

Updated as of June 2017

## ARKANSAS ANIMAL CRUELTY LAWS

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 that 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 practices" 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, 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;
  - (D) 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
  - (E) 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 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.

## **CRUELTY PROVISIONS**

(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);

**(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 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.

5-62-104. Offense of aggravated cruelty to a dog, cat, or horse.

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

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

**(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 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 horse committed against more than one (1) dog, cat, or horse 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 horse that are committed against one (1) or more dogs, cats, or horses, 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 horse, committed by a person against one (1) or more dogs, cats, or horses within a period of twenty-four (24) hours.

#### 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 Arkansas Constitution, Amendment 35, by § 15-41-101 et

seq., or by any Arkansas State Game and Fish Commission regulation promulgated under either Arkansas Constitution, Amendment 35, 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. 99-158; 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.

#### 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 horse, § 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.

#### 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.

#### 5-62-107. Immunity for reporting cruelty to animals or aggravated cruelty to a dog, cat, or horse.



Except as provided in § 5-54-122, a person who in good faith reports a suspected incident of cruelty to animals, § 5-62-103, or aggravated cruelty to a dog, cat, or horse, § 5-62-104, 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.

5-62-117. Decompression chambers.

- (a) It is unlawful to use a decompression chamber for the destruction of an animal.
- (b) Use of a decompression chamber for the destruction of an animal is a Class C misdemeanor.

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 individual with visual, hearing, or other physical disabilities shall have 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 shall not be required to pay any extra fee or charge for the service animal.

(b) However, any individual with visual, hearing, or other physical disabilities 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 FIGHTING PROVISIONS**

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 fighting;  
or

**(C)** 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.

5-62-124. Unlawful bear exploitation.

**(a)** A person commits the offense of unlawful bear exploitation if he or she knowingly:

**(1)** Promotes, engages in, or is employed at a bear wrestling match;

**(2)** Receives money for the admission of another person to a place kept for bear wrestling;

**(3)** Sells, purchases, possesses, or trains a bear for bear wrestling; or

**(4)** For purposes of exploitation, subjects a bear to surgical alteration in any form, including, but not limited to, declawing, tooth removal, and severing tendons.

**(b)** Unlawful bear exploitation is a Class D felony.

**(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 any bear 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 any bear the use of which was the basis of the conviction.

**(2)** Any bear ordered forfeited under a provision of this section shall be placed in the custody of a society which is incorporated for the prevention of cruelty to animals.

**(e)** In addition to the fines, penalties, and forfeitures imposed under a provision of this section, the court may require the defendant to make restitution to the state, any of its political subdivisions, or a society which is incorporated for the prevention of cruelty to animals for housing, feeding, or providing medical treatment to a bear used for unlawful wrestling.

## **PROCEDURE AND DESTRUCTION PROVISIONS**

### 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, 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 horse, § 5-62-104, and if that person is also the owner of the animal, 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

(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 horse, § 5-62-104, and the person is not the owner of the animal, 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 horse, § 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.

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.