

## **Animal Abuse**

### **1. What types of animal cruelty charges are heard in Municipal Court?**

#### **A. Failure of a Motorists to stop after hitting a domestic animal.**

A person who operates a motor vehicle who knowingly hits, runs over, or causes injury to a cat, dog, horse, or cattle must stop immediately to ascertain the extent of the injuries, report the incident to the local police, or notify the nearest Society for the Prevention of Cruelty to Animals (ASPCA). When notifying the authorities or the ASPCA, the motorist must leave his or her name, address, license and registration numbers, and the location of the injured animal.

This offense is considered to be a disorderly persons' offense. A defendant who is convicted of this violation is subject to a fine of up to \$500 for a first offense. The defendant may also be required to pay to \$33 in court costs. The defendant will also be required to pay a VCCB assessment of \$50 and a SNF fee of \$75. The court may also sentence a defendant to 30 days of jail.

#### **B. Cruelty to animals**

Any person who overdrives, overloads, torments, tortures, unnecessarily beats or abuses, or needlessly mutilates or kills a living animal, or causes or procures such act to be done, is guilty of cruelty to animals. Cruelty to animals also occurs where a person inflicts unnecessary cruelty upon an animal of which he or she is in charge, or where a person unnecessarily fails to provide the animal with proper food, drink, shelter, or protection from the weather. Cruelty to animals is a disorderly persons' offense.

#### **C. Abandoning a domestic animal**

Any person who abandons a maimed, sick, or disabled animal to a disabled animal to die in a public place is guilty of a disorderly persons offense. It is also a disorderly persons' offense to abandon any domestic animal.

### **2. What type of fines and penalties can be imposed for a DP animal abuse conviction?**

The minimum fine that a court can impose for a cruelty to animals conviction is \$250. The court must also impose up to 30 days of community service in every case of cruelty. However, a conviction of abandoning a domestic animal subjects the defendant to the maximum \$1,000 penalty. The defendant may also be required to pay up to \$33 in court costs. Finally, the defendant must also pay a

\$50 VCCB assessment and a \$75 SNF assessment.

A defendant could also receive a six-month jail term. However, a defendant who has no prior record is entitled to presumption of non-incarceration. The court could also suspend the sentence and place the defendant on probation.

Finally, other sentencing terms may be imposed in addition to fines and jail time. If a motor vehicle is used in the course of committing cruelty to animals or the abandonment of an animal, then the court may suspend or revoke the defendant's driver's license for up to two years.