

By the Committee on Criminal Justice; and Senators Rich, Campbell, Bennett and Aronberg

591-1967-06

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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. The person shall serve the 6-month minimum term of incarceration day-for-day, be released only upon expiration of sentence, and is not eligible for any form of early release from the 6-month minimum term of incarceration,

1 regardless of whether the 6-month minimum term is served in
2 the custody of the Department of Corrections or a county
3 detention facility.

4 (b) Any person convicted of a second or subsequent
5 violation of this subsection shall be required to pay a
6 minimum mandatory fine of ~~\$6,000~~\$5,000 and shall be sentenced
7 to serve a minimum mandatory ~~term period~~ of incarceration of
8 10 ~~6~~ months. In addition, the person shall serve the 10-month
9 minimum term of incarceration day-for-day, be released only
10 upon expiration of sentence, and is ~~shall not be~~ eligible for
11 ~~parole, control release, or any form of early release~~ from the
12 10-month minimum term of incarceration, regardless of whether
13 the 10-month minimum term is served in the custody of the
14 Department of Corrections or a county detention facility, ~~and~~
15 ~~must serve 100 percent of the court imposed sentence.~~ Any plea
16 of nolo contendere shall be considered a conviction for
17 purposes of this subsection.

18 Section 2. This act shall take effect October 1, 2006,
19 and shall apply to offenses committed on or after that date.

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21 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
22 COMMITTEE SUBSTITUTE FOR
23 Senate Bill 484

- 24 - Changes the effective date from July 1 to October 1,
25 2006.
- 26 - Clarifies the minimum mandatory incarceration penalties
27 set forth in the bill to prohibit any form of early
28 release on the minimum mandatory, whether the time is
29 service in local jail or detention facility, or in the
30 custody of the Department of Corrections (presumably the
31 defendant could be remanded to the custody of DOC on
companion charges for which he or she is sentenced to at
least a year and a day - any time less than a year would
be served in the local jail or detention facility).