (DNA) profile;



## ANIMAL PROTECTION LAWS OF ARKANSAS

- (2)
  - (A) *Except as provided in subdivision (b)(2)(B)(i) of this section, Class B felony, Class C felony, Class D felony, or an unclassified felony, three (3) years.*
  - (B)
    - (i) A prosecution may be commenced for a violation of § 23-66-502 as follows:
      - (a) Within three (3) years of completion of the last act taken to perpetrate alleged fraud; or
      - (b) Within five (5) years of any alleged violation of § 23-66-502 involving a motor vehicle purposely used to cause a motor vehicle accident for the purpose of filing an insurance claim.
    - (ii) If a prosecution could not be commenced within the time period prescribed by subdivision (b)(2)(B)(i) of this section because it was not reasonably possible to discover the alleged fraud at the time of the violation, the time period prescribed shall be extended for a period of three (3) years.
    - (iii) The period of limitation under this subdivision (b)(2)(B) may not extend more than ten (10) years after the date of the violation of § 23-66-502;
- (3)
  - (A) *Misdemeanor or violation, one (1) year.*
  - (B) However:
    - (i) For failure to notify by a mandated reporter in the first degree, § 12-18-201, and failure to notify by a mandated reporter in the second degree, § 12-18-202, the period of limitation is ten (10) years after the child victim reaches eighteen (18) years of age if the child in question was subject to child maltreatment; and
    - (ii) For a nine-point or greater violation of an Arkansas State Game and Fish Commission regulation or rule, the period of limitation is three (3) years; and
  - (4) Municipal ordinance violation, one (1) year unless a different period of time not to exceed three (3) years is set by ordinance of the municipal government.
- (c) If the period prescribed in subsection (b) of this section has expired, a prosecution may nevertheless be commenced for:
  - (1) Any offense involving either fraud or breach of a fiduciary obligation, within one (1) year after the offense is discovered or should reasonably have been discovered by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense; and
  - (2)
    - (A) Any offense that is concealed involving felonious conduct in office by a public servant at any time within five (5) years after he or she leaves public

## ANIMAL PROTECTION LAWS OF ARKANSAS

- office or employment or within five (5) years after the offense is discovered or should reasonably have been discovered, whichever is sooner.
- (B) However, in no event does this subdivision (c)(2) extend the period of limitation by more than ten (10) years after the commission of the offense.
- (d) A defendant may be convicted of any offense included in the offense charged, notwithstanding that the period of limitation has expired for the included offense, if as to the offense charged the period of limitation has not expired or there is no period of limitation, and there is sufficient evidence to sustain a conviction for the offense charged.
- (e)
- (1) For the purposes of this section, an offense is committed either when:
    - (A) Every element occurs; or
    - (B) If a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time the course of conduct or the defendant's complicity in the course of conduct is terminated.
  - (2) Time starts to run on the day after the offense is committed.
- (f) A prosecution is commenced when an arrest warrant or other process is issued based on an indictment, information, or other charging instrument if the arrest warrant or other process is sought to be executed without unreasonable delay.
- (g) The period of limitation does not run:
- (1)
    - (A) During any time when the accused is continually absent from the state or has no reasonably ascertainable place of abode or work within the state.
    - (B) However, in no event does this subdivision (g)(1) extend the period of limitation otherwise applicable by more than three (3) years; or
  - (2) During any period when a prosecution against the accused for the same conduct is pending in this state.
- (h) If the period prescribed in subsection (b) of this section has expired, a prosecution may nevertheless be commenced for a violation of the following offenses if, when the alleged violation occurred, the offense was committed against a minor, the violation has not previously been reported to a law enforcement agency or prosecuting attorney, and the period prescribed in subsection (b) of this section has not expired since the victim has reached eighteen (18) years of age:
- (1) Battery in the first degree, § 5-13-201;
  - (2) Battery in the second degree, § 5-13-202;
  - (3) Aggravated assault, § 5-13-204;
  - (4) Terroristic threatening in the first degree, § 5-13-301;
  - (5) Kidnapping, § 5-11-102;
  - (6) False imprisonment in the first degree, § 5-11-103;
  - (7) Permanent detention or restraint, § 5-11-106; and
  - (8) Criminal attempt, criminal solicitation, or criminal conspiracy to commit any offense listed in this subsection, §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401.

## ANIMAL PROTECTION LAWS OF ARKANSAS

- (i) If there is biological evidence connecting a person with the commission of an offense and that person's identity is unknown, the prosecution is commenced if an indictment or information is filed against the unknown person and the indictment contains the genetic information of the unknown person and the genetic information is accepted to be likely to be applicable only to the unknown person.
- (j) When deoxyribonucleic acid (DNA) testing implicates a person previously identified through a search of the State DNA Data Base or National DNA Index System, a statute of limitation shall not preclude prosecution of the offense.

### ARK. CODE ANN. § 5-4-201. Fines – Limitations on amount.

- (a) *A defendant convicted of a felony may be sentenced to pay a fine:*
  - (1) Not exceeding fifteen thousand dollars (\$15,000) if the conviction is of a Class A felony or Class B felony;
  - (2) *Not exceeding ten thousand dollars (\$10,000) if the conviction is of a Class C felony or Class D felony;*
  - (3) In accordance with a limitation of the statute defining the felony if the conviction is of an unclassified felony.
- (b) *A defendant convicted of a misdemeanor may be sentenced to pay a fine:*
  - (1) *Not exceeding two thousand five hundred dollars (\$ 2,500) if the conviction is of a Class A misdemeanor;*
  - (2) Not exceeding one thousand dollars (\$ 1,000) if the conviction is of a Class B misdemeanor;
  - (3) Not exceeding five hundred dollars (\$500) if the conviction is of a Class C misdemeanor; or
  - (4) *In accordance with a limitation of the statute defining the misdemeanor if the conviction is of an unclassified misdemeanor.*
- (c) A defendant convicted of a violation may be sentenced to pay a fine:
  - (1) Not exceeding one hundred dollars (\$100) if the violation is defined by the Arkansas Criminal Code or defined by a statute enacted subsequent to January 1, 1976, that does not prescribe a different limitation on the amount of the fine; or
  - (2) In accordance with a limitation of the statute defining the violation if that statute prescribes limitations on the amount of the fine.
- (d)
  - (1) Notwithstanding a limit imposed by this section, if the defendant has derived pecuniary gain from commission of an offense, then upon conviction of the offense the defendant may be sentenced to pay a fine not exceeding two (2) times the amount of the pecuniary gain.
  - (2) As used in this subsection, “pecuniary gain” means the amount of money or the value of property derived from the commission of the offense, less the amount of money or the value of property returned to the victim of the crime or seized

## ANIMAL PROTECTION LAWS OF ARKANSAS

- by or surrendered to a lawful authority prior to the time sentence is imposed.
- (e) *An organization convicted of an offense may be sentenced to pay a fine authorized by subsection (d) of this section or not exceeding two (2) times the maximum fine otherwise authorized upon conviction of the offense by subsections (a), (b), or (c) of this section.*
- (f)
- (1) Notwithstanding a limit imposed by this section or the section defining the felony offense, if a defendant has derived pecuniary gain from the commission of a felony offense under § 5-68-201 et seq., § 5-68-301 et seq., the Arkansas Law on Obscenity, § 5-68-401 et seq., or § 5-68-501 et seq., then upon conviction of the felony offense, the defendant may be sentenced to pay a fine not exceeding two hundred fifty thousand dollars (\$250,000).
  - (2) As used in this subsection, “derived pecuniary gain” means that a defendant received income, benefit, property, money, or anything of value from the commission of a felony offense under § 5-68-201 et seq., § 5-68-301 et seq., the Arkansas Law on Obscenity, § 5-68-401 et seq., or § 5-68-501 et seq.

### ARK. CODE ANN. § 5-4-401. Sentence.

- (a) *A defendant convicted of a felony shall receive a determinate sentence according to the following limitations:*
- (1) For a Class Y felony, the sentence shall be not less than ten (10) years and not more than forty (40) years, or life;
  - (2) For a Class A felony, the sentence shall be not less than six (6) years nor more than thirty (30) years;
  - (3) For a Class B felony, the sentence shall be not less than five (5) years nor more than twenty (20) years;
  - (4) *For a Class C felony, the sentence shall be not less than three (3) years nor more than ten (10) years;*
  - (5) *For a Class D felony, the sentence shall not exceed six (6) years;*
  - (6) For an unclassified felony, the sentence shall be in accordance with the limitations of the statute defining the felony.
- (b) *A defendant convicted of a misdemeanor may be sentenced according to the following limitations:*
- (1) *For a Class A misdemeanor, the sentence shall not exceed one (1) year;*
  - (2) For a Class B misdemeanor, the sentence shall not exceed ninety (90) days;
  - (3) For a Class C misdemeanor, the sentence shall not exceed thirty (30) days;
  - (4) *For an unclassified misdemeanor, the sentence shall be in accordance with the limitations of the statute defining the misdemeanor.*

## ANIMAL PROTECTION LAWS OF ARKANSAS

### ARK. CODE ANN. § 5-4-701. Definitions.

As used in this subchapter:

- (1) “Child” means a person under eighteen (18) years of age;
- (2) “Conductor” means a conductor, switchman, brakeman, trainman, or fireman licensed and certified by the Federal Railroad Administration;
- (3) “Engineer” means an engineer licensed and certified by the Federal Railroad Administration;
- (4) “Family member of a current or former law enforcement officer or first responder” means the husband, wife, son, daughter, brother, sister, or parent of a current or former law enforcement officer or first responder;
- (5) “First responder” means a firefighter or a person employed as an emergency medical provider;
- (6) “In the presence of a child” means in the physical presence of a child or knowing or having reason to know that a child is present and may see or hear an act;
- (7) “Law enforcement officer” includes without limitation a:
  - (A) Prosecuting attorney or a deputy prosecuting attorney;
  - (B) Code enforcement officer; and
  - (C) Corrections officer;
- (8) “Public transit employee” means a bus, rail, or trolley operator tasked with the transport of persons;
- (9) “Railroad or public transit employee” means a conductor, engineer, public transit employee, or railroad management; and
- (10) “Railroad management” means a rail employee overseeing and assisting in the operation of rail transit.

### ARK. CODE ANN. § 5-4-702. Enhanced penalties for offenses committed in presence of a child.

- (a) A person who commits any of the following offenses may be subject to an enhanced sentence of an additional term of imprisonment of not less than one (1) year and not greater than ten (10) years if the offense is committed in the presence of a child:
  - (1) Capital murder, § 5–10–101;
  - (2) Murder in the first degree, § 5–10–102;
  - (3) Murder in the second degree, § 5–10–103;
  - (4) Aggravated robbery, § 5–12–103;
  - (5) A felony offense of assault or battery under § 5–13–201 et seq.;
  - (6) Rape, § 5–14–103;
  - (7) Sexual assault in the second degree, § 5–14–125; or
  - (8) A felony offense of domestic battering or assault on a family or household member under § 5–26–303 — § 5–26–309.
- (b) *Any person who commits the offense of aggravated cruelty to a dog, cat, or equine*

## ANIMAL PROTECTION LAWS OF ARKANSAS

*under § 5-62-104 may be subject to an enhanced sentence of an additional term of imprisonment not to exceed five (5) years if the offense is committed in the presence of a child.*

- (c)
  - (1) To seek an enhanced penalty established in this section, a prosecuting attorney shall notify the defendant in writing that the defendant is subject to the enhanced penalty.
  - (2) If the defendant is charged by information or indictment, the prosecuting attorney may include the written notice in the information or indictment.
- (d) The enhanced portion of the sentence is consecutive to any other sentence imposed.
- (e) Any person convicted under this section is not eligible for early release on parole or community correction transfer for the enhanced portion of the sentence.

### **ARK. CODE ANN. § 20-19-608. Penalty.**

*A violation of this subchapter is a Class A misdemeanor.*

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## ANIMAL PROTECTION LAWS OF ARKANSAS

### 8. CROSS ENFORCEMENT & REPORTING

**ARK. CODE ANN. § 5-62-107. Immunity for reporting cruelty to animals or aggravated cruelty to a dog, cat, or equine.**

*Except as provided in § 5-54-122, a person who in good faith reports a suspected incident of cruelty to animals or aggravated cruelty to a dog, cat, or equine to a local law enforcement agency or to the Department of Arkansas State Police is immune from civil and criminal liability for reporting the incident.*

## ANIMAL PROTECTION LAWS OF ARKANSAS

### 9. VETERINARY REPORTING & IMMUNITY

#### **ARK. CODE ANN. § 5-62-107. Immunity for reporting cruelty to animals or aggravated cruelty to a dog, cat, or equine.**

*Except as provided in § 5-54-122, a person who in good faith reports a suspected incident of cruelty to animals or aggravated cruelty to a dog, cat, or equine to a local law enforcement agency or to the Department of Arkansas State Police is immune from civil and criminal liability for reporting the incident.*

#### **ARK. CODE ANN. § 5-62-109. Immunity—Veterinarians.**

- (a) *A licensed veterinarian or a person acting at the direction of a licensed veterinarian in Arkansas is:
  - (1) *Held harmless from either criminal or civil liability for any decision made or service rendered in conjunction with this subchapter; and*
  - (2) *Immune from suit for his or her part in an investigation of cruelty to animals.**
- (b) *A veterinarian or person acting at the direction of a licensed veterinarian who participates or reports in bad faith or with malice is not protected under this subchapter.*



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## ANIMAL PROTECTION LAWS OF ARKANSAS

### 10. LAW ENFORCEMENT POLICIES

#### ARK. CODE ANN. § 5-62-111. Prevention of cruelty.

- (a) *A person may lawfully interfere to prevent the imminent or ongoing perpetration of any offense of cruelty to animals or aggravated cruelty to a dog, cat, or equine upon any animal in his or her presence.*
- (b) *Upon a conviction, a person who knowingly interferes with or obstructs a person acting under subsection (a) of this section is guilty of a Class A misdemeanor.*

## ANIMAL PROTECTION LAWS OF ARKANSAS

### 11. SEIZURE

#### ARK. CODE ANN. § 5-62-108. Arrested persons—Animal possession.

- (a) *If a law enforcement officer arrests a person in charge of any vehicle drawn by or containing an animal, the law enforcement officer may seize the animal and impound in any lawful manner the vehicle and the contents of the vehicle.*
- (b)
  - (1) *A law enforcement officer that seizes an animal under subsection (a) of this section shall place the animal with an appropriate place of custody.*
  - (2) *If an animal is seized under this section, an owner of the animal may petition to regain possession of the animal in the manner proscribed in § 5-62-106.*
- (c) Any vehicle or contents of the vehicle impounded under subsection (a) of this section shall be returned to the owner as soon as reasonably practicable under the circumstances unless the vehicle or contents of the vehicle are subject to seizure for any other lawful reason.

#### ARK. CODE ANN. § 5-62-111. Prevention of cruelty.

- (a) *A person may lawfully interfere to prevent the imminent or ongoing perpetration of any offense of cruelty to animals, § 5-62-103, or aggravated cruelty to a dog, cat, or equine, § 5-62-104, upon any animal in his or her presence.*
- (b) *Upon a conviction, a person who knowingly interferes with or obstructs a person acting under subsection (a) of this section is guilty of a Class A misdemeanor.*

#### ARK. CODE ANN. § 5-62-120. Unlawful animal fighting.

- (a)
  - (1) A person commits the offense of unlawful animal fighting in the first degree if he or she knowingly:
    - (A) Promotes, engages in, or is employed at animal fighting;
    - (B) Receives money for the admission of another person to a place kept for animal
    - (C) fighting; or
    - (D) Sells, purchases, possesses, or trains an animal for animal fighting.
  - (2) Unlawful animal fighting in the first degree is a Class D felony.
- (b)
  - (1) A person commits the offense of unlawful animal fighting in the second degree if he or she knowingly:
    - (A) Purchases a ticket of admission to or is present at an animal fight; or

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**ANIMAL PROTECTION LAWS OF ARKANSAS**

- (B) Witnesses an animal fight if it is presented as a public spectacle.
- (2) Unlawful animal fighting in the second degree is a Class A misdemeanor.
- (c) *Upon the arrest of any person for violating a provision of this section, the arresting law enforcement officer or animal control officer may seize and take custody of all animals in the possession of the arrested person.*
- (d)
  - (1) Upon the conviction of any person for violating a provision of this section, any court of competent jurisdiction may order the forfeiture by the convicted person of all animals the use of which was the basis of the conviction.
  - (2) Any animal ordered forfeited under a provision of this subsection shall be placed with an appropriate place of custody or an animal control agency.
- (e) In addition to the fines, penalties, and forfeitures imposed under this section, the court may require the defendant to make restitution to the state, any of its political subdivisions, or an appropriate place of custody for housing, feeding, or providing medical treatment to an animal used for unlawful animal fighting.
- (f) As used in this section, “animal fighting” means fighting between roosters or other birds or between dogs, bears, or other animals.

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**ANIMAL PROTECTION LAWS OF ARKANSAS**

**12. COURTROOM ANIMAL ADVOCATE PROGRAM**

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## ANIMAL PROTECTION LAWS OF ARKANSAS

## 13. PROTECTION ORDERS

## ARK. CODE ANN. § 9-15-205. Relief generally—Duration.

- (a) *At the hearing on the petition filed under this chapter, upon a finding of domestic abuse as defined in § 9-15-103, the court may provide the following relief:*
- (1) Exclude the abusing party from the dwelling that the parties share or from the residence of the petitioner or victim;
  - (2) Exclude the abusing party from the place of business or employment, school, or other location of the petitioner or victim;
  - (3)
    - (A) Award temporary custody or establish temporary visitation rights with regard to minor children of the parties.
    - (B)
      - (i) If a previous child custody or visitation determination has been made by another court with continuing jurisdiction with regard to the minor children of the parties, a temporary child custody or visitation determination may be made under subdivision (a)(3)(A) of this section.
      - (ii) The order shall remain in effect until the court with original jurisdiction enters a subsequent order regarding the children;
  - (4) Order temporary support for minor children or a spouse, with such support to be enforced in the manner prescribed by law for other child support and alimony awards;
  - (5) Allow the prevailing party a reasonable attorney's fee as part of the costs;
  - (6) Prohibit the abusing party directly or through an agent from contacting the petitioner or victim except under specific conditions named in the order;
  - (7) *Direct the care, custody, or control of any pet owned, possessed, leased, kept, or held by either party residing in the household; and*
  - (8)
    - (A) Order other relief as the court deems necessary or appropriate for the protection of a family or household member.
    - (B) The relief may include, but not be limited to, enjoining and restraining the abusing party from doing, attempting to do, or threatening to do any act injuring, mistreating, molesting, or harassing the petitioner.
- (b) Any relief granted by the court for protection under the provisions of this chapter shall be for a fixed period of time not less than ninety (90) days nor more than ten (10) years in duration, in the discretion of the court, and may be renewed at a subsequent hearing upon proof and a finding by the court that the threat of domestic abuse still exists.

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## 14. RESTITUTION

## ARK. CODE ANN. § 5-62-106. Disposition of animal.

- (a)
- (1) Unless otherwise ordered by a court, for purposes of this subchapter, an animal that has been seized by a law enforcement officer or animal control officer under this subchapter shall remain at the appropriate place of custody for a period of at least fifteen (15) consecutive days, including weekends and holidays, after written notice is received by the owner.
  - (2) The written notice shall:
    - (A) Be left at the last known address of the owner; and
    - (B) Contain a description of the animal seized, the date seized, the name and contact information of the law enforcement or animal control officer seizing the animal, the location of the animal, and the reason for the seizure.
  - (3) If the owner of the animal cannot be determined, a written notice regarding the seizure of the animal shall be conspicuously posted where the animal is seized at the time the seizure occurs if practicable and a notice shall be published in a local newspaper of general circulation in the jurisdiction where the animal was seized at least two (2) times each week for two (2) consecutive weeks, with the first notice published within three (3) days of the seizure, and no less than at least five (5) days before a hearing conducted under this section.
  - (4)
    - (A) After written notice is received by the owner or published under subdivision (a)(3) of this section, the owner within fifteen (15) business days may petition the district court having jurisdiction where the animal was seized to determine the custody of the animal.
    - (B) If a petition is not filed by the owner within the time period prescribed by this section, the prosecuting attorney shall file a petition in the district court to divest the owner of ownership of the animal and, after a hearing, the district court may order the animal transferred to an appropriate place of custody, euthanized, or any other disposition the district court deems appropriate.
- (b)
- (1)
    - (A) *When an owner files a petition under subsection (a) of this section and the district court determines that the owner shall be divested of custody of the animal, the district court shall order the owner of the animal to post a bond with the district court in an amount the district court determines is sufficient to care for the animal for at least thirty (30) days.*
    - (B) *The bond shall not prevent the appropriate place of custody from*

## ANIMAL PROTECTION LAWS OF ARKANSAS

*disposing of the animal at the end of the thirty-day period covered by the bond, unless a person claiming an interest in the animal posts a new bond for an amount determined by the court for an additional thirty-day period.*

(2)

- (A) If a petition has been filed by the owner of an animal or the prosecuting attorney under subsection (a) of this section, a person claiming an interest in an animal seized may prevent disposition of the animal as provided in subsection (a) of this section by posting a bond with the district court in an amount the district court determines is sufficient to care for the animal for at least thirty (30) days.
- (B) If a person who claims an interest in the animal has not posted bond in accordance with subdivision (b)(2)(A) of this section, the district court shall determine final disposition of the animal in accordance with reasonable practices for the humane treatment of animals.

(c)

(1) A diseased or injured animal:

- (A) Seized under this section may be appropriately treated for injury or disease without a court order; and
- (B) Is subject to being euthanized without a court order when it is determined by a licensed veterinarian that euthanizing is necessary to prevent the suffering of the animal.

(2)

- (A) Except as provided in subdivision (c)(1) of this section, an appropriate place of custody shall not alter or modify an animal in any manner, including without limitation the neutering, spaying, or castration of the animal, without:
  - (i) A written court order that is issued after a petition is filed by the prosecuting attorney requesting alteration or modification and a hearing involving all interested parties as set forth in subsection (a) of this section; or
  - (ii) The written consent of the owner.
- (B) A violation of this subsection is a Class B misdemeanor.

(d)

- (1) If a person pleads guilty or nolo contendere to or is found guilty of either the offense of cruelty to animals, § 5-62-103, or the offense of aggravated cruelty to a dog, cat, or equine, § 5-62-104, and if that person is also the owner of the animal subject to the offense, the court shall divest the person of ownership of the animal, and the court shall either:
  - (A) Order the animal given to an appropriate place of custody;
  - (B) Order the animal euthanized if the court decides that the best interests of the animal or that the public health and safety would be best served

## ANIMAL PROTECTION LAWS OF ARKANSAS

- by euthanizing the animal based on the sworn testimony of a licensed veterinarian or animal control officer; or
- (C) Make any other disposition the court deems appropriate.
- (2) If a person pleads guilty or nolo contendere to or is found guilty of either the offense of cruelty to animals, § 5-62-103, or the offense of aggravated cruelty to a dog, cat, or equine, § 5-62-104, and the person is not the owner of the animal subject to the offense, the court shall order that the animal be returned to the owner, if practicable, or, if not practicable, the court shall either:
- (A) Order the animal given to an appropriate place of custody;
- (B) Order the animal euthanized if the court decides that the best interests of the animal or that the public health and safety would be best served by euthanizing the animal based on the sworn testimony of a licensed veterinarian or animal control officer; or
- (C) Make any other disposition the court deems appropriate.
- (e) *The court shall order an animal seized under this section returned to the owner if the owner:*
- (1) Filed a petition under subsection (a) of this section;
- (2) *Paid all reasonable expenses incurred in caring for the animal; and*
- (3) Is found not guilty of the offense of cruelty to animals, § 5-62-103, or the offense of aggravated cruelty to a dog, cat, or equine, § 5-62-104, or the proceedings against the owner have otherwise terminated.
- (f) *An owner of an animal that has been seized under this subchapter shall be responsible only for reasonable expenses that were incurred for the care of the animal while the animal was in the appropriate place of custody.*
- (g) *This section does not prohibit the return of an animal to the rightful owner if the rightful owner is located outside the state and the prosecuting attorney has decided not to charge the rightful owner with an offense under this subchapter.*

### ARK. CODE ANN. § 5-62-120. Unlawful animal fighting.

- (a)
- (1) A person commits the offense of unlawful animal fighting in the first degree if he or she knowingly:
- (A) Promotes, engages in, or is employed at animal fighting;
- (B) Receives money for the admission of another person to a place kept for animal
- (C) fighting; or
- (D) Sells, purchases, possesses, or trains an animal for animal fighting.
- (2) Unlawful animal fighting in the first degree is a Class D felony.
- (b)
- (1) A person commits the offense of unlawful animal fighting in the second degree if



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he or she knowingly:

(A) Purchases a ticket of admission to or is present at an animal fight; or

(B) Witnesses an animal fight if it is presented as a public spectacle.

(2) Unlawful animal fighting in the second degree is a Class A misdemeanor.

(c) Upon the arrest of any person for violating a provision of this section, the arresting law enforcement officer or animal control officer may seize and take custody of all animals in the possession of the arrested person.

(d)

(1) Upon the conviction of any person for violating a provision of this section, any court of competent jurisdiction may order the forfeiture by the convicted person of all animals the use of which was the basis of the conviction.

(2) Any animal ordered forfeited under a provision of this subsection shall be placed with an appropriate place of custody or an animal control agency.

(e) *In addition to the fines, penalties, and forfeitures imposed under this section, the court may require the defendant to make restitution to the state, any of its political subdivisions, or an appropriate place of custody for housing, feeding, or providing medical treatment to an animal used for unlawful animal fighting.*

(f) As used in this section, “animal fighting” means fighting between roosters or other birds or between dogs, bears, or other animals.

## ANIMAL PROTECTION LAWS OF ARKANSAS

## 15. FORFEITURE &amp; POSSESSION BANS

## ARK. CODE ANN. § 5-62-106. Disposition of animal.

- (a)
- (1) *Unless otherwise ordered by a court, for purposes of this subchapter, an animal that has been seized by a law enforcement officer or animal control officer under this subchapter shall remain at the appropriate place of custody for a period of at least fifteen (15) consecutive days, including weekends and holidays, after written notice is received by the owner.*
  - (2) *The written notice shall:*
    - (A) *Be left at the last known address of the owner; and*
    - (B) *Contain a description of the animal seized, the date seized, the name and contact information of the law enforcement or animal control officer seizing the animal, the location of the animal, and the reason for the seizure.*
  - (3) *If the owner of the animal cannot be determined, a written notice regarding the seizure of the animal shall be conspicuously posted where the animal is seized at the time the seizure occurs if practicable and a notice shall be published in a local newspaper of general circulation in the jurisdiction where the animal was seized at least two (2) times each week for two (2) consecutive weeks, with the first notice published within three (3) days of the seizure, and no less than at least five (5) days before a hearing conducted under this section.*
  - (4)
    - (A) *After written notice is received by the owner or published under subdivision (a)(3) of this section, the owner within fifteen (15) business days may petition the district court having jurisdiction where the animal was seized to determine the custody of the animal.*
    - (B) *If a petition is not filed by the owner within the time period prescribed by this section, the prosecuting attorney shall file a petition in the district court to divest the owner of ownership of the animal and, after a hearing, the district court may order the animal transferred to an appropriate place of custody, euthanized, or any other disposition the district court deems appropriate.*
- (b)
- (1)
    - (A) *When an owner files a petition under subsection (a) of this section and the district court determines that the owner shall be divested of custody of the animal, the district court shall order the owner of the animal to post a bond with the district court in an amount the district court determines is sufficient to care for the animal for at least thirty (30) days.*
    - (B) *The bond shall not prevent the appropriate place of custody from disposing of the animal at the end of the thirty-day period covered by the bond,*

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*unless a person claiming an interest in the animal posts a new bond for an amount determined by the court for an additional thirty-day period.*

- (2)
- (A) *If a petition has been filed by the owner of an animal or the prosecuting attorney under subsection (a) of this section, a person claiming an interest in an animal seized may prevent disposition of the animal as provided in subsection (a) of this section by posting a bond with the district court in an amount the district court determines is sufficient to care for the animal for at least thirty (30) days.*
  - (B) *If a person who claims an interest in the animal has not posted bond in accordance with subdivision (b)(2)(A) of this section, the district court shall determine final disposition of the animal in accordance with reasonable practices for the humane treatment of animals.*
- (c)
- (1) *A diseased or injured animal:*
    - (A) *Seized under this section may be appropriately treated for injury or disease without a court order; and*
    - (B) *Is subject to being euthanized without a court order when it is determined by a licensed veterinarian that euthanizing is necessary to prevent the suffering of the animal.*
  - (2)
    - (A) *Except as provided in subdivision (c)(1) of this section, an appropriate place of custody shall not alter or modify an animal in any manner, including without limitation the neutering, spaying, or castration of the animal, without:*
      - (i) *A written court order that is issued after a petition is filed by the prosecuting attorney requesting alteration or modification and a hearing involving all interested parties as set forth in subsection (a) of this section; or*
      - (ii) *The written consent of the owner.*
    - (B) *A violation of this subsection is a Class B misdemeanor.*
- (d)
- (1) *If a person pleads guilty or nolo contendere to or is found guilty of either the offense of cruelty to animals, § 5-62-103, or the offense of aggravated cruelty to a dog, cat, or equine, § 5-62-104, and if that person is also the owner of the animal subject to the offense, the court shall divest the person of ownership of the animal, and the court shall either:*
    - (A) *Order the animal given to an appropriate place of custody;*
    - (B) *Order the animal euthanized if the court decides that the best interests of the animal or that the public health and safety would be best served by euthanizing the animal based on the sworn testimony of a licensed veterinarian or animal control officer; or*

## ANIMAL PROTECTION LAWS OF ARKANSAS

- (C) *Make any other disposition the court deems appropriate.*
- (2) *If a person pleads guilty or nolo contendere to or is found guilty of either the offense of cruelty to animals, § 5-62-103, or the offense of aggravated cruelty to a dog, cat, or equine, § 5-62-104, and the person is not the owner of the animal subject to the offense, the court shall order that the animal be returned to the owner, if practicable, or, if not practicable, the court shall either:*
- (A) *Order the animal given to an appropriate place of custody;*
- (B) *Order the animal euthanized if the court decides that the best interests of the animal or that the public health and safety would be best served by euthanizing the animal based on the sworn testimony of a licensed veterinarian or animal control officer; or*
- (C) *Make any other disposition the court deems appropriate.*
- (e) *The court shall order an animal seized under this section returned to the owner if the owner:*
- (1) *Filed a petition under subsection (a) of this section;*
- (2) *Paid all reasonable expenses incurred in caring for the animal; and*
- (3) *Is found not guilty of the offense of cruelty to animals, § 5-62-103, or the offense of aggravated cruelty to a dog, cat, or equine, § 5-62-104, or the proceedings against the owner have otherwise terminated.*
- (f) *An owner of an animal that has been seized under this subchapter shall be responsible only for reasonable expenses that were incurred for the care of the animal while the animal was in the appropriate place of custody.*
- (g) *This section does not prohibit the return of an animal to the rightful owner if the rightful owner is located outside the state and the prosecuting attorney has decided not to charge the rightful owner with an offense under this subchapter.*

### ARK. CODE ANN. § 5-62-120. Unlawful animal fighting.

- (a)
- (1) A person commits the offense of unlawful animal fighting in the first degree if he or she knowingly:
- (A) Promotes, engages in, or is employed at animal fighting;
- (B) Receives money for the admission of another person to a place kept for animal
- (C) fighting; or
- (D) Sells, purchases, possesses, or trains an animal for animal fighting.
- (2) Unlawful animal fighting in the first degree is a Class D felony.
- (b)
- (1) A person commits the offense of unlawful animal fighting in the second degree if he or she knowingly:
- (A) Purchases a ticket of admission to or is present at an animal fight; or

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- (B) Witnesses an animal fight if it is presented as a public spectacle.
- (2) Unlawful animal fighting in the second degree is a Class A misdemeanor.
- (c) Upon the arrest of any person for violating a provision of this section, the arresting law enforcement officer or animal control officer may seize and take custody of all animals in the possession of the arrested person.
- (d)
  - (1) *Upon the conviction of any person for violating a provision of this section, any court of competent jurisdiction may order the forfeiture by the convicted person of all animals the use of which was the basis of the conviction.*
  - (2) *Any animal ordered forfeited under a provision of this subsection shall be placed with an appropriate place of custody or an animal control agency.*
- (e) In addition to the fines, penalties, and forfeitures imposed under this section, the court may require the defendant to make restitution to the state, any of its political subdivisions, or an appropriate place of custody for housing, feeding, or providing medical treatment to an animal used for unlawful animal fighting.
- (f) As used in this section, “animal fighting” means fighting between roosters or other birds or between dogs, bears, or other animals.

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## 16. COURT-ORDERED TREATMENT

## ARK. CODE ANN. § 5-62-103. Offense of cruelty to animals.

- (a) A person commits the offense of cruelty to animals if he or she knowingly:
- (1) Subjects any animal to cruel mistreatment;
  - (2) Kills or injures any animal owned by another person without legal privilege or consent of the owner;
  - (3) Abandons an animal at a location without providing for the animal's continued care;
  - (4) Fails to supply an animal in his or her custody with a sufficient quantity of wholesome food and water;
  - (5) Fails to provide an animal in his or her custody with adequate shelter that is consistent with the breed, species, and type of animal; or
  - (6) Carries or causes to be carried in or upon any motorized vehicle or boat an animal in a cruel or inhumane manner.
- (b) For purposes of this section, each alleged act of the offense of cruelty to animals committed against more than one (1) animal may constitute a separate offense.
- (c) Any person who pleads guilty or nolo contendere to or is found guilty of cruelty to animals is guilty of an unclassified misdemeanor and shall be:
- (1) Fined no less than one hundred fifty dollars (\$150) and no more than one thousand dollars (\$1,000);
  - (2) Either:
    - (A) Imprisoned for no less than one (1) day and no more than one (1) year in jail; or
    - (B) Ordered to complete community service; *and*
  - (3)
    - (A) *Both:*
      - (i) *Ordered to complete a psychiatric or psychological evaluation; and*
      - (ii) *If determined appropriate, psychiatric or psychological counseling or treatment for a length of time prescribed by the court.*
    - (B) *The cost of any psychiatric or psychological evaluation, counseling, or treatment may be ordered paid by the person up to the jurisdictional limit of the court.*
- (d) Any person who pleads guilty or nolo contendere to or is found guilty of the offense of cruelty to animals for a second offense occurring within five (5) years of a previous offense of cruelty to animals or of any other equivalent penal offense of another state or foreign jurisdiction is guilty of an unclassified misdemeanor and shall be:
- (1) Fined no less than four hundred dollars (\$400) and no more than one thousand dollars (\$1,000);

## ANIMAL PROTECTION LAWS OF ARKANSAS

- (2) Either:
- (A) Imprisoned for no fewer than seven (7) days and no more than one (1) year; or
  - (B) Ordered to complete no fewer than thirty (30) days of community service; *and*
- (3)
- (A) *Both:*
    - (i) *Ordered to receive a psychiatric or psychological evaluation; and*
    - (ii) *If determined appropriate, ordered to receive psychiatric or psychological counseling or treatment for a length of time prescribed by the court.*
  - (B) *The cost of any psychiatric or psychological evaluation, counseling, or treatment may be ordered paid by the person up to the jurisdictional limit of the court.*
- (e) Any person who pleads guilty or nolo contendere to or is found guilty of the offense of cruelty to animals for a third offense occurring within five (5) years of a previous offense of cruelty to animals or of any other equivalent penal offense of another state or foreign jurisdiction is guilty of an unclassified misdemeanor and shall be:
- (1) Fined no less than nine hundred dollars (\$900) and no more than one thousand dollars (\$1,000);
  - (2) Either:
    - (A) Imprisoned for no fewer than ninety (90) days and no more than one (1) year; or
    - (B) Ordered to complete no fewer than ninety (90) days of community service; *and*
  - (3)
    - (A) *Both:*
      - (i) *Ordered to receive a psychiatric or psychological evaluation; and*
      - (ii) *If determined appropriate, ordered to receive psychiatric or psychological counseling or treatment for a length of time prescribed by the court.*
    - (B) *The cost of any psychiatric or psychological evaluation, counseling, or treatment may be ordered paid by the person up to the jurisdictional limit of the court.*
- (f)
- (1) Any person who pleads guilty or nolo contendere to or is found guilty of cruelty to animals for a fourth or subsequent offense occurring within (5) five years of a previous offense of cruelty to animals or of any other equivalent penal offense of another state or foreign jurisdiction is guilty of a Class D felony *and shall be:*
    - (A) *Ordered to receive a psychiatric or psychological evaluation; and*
    - (B) *If determined appropriate, ordered to receive psychiatric or*

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*psychological counseling or treatment for a length of time prescribed by the court.*

- (2) *The cost of any psychiatric or psychological evaluation, counseling, or treatment may be ordered paid by the person.*
- (g)
- (1) For the sole purpose of calculating the number of previous offenses under subsections (d), (e), and (f) of this section, all offenses that are committed against one (1) or more animals and as part of the same criminal episode are a single offense.
- (2) As used in this section, “criminal episode” means an act that constitutes the offense of cruelty to animals that is committed by a person against one (1) or more animals within a period of twenty-four (24) hours.

### ARK. CODE ANN. § 5-62-104. Offense of aggravated cruelty to a dog, cat, or equine.

- (a) A person commits the offense of aggravated cruelty to a dog, cat, or equine if he or she knowingly tortures any dog, cat, or equine.
- (b) A person who pleads guilty or nolo contendere to or is found guilty of aggravated cruelty to a dog, cat, or equine:
- (1) Shall be guilty of a Class D felony;
  - (2) May be ordered to perform up to four hundred (400) hours of community service; and
  - (3) *Both:*
    - (A) *Ordered to receive a psychiatric or psychological evaluation; and*
    - (B) *If determined appropriate, ordered to receive psychiatric or psychological counseling or treatment for a length of time prescribed by the court.*
- (c) A person who pleads guilty or nolo contendere to or is found guilty of aggravated cruelty to a dog, cat, or equine for a subsequent offense occurring within five (5) years from a previous offense of aggravated cruelty to a dog, cat, or horse or of any other equivalent penal offense of another state or foreign jurisdiction is guilty of a Class C felony and *shall be:*
- (1) *Ordered to receive a psychiatric or psychological evaluation; and*
  - (2) *If determined appropriate, ordered to receive psychiatric or psychological counseling or treatment for a length of time prescribed by the court.*
- (d) *The cost of any psychiatric or psychological evaluation, counseling, or treatment ordered under this section shall be paid by the person ordered to receive the psychiatric or psychological evaluation, counseling, or treatment.*
- (e) For purposes of this section, each alleged act of the offense of aggravated cruelty to a dog, cat, or equine committed against more than one (1) dog, cat or equine may constitute a separate offense.



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- (f)
- (1) For the sole purpose of calculating the number of previous offenses under subsection (b) of this section, all offenses of aggravated cruelty to a dog, cat or equine that are committed against one (1) or more dogs, cats, or equine, as part of the same criminal episode are a single offense.
  - (2) As used in this section, “criminal episode” means an act that constitutes the offense of aggravated cruelty to a dog, cat, or equine, committed by a person against one (1) or more dogs, cats, or equine within a period of twenty-four (24) hours.

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**ANIMAL PROTECTION LAWS OF ARKANSAS**

**17. HOT CARS**

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**18. CIVIL NUISANCE ABATEMENT**

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**ANIMAL PROTECTION LAWS OF ARKANSAS****19. AG-GAG LAWS****ARK. CODE ANN. § 16-118-113. Civil cause of action for unauthorized access to property -- Definitions.**

- (a) As used in this section:
  - (1) "Commercial property" means:
    - (A) A business property;
    - (B) Agricultural or timber production operations, including buildings and all outdoor areas that are not open to the public; and
    - (C) Residential property used for business purposes; and
  - (2) "Nonpublic area" means an area not accessible to or not intended to be accessed by the general public.
- (b) A person who knowingly gains access to a nonpublic area of a commercial property and engages in an act that exceeds the person's authority to enter the nonpublic area is liable to the owner or operator of the commercial property for any damages sustained by the owner or operator.
- (c) An act that exceeds a person's authority to enter a nonpublic area of commercial property includes an employee who knowingly enters a nonpublic area of commercial property for a reason other than a bona fide intent of seeking or holding employment or doing business with the employer and without authorization subsequently:
  - (1) Captures or removes the employer's data, paper, records, or any other documents and uses the information contained on or in the employer's data, paper, records, or any other documents in a manner that damages the employer;
  - (2) Records images or sound occurring within an employer's commercial property and uses the recording in a manner that damages the employer;
  - (3) Places on the commercial property an unattended camera or electronic surveillance device and uses the unattended camera or electronic surveillance device to record images or data for an unlawful purpose;
  - (4) Conspires in an organized theft of items belonging to the employer; or
  - (5) Commits an act that substantially interferes with the ownership or possession of the commercial property.
- (d) A person who knowingly directs or assists another person to violate this section is jointly liable.
- (e) A court may award to a prevailing party in an action brought under this section one (1) or more of the following remedies:
  - (1) Equitable relief;
  - (2) Compensatory damages;
  - (3) Costs and fees, including reasonable attorney's fees; and
  - (4) In a case where compensatory damages cannot be quantified, a court may award additional damages as otherwise allowed by state or federal law in an amount not to exceed five thousand dollars (\$5,000) for each day, or a portion of a day,

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that a defendant has acted in violation of subsection (b) of this section, and that in the court's discretion are commensurate with the harm caused to the plaintiff by the defendant's conduct in violation of this section.

- (f) This section does not:
  - (1) Diminish the protections provided to employees under state or federal law; or
  - (2) Limit any other remedy available at common law or provided by law.
- (g) This section does not apply to a state agency, a state-funded institution of higher education, a law enforcement officer engaged in a lawful investigation of commercial property or of the owner or operator of the commercial property, or a healthcare provider or medical services provider.

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## ANIMAL PROTECTION LAWS OF ARKANSAS

### 20. BREED SPECIFIC LEGISLATION

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