

Twentieth Northern Marianas Commonwealth Legislature

IN THE HOUSE OF REPRESENTATIVES

Session, 2017

H. B. 20- **24**

A BILL FOR AN ACT

To prohibit cruelty and theft of animals; to provide penalties for such acts;
and for other purposes.

**BE IT ENACTED BY THE TWENTIETH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Short Title.** This Act may be cited as the “Animal Protection
2 Act of 2017.”

3 **Section 2. Findings and Purpose.** The Legislature finds that there have
4 been numerous acts of cruelty and theft relative to animals in the CNMI. Such
5 cruelty has been captured on video and posted on social media websites such as
6 Facebook. The Legislature further finds that there are no existing laws regarding
7 cruelty and theft relative to animals in the CNMI. Action must be taken to prevent
8 such inhumane and malicious acts in order to promote peace for our animals and
9 to improve the image of the CNMI. All fifty states and Guam have laws that
10 prohibit animal cruelty. The Supreme Court as well as other courts have
11 determined that preventing animal cruelty is in the public interest as research has
12 demonstrated that those who cruelly abuse animals are more likely to escalate to
13 violence against people.

1 The purpose of this Act is to prevent cruelty and theft of animals and to
2 provide penalties for such acts.

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

6 (a) "Animal" means a vertebrate living creature, including a non-human
7 mammal, bird, reptile or amphibian;

8 (b) "Reasonable Care" means:

9 (1) housing that is regularly cleaned and kept free of waste, debris
10 or excrement,

11 (2) if confined in an enclosure, an enclosure large enough to allow
12 the animal to stand up fully, turn around and fully extend his limbs
13 without touching any walls of the enclosure or other animals kept
14 therein ,

15 (3) nutritious food at least once daily, sufficient to maintain the
16 animal's normal health;

17 (4) continuous access to clean, potable water that is free of debris,
18 waste, or excrement;

19 (5) protection from adverse weather conditions, including
20 continuous access to shelter from sun and rain;

1 (6) immediate veterinary care by a licensed veterinarian in cases of
2 serious illness or injury OR humane euthanasia when necessary
3 and in accordance with the American Veterinary Medical
4 Association standards.

5 (c) "Cruel mistreatment" means to knowingly torture or otherwise
6 inflict unnecessary physical injury upon an animal or to kill an animal in a
7 manner that causes suffering to the animal. Cruel mistreatment includes
8 but is not limited to torturing, mutilating, maiming, stabbing, burning,
9 drowning, beating, suffocating, tormenting, crushing, or otherwise
10 harming or inflicting physical injury upon an animal.

11 (d) "Cruel neglect" or "cruelly neglect" means to knowingly,
12 intentionally or recklessly fail to provide an animal with: necessary food,
13 water, or shelter sufficient to maintain the animal's normal health;
14 protection from adverse weather conditions or, in cases of immediate,
15 obvious, serious illness or injury, licensed veterinary or other appropriate
16 medical care including humane euthanasia in accordance with American
17 Veterinary Medical Association Standards. "Cruelly neglect" includes but
18 is not limited to knowingly, intentionally, or recklessly failing to provide
19 an animal with reasonable care, including tethering an animal on a leash
20 for prolonged periods without adequate food, water, or shelter, or during
21 severe weather conditions.

1 (e) "Serious bodily injury" means injury which involves substantial
2 risk of death, protracted and obvious disfigurement, or protracted loss or
3 impairment of the function of a bodily member or organ.

4 (f) "Officer" means a law enforcement officer, officer of a humane
5 society, or officer of a pound or animal regulation department of a public
6 agency, unless otherwise noted.

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

10 **"§ 3116. Cruelty to Animals.**

11 **(a) Any person who:**

12 (1) cruelly mistreats any animal, whether belonging to that
13 person or another;

14 (2) knowingly or intentionally abandons or deserts an animal
15 being kept by or under the control of said person; or

16 (3) cruelly neglects any animal being kept by or under the
17 control of said person;

18 shall be guilty of a misdemeanor punishable by a fine of not more
19 than \$500.00, imprisonment for a term of not more than one year,
20 or both,

21 **(b) In the case of a violation of subsection (a) above in which:**

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(1) the animal dies or suffers serious bodily injury as a result of the violation;

(2) the violation involves extreme malice; or

(3) the person has a prior conviction for a violation of subsection (a) above or for an offense that would constitute a violation of subsection (a) above;

shall be guilty of a misdemeanor and ordered to pay a fine of at least \$1500.00 but not more than \$5000.00, and may be sentenced to imprisonment for a term of not more than three years or both.

(c) As a condition of the sentence imposed for any violation of this subsection (a) or (b) above, the court may also:

(1) order the defendant to participate in an available animal cruelty prevention or education program, or obtain available psychological counseling to treat mental health problems contributing to the violation's commission, with the defendant responsible for the costs of the treatment or program; and/or

(2) from owning, possessing, or controlling any animal, or residing in a place where animals are kept, for a period of time as determined by a court of law reasonable to prevent future cruelty to animals.

(d) Seizure, hearing, and disposition:

1 (1)(i) If there is probable cause to believe that any animal has
2 been involved in a violation of subsection (a) or (b) above, any
3 officer may, after obtaining a proper search warrant for the
4 premises where the animal is located, enter the premises and
5 impound the animal, as well as any other animals found on the
6 premises which reasonably appear to have been involved in a
7 violation of subsection (a) or (b)use reasonable force to enter
8 private property for the sole purpose of rescuing an animal
9 from inhumane or cruel conditions.

10 (ii) An officer may without a warrant enter the premises where
11 the animal is located and may impound the animal if there is
12 probable cause to believe that either exigent circumstances
13 exist or entry is necessary to render immediate aid or
14 assistance to an animal because of a violation of subsection (a)
15 or (b) or the imminent threat of a violation of subsection (a) or
16 (b).

17 (iii) An officer is not liable for any damages for an entry under
18 part 1 of subsection (d) unless the damages were caused by
19 reckless behavior.

20 (2) If after reasonable effort the owner or keeper of the
21 animal cannot be found and notified of the impoundment, the
22 notice shall be conspicuously posted on the premises and,

1 within 24 hours after the impoundment, the notice shall be
2 sent by certified mail, return-receipt requested, to the address,
3 if any, where the animal was impounded. If it is determined
4 after the impoundment that the owner of the animal is separate
5 and distinct from the person from whose custody the animal
6 was impounded, the owner shall be provided notice of and
7 opportunity to participate in all proceedings under this
8 subsection (d). The notice shall include:

- 9 (i) the name, business address, and telephone
10 number of the officer providing the notice;
11 (ii) a description of the animal seized and the
12 circumstances under which the animal was seized;
13 and
14 (iii) a statement that, in order to receive a post-
15 impoundment hearing, the owner and/or keeper
16 shall request the hearing by signing and returning an
17 enclosed declaration of ownership or right to keep
18 the animal to the court within 10 days, including
19 weekends and holidays, of the date of the notice.
20 The declaration shall include current contact
21 information for the owner and/or keeper. The

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declaration may be returned by personal delivery or mail.

(3) Any animal so impounded shall be placed with a local animal control facility or humane society on a temporary basis until forfeited to that agency, euthanized, or returned to its owner or keeper.

(4) (i) The post-impoundment hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. Immediately upon receipt of the request, the court shall contact the impounding officer and the owner and/or keeper in order to notify them of the time and date of the hearing.

(ii) Failure of the owner and/or keeper to request or to attend a scheduled hearing shall result in a forfeiture of any right to a post-impoundment hearing and forfeiture of the impounded animal(s).

(iii) If it is determined in the hearing that the probable cause required for impoundment pursuant to part (1) of this subsection (d) did not exist, the animal shall be returned to the owner and/or keeper. If it is determined the impoundment was justified, no further challenge to the impoundment shall be permitted.

1 (5) A person convicted of a violation of this title shall be
2 liable for all impounding costs, including any veterinary care
3 expenses, from the time of seizure to the time of proper
4 disposition.

5 (e) To curb the overpopulation of stray animals in the CNMI, all
6 animals that are found abandoned, unintended, emaciated or in severe bad
7 health may be lawfully captured by an officer and be adopted out, or, if
8 necessary, humanely euthanized in accordance with the American
9 Veterinary Medical Association standards.

10 (f) The following constitute affirmative defense to a prosecution
11 under section (a) or (b) that must be proven by the defendant by a
12 preponderance of the evidence:

13 (1) The conduct was an accepted veterinary practice
14 performed by a veterinarian licensed to practice in the
15 Commonwealth in accordance with the American Veterinary
16 Medical Association standards;

17 (2) The conduct was an accepted farming or husbandry
18 practices, including slaughter, in accordance with the American
19 Veterinary Medical Association standards;

20 (3) was a lawful hunting, fishing or trapping practice;

21 (4) The conduct was part of a lawful exhibition of
22 cockfighting;

1 (5) The conduct was a defending defense of a person or
2 person's property from the reasonable threat of an attack by an
3 animal.

4 (6) The conduct was lawful research or teaching; or

5 (8) The conduct was an accepted method of control of
6 rodents, pests or snakes by trapping or killing.

7 (g) For the purposes of this section, when more than one animal is
8 is involved in a violation of subsection (a) or (b), each act may comprise a
9 separate offense.

10 (h) All fines and fees collected under this section shall remain with
11 the municipality from which it was collected in and the expenditure
12 authority of said funds shall be the Mayor of that respective municipality."

13 **Section 5. Amendment.** Title 6, Division 3, Chapter 1, Article 1 of the
14 Commonwealth Code is amended by adding a new section 3117 to read as
15 follows:

16 **“§ 3117. Pet Theft.**

17 (a) Any person who, with the intent to deprive or defraud the
18 owner thereof, takes, leads away, confines, secretes, or converts any pet, is
19 guilty of the misdemeanor of pet theft and shall be imprisoned for a term
20 of not more than six months, or fined not more than \$500 per pet, or both.

21 (b) Nothing in subsection (a) shall be construed as barring a
22 conviction for theft or receiving stolen property under the laws of the

1 Commonwealth.

2 (c) As used in this section, "Pet" means any vertebrate living
3 creature that is commonly considered to be, or is considered by the owner
4 to be, a companion animal. "Pet" includes, but is not limited to, canines
5 and felines.

6 (d) All fines and fees collected under this section shall remain with
7 the municipality from which it was collected in and the expenditure
8 authority of said funds shall be the Mayor of that respective municipality."

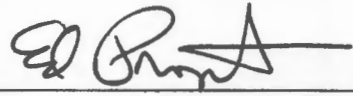
9 **Section 6. Severability.** If any provisions of this Act or the application
10 of any such provision to any person or circumstance should be held invalid by a
11 court of competent jurisdiction, the remainder of this Act or the application of its
12 provisions to persons or circumstances other than those to which it is held invalid
13 shall not be affected thereby.

14 **Section 7. Savings Clause.** This Act and any repealer contained herein
15 shall not be construed as affecting any existing right acquired under contract or
16 acquired under statutes repealed or under any rule, regulation, or order adopted
17 under the statutes. Repealers contained in this Act shall not affect any proceeding
18 instituted under or pursuant to prior law. The enactment of the Act shall not have
19 the effect of terminating, or in any way modifying, any liability, civil or criminal,
20 which shall already be in existence on the date this Act becomes effective.

21 **Section 8. Effective Date.** This Act shall take effect upon its approval by
22 the Governor, or its becoming law without such approval.

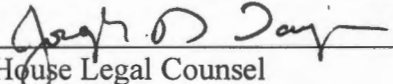
Prefiled: 1/27/17

Date: 1/27/17

Introduced by: 

Rep. Edwin K. Propst

Reviewed for Legal Sufficiency by:


House Legal Counsel


A vertical stack of several handwritten signatures, including one that appears to read 'Rovinsky' and another that appears to read 'Dueno'.