



ANIMAL CRUELTY

Amending the State Animal Cruelty Statute
House Bill 159 — Sponsor Rep. Al Park

THE PROBLEM:

🐾 Prosecution of some animal cruelty cases is being hampered by the current wording of the statute, resulting in difficulty obtaining convictions for clear-cut cases of cruelty to animals and extreme cruelty to animals:

- In numerous cases, prosecutors have been either reluctant or refused to file fourth degree felony charges for dehydrating and starving an animal, even to the death.
- In two cases where reptiles were viciously tortured and killed, prosecutors could not even *file* criminal charges because the statute does not cover reptiles.
- Leaving an animal unattended in a vehicle when physical injury or death is likely to result is currently not a punishable offense.
- In NM Supreme Ct. Case No. 30,524 State of New Mexico vs. Charles River Laboratories and Dr. Rick Lee, the current wording of the statute allowed the intentional abandonment of, and failure to provide veterinary care to, gravely ill chimpanzees to qualify as an exemption to the statute.

THE SOLUTION:

Amend New Mexico's Animal Cruelty Statute N.M.S.A. §30-18-1

👉 Proposed Amendments:

- Define Sustenance as “food, water, and shelter.”
- Remove the current exemption for reptiles.
- Include a provision to the statute that prohibits leaving an animal unattended in a motor vehicle when physical injury or death may occur.
- Include and define criminal negligence as meaning that anyone who knows or should have known of the dangers involved in certain acts and continued to act with reckless disregard, endangering an animal's health and/or safety; increase penalty to fourth degree felony when that criminal negligence results in the death or great bodily harm of an animal.
- Define abandonment and neglect so that otherwise criminal behavior cannot be exempted.

Benefits to the community:

The link between cruelty to animals and violence to humans is well-established. Our communities are safer and better places to live in when our laws support keeping animals safe from harm. These amendments will further protect animals from abuse and will allow for more effective intervention against those whose violent criminal behavior often begins with animal cruelty.

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