



128 DORRANCE STREET, SUITE 400  
PROVIDENCE, RI 02903  
401.831.7171 (t)  
401.831.7175 (f)  
www.riaclu.org | info@riaclu.org

The Honorable Gina M. Raimondo  
Office of the Governor  
82 Smith Street  
Providence, RI 02903

BY EMAIL AND FAX

**RE: VETO 18 H-8170 as amended and 18 S-2135A**

Dear Governor Raimondo:

On behalf of the ACLU of Rhode Island, I urge your veto of H-8170 as amended and S-2135A, which greatly increase the penalties for violations of the animal cruelty law, and in the instance of S-2135, eliminate judicial discretion in the removal of animals from homes in which they were not mistreated.

While proponents of S-2135A claimed it was necessary to bar the worst animal abusers from owning animals, it does considerably more than that. By barring from residing with an animal anyone convicted of any violation of the chapter, this legislation will result in the removal of animals from farmers who shear their horses after October 15th (R.I.G.L. §4-1-6), parents who purchase a dyed chick or duckling (4-1-8), anyone who conducts a greasy pig contest (R.I.G.L. §4-1-28), or any animal rights activist who releases a caged animal from captivity (R.I.G.L. §4-1-29). While these individuals may not have ever intended harm to an animal, they are under this legislation nevertheless barred from possessing or residing with an animal for up to five years for a first violation, and up to fifteen years for a second.

Such a requirement punishes not only the individual who acted inappropriately, but everyone else in the home. It takes no stretch of the imagination to picture a scenario where a farmer unintentionally overworks their horse and, as a result, is required to lose for up to five years every animal in their possession. Another likely scenario is a teenager who is convicted of an act of "animal cruelty," requiring that the pet dog of a younger sibling in the home be removed unless the parents kick out the offending teenager from the house. That judges have no opportunity to weigh the offense of the individual against the need to or benefit from removing all animals in the home strikes us as draconian and potentially creating more issues than it solves.

It is worth noting that after being made aware of this issue, proponents of this legislation expressed interest during the House Judiciary hearing in amending the legislation to address only those individuals convicted of unnecessary cruelty (R.I.G.L. §4-1-3). Instead, the legislation was amended to be even more onerous.

In addition, both bills require up to six years imprisonment for second convictions under this chapter. **Yet some of the sections under this chapter do not even require jail time for a first offense.** A person engaged in animal research who fails to register appropriately with the Department of Health, for instance, is fined up to five hundred dollars (R.I.G.L. §4-1-33). Were this legislation approved, upon a

second violation within ten years that researcher could be imprisoned up to six years, fined up to five thousand dollars, and barred from possessing or residing with animals for up to fifteen years. All this despite the lack of any intent to harm animals in the first place.

This provision is not only based on no evidence of the effect of such lengthy imprisonment on the likelihood that one will reoffend, it is extremely costly to the state. With the cost of incarceration estimated at more than \$50,000 or more per inmate per year, it will cost taxpayers over \$250,000 to house just one individual the law did not see fit to give more than a fine to initially. The arbitrary increase of prison sentences such as those contained in this legislation runs contrary to, and undermines, the principles of justice reinvestment that you worked so hard to implement these past few years.

While we can appreciate the frustration that some members of the animal rights community may have that judges have returned animals to individuals who have later abused them, this legislation is an unduly overbroad response. We hope you will carefully consider the significant and overbroad problems with this approach and veto this legislation.

Thank you for your consideration of our views.

Sincerely,



Steven Brown  
Executive Director

cc: Claire Richards  
Adi Goldstein