

**TESTIMONY IN OPPOSITION TO 20 – H 7299  
RELATING TO ANIMALS AND ANIMAL HUSBANDRY – CRUELTY TO ANIMALS  
January 28, 2020**

The ACLU appreciates the opportunity to provide commentary on H 7299, which would provide certain penalties to any person convicted of unnecessary cruelty on an animal. Generally, we have concerns with any piece of legislation that imposes additional or stricter penalties for currently criminalized offenses. This bill is no exception, and additionally has the potential to severely impact some individuals with mental illness.

Only a few years ago, the General Assembly enacted legislation similar to this bill, codified in R.I.G.L. §4-1-40, and we do not believe there is any compelling reason to revisit that legislation so soon and make the penalties even harsher than they are. While the penalties in §4-1-40 restrict a convicted individual from “possessing or residing” with an animal for up to five years, the penalties contained in this legislation would forbid a person from “harbor[ing], own[ing], possess[ing], exercis[ing] control over, adopt[ing], or foster[ing] an animal” for no *less* than 5 years, potentially giving very broad capabilities to the court to impose extremely lengthy terms of punishment. Current law also includes a fine for \$1,000 for violations of the chapter, or a year of imprisonment, or both – the proposed bill expands this possible fine such that an individual in violation of the section could be fined \$1,000 for *each* animal held in “unlawful ownership or possession.”

Besides the considerable constraint on the interactions that an individual convicted under this section could have with an animal – including one, “exercis[ing] control over,” which could conceivably occur in a number of instances in which the animal is not being willfully held within the possession of the convicted individual – the proposed imposition of \$1,000 fine per animal, in addition to the potential prison sentence the individual still may face under §4-1-40, is an unnecessary expansion of the punishments under this chapter.

This is made all the more concerning given that the criminalization of one of the offenses covered by both §4-1-40 and this piece of legislation, the “hazardous accumulation of animals,” or hoarding, has been opposed by the ACLU for years on the basis that hoarding is recognized as a symptom of some psychiatric disorders. Increasing the punishments for violations of that law only serves to further treat mental health and psychiatric disorders as issues to confront through continued criminalization, not through supportive community health measures.

Given the punishments currently in place for violations of this chapter and section, and especially the harmful toll this bill may take on individuals with mental illness, we urge rejection of this piece of legislation. Thank you for your consideration.