

By Senator Rich

34-448-06

See HB 43

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A bill to be entitled

An act relating to cruelty to animals; amending s. 828.12, F.S.; increasing certain minimum mandatory fines and periods of incarceration for certain acts of cruelty to animals; providing applicability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (2) of section 828.12, Florida Statutes, is amended to read:

828.12 Cruelty to animals.--

(2) A person who intentionally commits an act to any animal which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done, is guilty of a felony of the third degree, punishable as provided in s. 775.082 or by a fine of not more than \$10,000, or both.

(a) A person convicted of a violation of this subsection, where the finder of fact determines that the violation includes the knowing and intentional torture or torment of an animal that injures, mutilates, or kills the animal, shall be ordered to pay a minimum mandatory fine of \$4,000, shall be sentenced to a minimum mandatory term of incarceration of 6 months, ~~\$2,500~~ and shall undergo psychological counseling or complete an anger management treatment program.

(b) Any person convicted of a second or subsequent violation of this subsection shall be required to pay a minimum mandatory fine of ~~\$6,000~~ \$5,000 and serve a minimum

1 | mandatory period of incarceration of 10 ~~6~~ months. In addition,  
2 | the person shall be released only upon expiration of sentence,  
3 | shall not be eligible for parole, control release, or any form  
4 | of early release, and must serve 100 percent of the  
5 | court-imposed sentence. Any plea of nolo contendere shall be  
6 | considered a conviction for purposes of this subsection.

7 |           Section 2. This act shall take effect July 1, 2006,  
8 | and shall apply to offenses committed on or after that date.

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