

FBI RECLASSIFIES ANIMAL CRUELTY AS A FELONY

By Allison B. Christensen

The greatness of a nation can be judged by the way its animals are treated.
~ Mahatma Gandhi

We have all seen the news and heard gory details about the heinous crimes of serial killers. What has been somewhat ignored until recently, is that these people often start their lives of crime by torturing animals. The “Son of Sam” poisoned his mom’s bird; the “Boston Strangler” shot dogs and cats with arrows; Jeffrey Dahmer killed animals and displayed their heads on sticks. The FBI recently announced that it will now classify animal abuse as a distinct crime. Starting in 2015, the FBI will begin to implement the necessary changes to its reporting system and in January 2016, begin to collect information on animal abuse. The FBI will then include the data in its Uniform Crime Report (“UCR”), a regularly-updated data base which provides nationwide crime statistics.

The change comes after more than a decade’s worth of lobbying, according to the Animal Welfare Institute. Animal rights groups and the National Sheriff’s





Allison with her two pals

Association have long proposed listing animal cruelty as a separate offence in the UCR. Previously, the FBI filed animal abuse crimes under an "other" label, making it difficult to track the specific crimes. The change reclassifies animal abuse

as a "crime against society,"

equating it with other felony crimes such as murder, drug trafficking, arson and assault. With the change, the FBI makes animal cruelty a Group A felony and will report incidents and arrests according to four subcategories: simple or gross neglect; intentional abuse and torture; organized abuse (which includes dogfighting and cockfighting); and sexual abuse.

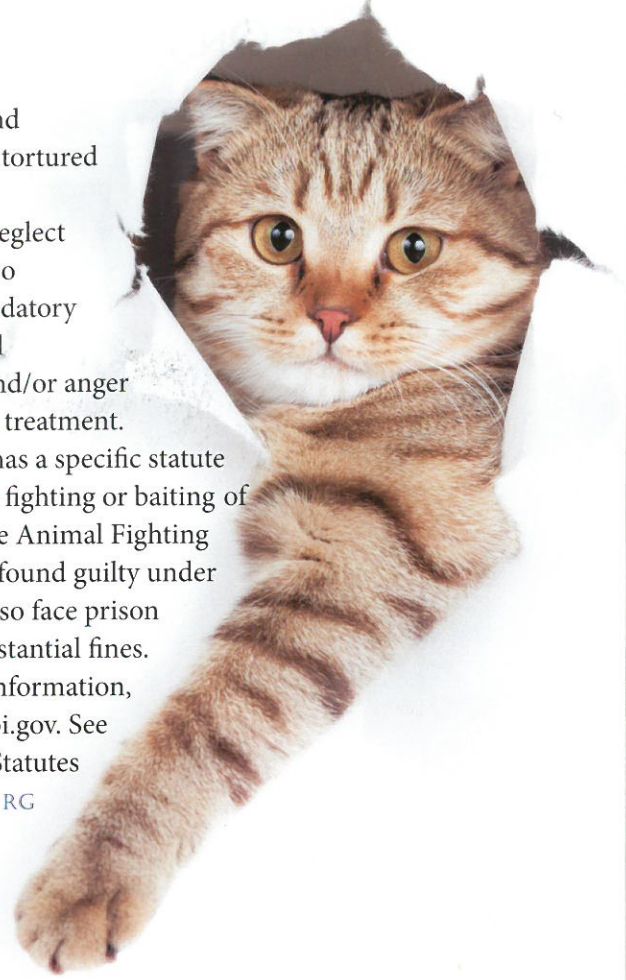
The FBI considers the following to be animal cruelty: Intentionally, knowingly, or recklessly taking an action that mistreats or kills any animal without just cause, such as torturing, tormenting, mutilation, maiming, poisoning, or abandonment. Included are instances of duty to provide care, e.g., shelter, food, water, care if sick or injured; transporting or confining an animal in a manner likely to cause injury or death; causing an animal to fight with another; inflicting excessive or repeated unnecessary pain or suffering, e.g., using objects to beat or injure an animal. This definition does not include proper maintenance of animals for show or sport; use of animals for food, lawful hunting, fishing or trapping.

The FBI's new classification comes on the heels of individual states enacting animal abuse legislation. As of March 2014, all 50 states have felony animal cruelty provisions. Florida law provides for both misdemeanor and felony animal cruelty crimes, the latter of which can result in a five-year prison term and fine of up to \$10,000. Convictions where individuals are found to have



knowingly and intentionally tortured animals (as opposed to neglect cases) can also result in mandatory psychological counseling and/or anger management treatment. Florida also has a specific statute related to the fighting or baiting of animals – The Animal Fighting Act. Persons found guilty under this statute also face prison time and substantial fines.

For more information, please visit fbi.gov. See also Florida Statutes Chapter 828. RG



If you believe that an animal is being abused or neglected, please take action! You may be the animal's only hope.

In Lee County, contact Lee County Domestic Animal Services at 239-533-7387 ext. 2. Calls are answered 24-hours a day, seven days a week and relayed to officers. For more information: click "Field Operations" on their website (leelostpets.com). Phone numbers for other counties in Florida can be found at www.animalrightsflorida.org/ReportAbuse.html.

To report the abuse of wild animals: If you witness illegal hunting or fishing, or the capture or killing of a protected species, please report it by calling the Florida Fish and Wildlife Conservation Commission's Wildlife Alert Reward Program: 1-888-404-FWCC (3922). Phones are answered 24-hours a day, seven days a week. You may remain anonymous, and be eligible for a reward.

Allison B. Christensen, an attorney at Hahn Loeser & Parks LLP, concentrates her practice in litigation. She assists clients with matters including commercial litigation; real estate and construction contracts; business transactions, torts and disputes; will and trust contests, disputed estate and trust administrations; and guardianship litigation and appeals. She also has experience in securities, sports and IP law.

