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HOUSE BILL 500

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

G. X. MCSHERRY

AN ACT

RELATING TO ANIMALS; INCREASING THE CRIMINAL PENALTIES FOR
CRUELTY TO ANIMALS; PROVIDING FOR SEIZURE OF ANIMALS; REPEALING
AND ENACTING SECTIONS OF THE NMSA 1978; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-18-1 NMSA 1978 (being Laws 1963,
Chapter 303, Section 18-1) is repealed and a new Section 30-18-1
NMSA 1978 is enacted to read:

"30-18-1. [NEW MATERIAL] EXTREME CRUELTY OR CRUELTY TO
ANIMALS--PENALTY--EXCEPTIONS.--

A. Extreme cruelty to animals consists of:

- (1) willfully or maliciously torturing,
mutilating, injuring or poisoning an animal; or
- (2) cruelly killing an animal.

Whoever commits extreme cruelty to animals is guilty of a

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1 fourth degree felony and shall be sentenced pursuant to the
2 provisions of Section 31-18-15 NMSA 1978.

3 B. Cruelty to animals consists of:

4 (1) failing to provide an animal with necessary
5 sustenance;

6 (2) cruelly driving or working an animal;

7 (3) willfully or maliciously tormenting an
8 animal; or

9 (4) abandoning an animal for forty-eight hours
10 or more.

11 Whoever commits cruelty to animals is guilty of a
12 misdemeanor and shall be sentenced pursuant to the provisions of
13 Section 31-19-1 NMSA 1978. Upon a second or subsequent
14 conviction of cruelty to animals the offender is guilty of a
15 fourth degree felony and shall be sentenced pursuant to the
16 provisions of Section 31-18-15 NMSA 1978.

17 C. The court may order a person convicted for
18 violating provisions of this section to participate in available
19 animal cruelty prevention programs or education programs or to
20 obtain psychological counseling for treatment of mental health
21 disorders that, in the court's judgment, contributed to the
22 commission of the crime. The offender shall bear any costs
23 incurred for participation in counseling or treatment programs
24 under this section.

25 D. The provisions of this section shall not apply

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1 to:

2 (1) fishing, hunting, taking and trapping
3 pursuant to the provisions of Chapter 17 NMSA 1978;

4 (2) the practice of veterinary medicine
5 pursuant to the provisions of Chapter 61, Article 14 NMSA 1978;

6 (3) rodent or pest control conducted pursuant
7 to the provisions of Chapter 77, Article 15 NMSA 1978;

8 (4) the use of commonly acceptable livestock
9 management practices;

10 (5) the use of commonly acceptable rodeo
11 practices; or

12 (6) every research facility, intermediate
13 handler, carrier and exhibitor licensed pursuant to 7 USCA Sec.
14 2136.

15 E. The court may prohibit a person convicted for
16 violating provisions of this section from owning or possessing
17 an animal for a period of time determined by the court.

18 F. A peace officer or a certified animal control
19 officer employed by a subdivision of government shall seize an
20 animal if he reasonably believes the animal's health, safety or
21 life is endangered. A person convicted for violating provisions
22 of this section shall be required to bear the cost of boarding
23 the animal and of veterinary care provided to the animal."

24 Section 2. REPEAL. -- Section 30-18-2 NMSA 1978 (being Laws
25 1963, Chapter 303, Section 18-2) is repealed.

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Section 3. EMERGENCY. --It is necessary for the public
peace, health and safety that this act take effect immediately.

- 4 -

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE

FIRST SESSION, 1997

February 25, 1997

Mr. Speaker:

Your AGRICULTURE AND WATER RESOURCES COMMITTEE,
to whom has been referred

HOUSE BILL 500

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 1, line 12, after the second occurrence of
"ANIMALS;" insert "AMENDING,".
2. On page 2, lines 9 and 10, strike "for forty-eight hours
or more".
3. On page 3, line 2, after "hunting," insert "falconry,".
4. On page 3, line 8, strike "the use of commonly
acceptable".
5. On page 3, line 9, after "practices" insert "pursuant to

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FIRST SESSION, 1997

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the provisions of Section 77-18-2 NMSA 1978".

6. On page 3, line 10, strike "the use of commonly acceptable".

7. On page 3, line 11, after "practices" insert "pursuant to the provisions of Section 77-18-2 NMSA 1978".

8. On page 3, line 20, strike "health, safety or".

9. On page 3, line 21, after "endangered" insert "except that livestock and rodeo animals are dealt with pursuant to the provisions of Section 77-18-2 NMSA 1978".,

and thence referred to the JUDICIARY COMMITTEE.

The roll call vote on Amendment #9 was 8 For 1 Against

Yes: 8

No: Abeyta

Excused: None

Absent: None

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FIRST SESSION, 1997**

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Respectfully submitted,

G. X. McSherry, Chairman

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Abeyta

Absent: None

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