

SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

Joint Regular SESSION, 2008

H. B. NO. 16- 13

A BILL FOR AN ACT

TO PROHIBIT THE CRUEL TREATMENT AND THEFT OF ANIMALS; TO PROVIDE PENALTIES THEREFORE; AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1           **Section 1. Short Title.** This Act may be cited as the "Animal Protection Act of  
2 2008."

3           **Section 2. Definitions.** In this Act, unless otherwise provided or the context  
4 clearly requires a different construction or application, the following definitions apply:

5                   (a) "Animal" means a vertebrate living creature, including a non-human  
6 mammal, bird, reptile or amphibian, but does not include fish or vermin.

7                   (b) "Disposed of in a humane manner" means to adopt or euthanize in  
8 accordance with American Veterinary Medical Association standards.

9                   (c) "Cruel mistreatment" means to torture or otherwise inflict unnecessary  
10 physical injury upon an animal or to kill an animal in a manner that causes  
11 prolonged suffering to the animal. This includes tethering an animal on a leash  
12 for prolonged periods without adequate food, water, or shelter, or during severe  
13 weather conditions.

14                   (d) "Cruel neglect" or "cruelly neglects" means to fail to provide an  
15 animal with: necessary food, water or shelter sufficient to maintain the animal's  
16 normal health; protection from adverse weather conditions, with consideration  
17 given to the species; or, in cases of immediate, obvious, serious illness or injury,  
18 licensed veterinary or other appropriate medical care.

19                   (e) "Physical harm" means any of the following: (i) harm that carries a  
20 substantial risk of death; (ii) harm that causes permanent maiming or that involves

am/

1 some temporary, substantial maiming; or (iii) harm that causes acute pain that  
2 results in suffering.

3 (f) "Officer" means a law enforcement officer as defined under 1 CMC §  
4 8282, or any other person who has successfully completed a course of training  
5 prescribed by the person's agency or the service animal owner and uses a specially  
6 trained animal under the direction of the person's agency or the service animal  
7 owner.

8 **Section 3. Amendment.** Title 6, Division 3, Chapter 1, Article 1 of the  
9 Commonwealth Code is amended by adding a new section 3115 to read as follows:

10 "§ 3115. Cruelty to Animals.

11 (a) Any person who inflicts physical harm on an animal or who,  
12 having custody, control or possession of the animal, recklessly neglects an animal  
13 in its care or custody and causes its death, pain, suffering, and/or injury, is guilty  
14 of a misdemeanor punishable by a fine of not more than \$500, imprisonment for a  
15 term of not more than six months, or both.

16 (b) Any person who causes cruel mistreatment to an animal is guilty of  
17 a misdemeanor punishable by a fine of not more than \$500, imprisonment for a  
18 term of not more than six months, or both.

19 (c) Any person in charge or in custody of an animal, either as owner or  
20 otherwise, who cruelly neglects the animal, is guilty of a misdemeanor punishable  
21 by a fine of not more than \$500, imprisonment for a term of not more than six  
22 months, or both.

23 (d) Any person who abandons or deserts an animal being kept by or  
24 under the control of said person is guilty of a misdemeanor punishable by a fine  
25 of not more than \$250.00, imprisonment for a term of not more than six months,  
26 or both.

27 (e) Any person found to have intentionally tortured or tormented an  
28 animal and as a result, the animal is injured, mutilated, or killed, shall be ordered

1 to pay a fine of at least \$250.00 but not more than \$1000.00, may be sentenced to  
2 imprisonment for a term of not more than one year, or both.

3 (f) Any person convicted of a second or subsequent violation of this  
4 section shall be required to pay a minimum mandatory fine of \$1,000.00 and, in  
5 addition to the fine, may also be imprisoned for a term of not more than one year.

6 (g) As a condition of the sentence imposed for any violation of this  
7 section, the court may also order the defendant to participate in an available  
8 animal cruelty prevention or education program, or obtain available psychological  
9 counseling to treat mental health problems contributing to the violation's  
10 commission. The defendant shall bear the costs of the treatment or program.

11 (h) Any person convicted of a second or subsequent violation of this  
12 section may, in addition to any other sentence, be prohibited from owning,  
13 possessing, or controlling any animal, or residing in a place where animals are  
14 kept, for a period of time as determined by a court of law reasonable to prevent  
15 future cruelty to animals.

16 (i) A law enforcement officer or animal control enforcement agent  
17 may use reasonable force to enter private property for the sole purpose of rescuing  
18 an animal from inhumane or cruel conditions.

19 (j) All animals lawfully seized by a law enforcement officer, officer  
20 of a humane society, or officer of a pound or animal regulation department of a  
21 public agency shall be impounded and disposed of in a humane manner. A person  
22 convicted of a violation of this section by causing or permitting an act of cruelty  
23 shall be liable for all impounding costs from the time of seizure to the time of  
24 proper disposition.

25 (k) To curb the overpopulation of stray animals in the CNMI, all  
26 animals that are found abandoned, unintended, emaciated or in severe bad health  
27 may be lawfully captured by a law enforcement officer, officer of a humane  
28 society, or officer of a pound or animal regulation department of a public agency  
29 and shall be disposed of in a humane manner.

1 (l) It is a defense to a prosecution under this section that the conduct of a  
2 defendant:

- 3 (1) conformed to an accepted veterinary practice, and the  
4 defendant is a veterinarian licensed to practice in the  
5 Commonwealth or is an authorized government agent;
- 6 (2) conformed with accepted farming or husbandry practices,  
7 excluding legally protected animals, such as dogs and cats;
- 8 (3) was a lawful hunting, fishing or trapping practice;
- 9 (4) was incident to the killing of the animal for the purpose of  
10 human consumption, excluding legally-protected animals, dogs  
11 and cats, as long as the killing was done in a humanely trained  
12 and traditional manner;
- 13 (5) was incident to an exhibition of cockfighting for amusement or  
14 cockfighting as a gambling activity;
- 15 (6) was a result of defending a person or persons or property from  
16 attack by an animal, resulting in the animal's death or injury.
- 17 (7) was lawful scientific or agricultural research or teaching that  
18 involves the use of animals;
- 19 (8) was control of rodents, pests or snakes by trapping or killing or  
20 a reasonable use of rodent or pest poison, insecticide,  
21 fungicide, or slug bait for its intended purpose;
- 22 (9) was the humane destruction of a sick or injured animal, or
- 23 (10) was an accepted training and discipline method.

24 (m) In any prosecution of animal cruelty based on the cruel neglect of an  
25 animal, it shall be an affirmative defense, if established by the defendant by a  
26 preponderance of the evidence, that the defendant's failure was due to economic  
27 distress beyond the defendant's control.

28 (n) For the purposes of this section, when more than one animal is subject  
29 to cruelty to animals, each act may comprise a separate offense."

1           **Section 4. Amendment.** Title 6, Division 3, Chapter 1, Article 1 of the  
2 Commonwealth Code is amended by adding a new section 3116 to read as follows:

3           “§ 3116. Pet Theft.

4                   (a) Any person who, with the intent to deprive or defraud the  
5 owner thereof, takes, leads away, confines, secretes, or converts any pet, is  
6 guilty of the misdemeanor of pet theft and shall be imprisoned for a term  
7 of not more than one year, or fined not more than \$500 per pet, or both.

8                   (b) Nothing in subsection (a) shall be construed as barring a  
9 conviction for theft or receiving stolen property under the laws of the  
10 Commonwealth.

11                   (c) As used in this section, “Pet” means any vertebrate living  
12 creature that is commonly considered to be, or is considered by the owner  
13 to be, a companion animal. “Pet” includes, but is not limited to, canines  
14 and felines.”

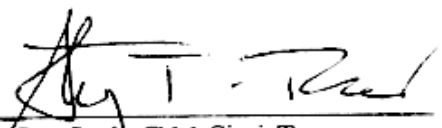
15           **Section 5. Severability.** If any provision of this Act or the application of any  
16 such provision to any person or circumstance should be held invalid by a court of  
17 competent jurisdiction, the remainder of this Act or the application of its provisions to  
18 persons or circumstances other than those to which it is held invalid shall not be affected  
19 thereby.

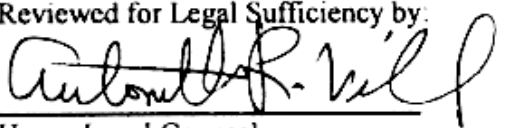
20           **Section 6. Savings Clause.** This Act and any repealer contained herein shall not  
21 be construed as affecting any existing right acquired under contract or acquired under  
22 statutes repealed or under any rule, regulation or order adopted under the statutes.  
23 Repealers contained in this Act shall not affect any proceeding instituted under or  
24 pursuant to prior law. The enactment of the Act shall not have the effect of terminating  
25 or in any way modifying any liability, civil or criminal, which shall already be in  
26 existence on the date this Act becomes effective

27           **Section 7. Effective Date.** This Act shall take effect upon its approval by the  
28 Governor or becoming law without such approval.

Prefiled: 2/1/08

Date: 2/11/08

Introduced By:   
Rep. Stanley T. McGinnis Torres

Reviewed for Legal Sufficiency by:  
  
House Legal Counsel