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DELAWARE STATE SENATE
148th GENERAL ASSEMBLY

SENATE BILL NO. 22

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATED TO CRUELTY TO ANIMALS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1: Amend § 1325, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(b) A person is guilty of cruelty to animal when the person intentionally or recklessly:

(1) Subjects any animal to cruel mistreatment; or

(2) Subjects any animal in the person's custody to cruel neglect; or

(3) Kills or injures any animal belonging to another person without legal privilege or consent of the owner; or

(4) Cruelly or unnecessarily kills or injures any animal whether belonging to the actor or another. This section does not apply to the killing of any animal normally or commonly raised as food for human consumption, provided that such killing is not cruel. A person acts unnecessarily if the act is not required to terminate an animal's suffering, to protect the life or property of the actor or another person or if other means of disposing of an animal exist which would not impair the health or well-being of that animal; or

(5) Captures, detains, transports, removes or delivers any animal known to be a domestic farm animal, pet or companion animal, or any other animal of scientific, environmental, economic or cultural value, under false pretenses to any public or private animal shelter, veterinary clinic or other facility, or otherwise causes the same through acts of deception or misrepresentation of the circumstances and disposition of any such animal; ~~or~~

(6) Confines an animal unattended in a standing or parked motor vehicle in which the temperature is either so high or so low as to endanger the health or safety of the animal. A law enforcement officer, animal control officer, animal cruelty investigator, firefighter, or first responder who has probable cause to believe that an animal is confined in a motor vehicle under conditions that are likely to cause suffering, injury, or death to the

21 animal may use reasonable force to remove the animal left in the vehicle in violation of this provision. A person
22 removing an animal under this section shall use reasonable means to contact the owner. If the person is unable to
23 contact the owner, the person may take the animal to an animal shelter and must leave written notice bearing his or
24 her name and office, and the address of the location where the animal can be claimed. This provision shall not
25 apply to the legal transportation of horses, cattle, swine, sheep, poultry, or other agricultural animals in motor
26 vehicles designed to transport such animals.

27 Section 2: Amend § 1325, Title 11 of the Delaware Code by making deletions as shown by strike through and
28 insertions as shown by underline as follows:

29 (h) Notwithstanding any provision to the contrary, for a first offense misdemeanor violation of this section relating
30 solely to the confinement of an animal in a standing or parked motor vehicle, a fine shall be issued in an amount no higher
31 than \$1000.

32 ~~(h)~~ (i) Exclusive jurisdiction of offenses under this section relating to animals left in motor vehicles or the
33 tethering of dogs shall be in the Superior Court.

SYNOPSIS

This bill allows first responders to use reasonable force to remove an animal confined in a motor vehicle under conditions likely to cause suffering, injury or death. The bill also allows a person removing an animal to use reasonable means to contact the owner and if unable to locate the owner, take the animal to an animal shelter. The bill provides for issuance of a fine in an amount no higher than \$1,000 for a first offense.

Author: Senator Peterson