

By Senator Rich

34-1775-07

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A bill to be entitled

An act relating to animal cruelty; amending s.  
828.12, F.S.; requiring a sentence of  
incarceration and community service for  
conviction of a specified offense of animal  
cruelty; 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 toward  
~~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, commits ~~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  
\$2,500 and undergo psychological counseling or complete an  
anger management treatment program.

(b) A person convicted of a first violation of this  
subsection shall serve a minimum mandatory period of  
incarceration of 30 consecutive days, and shall perform a  
minimum of 100 hours of community service.

~~(c)(b)~~ A ~~Any~~ person convicted of a second or  
subsequent violation of this subsection shall be required to

1 pay a minimum mandatory fine of \$5,000 and serve a minimum  
2 mandatory period of incarceration of 6 months. In addition,  
3 the person shall be released only upon expiration of sentence,  
4 shall not be eligible for parole, control release, or any form  
5 of early release, and must serve 100 percent of the  
6 court-imposed sentence.

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8 Any plea of nolo contendere shall be considered a conviction  
9 for purposes of this subsection.

10 Section 2. This act shall take effect October 1, 2007.

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SENATE SUMMARY

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Prescribes a minimum mandatory period of incarceration  
and community service for a person convicted of the  
offense of animal cruelty.

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