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## **ACLU OF RI POSITION: OPPOSE**

### **TESTIMONY ON 25-H 5128, RELATING TO ANIMALS AND ANIMAL HUSBANDRY – CRUELTY TO ANIMALS March 4, 2025**

Rhode Island law presently contains criminal penalties for individuals who mistreat animals in any way. The law also contains enhanced penalties for any mistreatment that results in the death of an animal. This bill would appear to create a third category and establish felony penalties for the unlawful mistreatment of an animal under the statute “which would result in death, if violated.” The ACLU of Rhode Island opposes this proposed amendment to the animal cruelty law.

Generally, we have concerns with any piece of legislation that imposes additional or stricter penalties for currently criminalized offenses, but we have additional concerns here because it is unclear to us how it could be rationally applied. In punishing the mistreatment of animals, this statute already contains more severe criminal penalties for mistreatment that results in an animal’s death. This bill would create felony penalties for “any offense included under this statute which *would result* in death.” We do not see how, consistent with due process, the state can charge somebody for conduct that “would” result in death, but didn’t. Technically, any mistreatment, if committed long enough or seriously enough, could result in an animal’s death, so the proposed language could make any misconduct under this law a felony.

Given the punishments currently in place for violations of this chapter and the inherent arbitrariness in applying the language being proposed, we urge rejection of this legislation. Thank you for your consideration.