

(S. B. 2552)

(No. 154)

(Approved August 4, 2008)

AN ACT

To set forth the “Animal Protection and Welfare Act,” in order to establish judicial proceedings, facilitate multi-sector coordination among municipalities, government agencies and private organizations; to typify crimes and impose penalties; to repeal Act No. 67 of May 31, 1973, as amended, known as the Animal Protection Act, among others; and for other purposes.

STATEMENT OF MOTIVES

The 21st century poses countless challenges for Puerto Rican society, among which is a change in the perception and treatment of animals. For the past few years, the world vision on animals has changed dramatically; animals have become an essential part of our lives, and therefore, of society. It must be acknowledged that animals are sensitive beings that are entitled to humane treatment.

Since 1977, when the International Animal Rights League adopted a declaration—which was subsequently approved by the United Nations Education, Science and Culture Organization (UNESCO) and by the United Nations’ General Assembly—that was predicated on the principle that all animals have rights, and most particularly, the right to exist, to be respected, to be tended to, cared for and protected by human beings, progressive societies have adopted statutes in favor of animals. Others have updated

their legislation—but all measures are based on the principles of respect, defense and protection.

On the other hand, two thirds of households in Puerto Rico have at least one pet. However, many people who are unaware of the purpose of animals in the world are also unaware of the responsibility that owning an animal entails, and thus they opt to abandon or abuse these innocent creatures.

For this reason, it is of utmost importance to protect and care for animals, in order for them to develop in a healthy environment that inures to the benefit of Puerto Rican families and for us to be regarded as a progressive and mentally healthy society.

Animal abuse can be manifested in many ways. Act No. 67 of May 31, 1973, contains provisions to deter and/or prosecute persons for animal abuse; however, this Act fails to cover other areas that are necessary to meet today's challenges.

Likewise, there are other laws that address other regulatory aspects concerning animals, but, as in the case of Act No. 67, they fall short from being fully effective. This Act includes those provisions of statutes that address specific cases and others are included to render the law more comprehensive and stringent.

Many of the efforts to prosecute those who abuse animals are thwarted due to the processes and the penalties imposed, some of which are too lenient for the crime committed. If we want our animals to be protected, an all-encompassing statute is necessary to deter abuse. Animals are part of our environment; they are living beings that deserve being treated with fairness and dignity.

On the other hand, there are scientific studies about the connection between animal abuse and violence against other persons. Animal abuse may be an indicator of a much deeper problem. Children, youths or adults who abuse animals may be going through situations of abuse themselves and may later become beings with no regard for human life or dignity. Violence is violence, regardless of the victim; a person who abuses animals might not have any empathy toward other living beings and is at risk of inflicting violence on others. It is of the essence to take measures in order to prevent animal abuse.

The penalties established herein seek to deter aggressive conduct which could degenerate into a greater problem, even to the point of involving human beings. The message must be conveyed to citizens—this conduct is not to be tolerated.

Puerto Rico should rise above as a sensitive and progressive society that respects, protects and cares for its animals. A new Act is necessary not only for the protection of these defenseless beings, but also to collaborate in forging a Puerto Rican society that is mentally healthy.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

CHAPTER I

GENERAL PROVISIONS

Section 1.—Title.—

This Act shall be known as the “Animal Protection and Welfare Act.”

Section 2.—Definitions.—

For the purposes of this Act, the following terms shall have the meaning stated below:

a. “Abandonment”.—Means the voluntary dereliction or remissness, whether temporary or permanent, of the responsibilities of the animal’s custodian.

b. “Animal”.—Means any mammal, bird, reptile, amphibian, fish, cetacean, and any other superior phyla animal in captivity or under the control of any person, or any animal protected by Federal or Commonwealth laws or by municipal ordinances.

c. “Stray Animal”.—An animal with no known custodian.

d. “Safety Collar”.—Means a collar that applies pressure to the neck of the animal when the animal pulls in a direction against the will of the custodian, or when the custodian pulls to temporarily restrain the animal’s movement.

e. “Continuous Care”.—Means the preventive care that a prudent person would minister on an animal to prevent injuries, diseases or permanent severe or deadly conditions.

f. “Minimal Care”.—Means sufficient care to preserve the health and welfare of an animal, except for emergencies or circumstances beyond the reasonable control of the custodian. This includes but is not limited to the requirements stated below:

i. Quantity and quality of enough food to allow for the growth or maintenance of the normal body weight of the animal.

ii. Open and proper access to drinking water, at a temperature that is fit for drinking and in sufficient amount to satisfy the needs of the animal.

iii. Access to a stable, house or any other structure able to protect the animal from bad weather conditions, as well as an

appropriate place to sleep that protects the animal from excessive cold, heat and humidity.

iv. Being provided with the veterinary care that a prudent person would deem necessary to protect the animal from suffering; this includes vaccination and preventive care.

v. Continuous access to an area. Continuous access to an area is:

a) For the animal to have an adequate space to exercise as necessary for its health. Inadequate spaces lead to weakness, stress or abnormal patterns of behavior.

b) A temperature agreeable with the animal's health, in attention of its natural habitat.

c) Proper ventilation.

d) Regular daylight cycles, whether by means of natural or artificial lighting.

e) A clean environment, free from excessive waste or other pollutants that might affect the animal's health.

g. "Commercial Animal Breeder".—A natural or juridical person engaged in breeding animals for sale.

h. "Provisional Custody".—Means the custody granted by a judge in a custody or possession deprivation action, or when a protection order is issued against the animal's custodian, for a defined term, subject to review until the conclusion of the proceedings.

i. "Emergency".—Means any situation the animal may be experiencing which poses an imminent risk to its safety, health or bodily integrity.

j. “Euthanasia”.—Means a humane method which inflicts a quick and painless death.

k. “Custodian”.—Means the natural or juridical person who has the control, custody, possession or ownership over an animal.

l. “Bodily Injury”.—Means physical trauma, or a loss of or decrease in functions or pain not consistent with reasonable training and management techniques.

m. “Severe Bodily Injury”.—Means a bodily injury that poses the risk of death or which causes disfigurement, a prolonged health condition, or a prolonged loss and/or disability in terms of the functions of an extremity or a bodily organ.

n. “Abuse”.—Means all acts or omissions of a person, whether or not the custodian, which cause or places the animal at risk of sustaining harm to its health and to its bodily and/or emotional integrity. The necessary efforts contemplated in Act No. 241 of 1999, known as the New Puerto Rico Wildlife Act, and in Regulation No. 6765 of March 12, 2004, as amended, of the Department of Natural and Environmental Resources, are hereby excluded from this definition.

o. “Negligence”.—Means a kind of abuse consisting in the dereliction of the duties or the remissness in exercising the powers of adequately providing minimal and continuous care to an animal; to be remiss in the duties of providing care and supervision.

p. “Police Officer” or “Animal Control Officer”.—Includes any member of a force established under any law to discharge police functions, duties or powers under the Commonwealth of Puerto Rico. This includes, without the listing being construed as a limitation, the members of the Puerto Rico Police, municipal police officers, the members of the Rangers Corps of

the Department of Natural and Environmental Resources, the inspectors of the Department of Consumer Affairs, and the inspectors of the Department of Health and the Commonwealth Animal Control Office (*OECA*, Spanish acronym).

q. “Protection Order”.—Means any mandate issued in writing under the seal of a Court, whereby measures are pronounced against an animal abuser so that he/she abstains from engaging in or carrying out certain acts or conducts that constitute abuse and/or neglect.

r. “Person”.—Means an individual, corporation, trust, association, society or any other legal entity, whether natural or juridical.

s. “Possession”.—Means to have the physical custody or to exercise dominion or control over an animal.

t. “Imminent Risk”.—Means any situation that endangers the health, safety, or physical or emotional welfare of an animal.

u. “Unnecessary Suffering”.—Means to cause a suffering that is not necessary to ensure the safety, health, or welfare of the animal or other beings within its environment.

v. “Torture”.—Means an action taken with the prime purpose of inflicting or prolonging pain.

w. “Physical Trauma”.—Means fractures, cuts, burns, bruises or other bodily injuries and/or wounds in the animal’s body.

x. “Veterinarian”.—Means a person that holds a degree as Doctor in Veterinary Medicine, licensed by the Veterinarian Examining Board, and a member in good standing of the Veterinarians’ College.

Section 3.—Responsibilities and Coordination with Other Agencies.—

In order to guarantee the fullest compliance with this Act, the municipalities of the Commonwealth of Puerto Rico must comply with the provisions of the Autonomous Municipalities Act, Act No. 81 of August 30, 1991, and these shall assign top priority to handling situations that come to their attention and which involve abuse and/or negligence of stray animals. The municipalities, in coordination with the Central Municipal Affairs Office (*OCAM*, Spanish acronym), shall be under the obligation to assign top priority to handling situations that involve the abuse of stray animals, as well as round-ups and care. *OCAM* shall coordinate efforts with other government and private agencies when services are required in relation to the identification, prevention or treatment of persons involved in acts of violence against animals. Such coordination shall include joint planning, public education and information services, use of one another's facilities, training sessions and joint activities for the betterment of the personnel and of case evaluation and management.

Section 4.—Emergency Management.—

When an animal is in an emergency situation, it shall be the responsibility of the municipality where the animal is located, to provide the necessary and adequate assistance to the Police and to the personnel of the government and/or private agency intervening in the emergency. All municipalities are under the obligation to develop a plan covering animal emergency management, round-ups and protection, under penalty of not being provided with funds from the Commonwealth Animal Control Office, or of having such funds cancelled. Such a management plan shall be drafted within one (1) year from the date of effectiveness of this Act.

Section 5.—Coordination and Cooperation with Non-Government Organizations.—

The Government of Puerto Rico, its public corporations, departments, agencies and instrumentalities and officials shall take the initiative to:

a. Facilitate and maintain continuous efforts to incorporate the views of non-government and community entities into the various aspects of their services;

b. Foster the participation of representatives from these entities, as well as persons whom these organizations have served, in the planning, development, offering and evaluation of services pertaining to persons involved in animal abuse;

c. Establish collaboration agreements with the non-government organizations that provide projects to render services to animals and/or families involved in violence against or negligence of animals, as well as to abusive youths and adults. These agreements may be established but are not to be limited to the following areas: design and establishment of procedures conducive to promoting and guaranteeing animal welfare; protection and safety plans; support services for the prevention and management of family violence for persons, families, communities, and the Island;

d. Offer all the support these entities need in order to guarantee their participation and make multi-sector collaboration possible in all compliance items of this Act, while respecting the autonomy of said organizations.

CHAPTER II
JUDICIAL PROCEEDINGS

A. GENERAL PROHIBITIONS.—

Section 1.—Abandonment of an Animal.—

a. If a person willfully, knowingly, carelessly or with criminal negligence, leaves an animal in a location with the intention of dereliction, said person is committing the crime of abandoning an animal.

b. Abandonment of an animal is a fourth-degree felony that entails the punishment of imprisonment ranging from six (6) months and one (1) day to three (3) years.

i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from one thousand (1,000) to five thousand (5,000) dollars.

c. If, as a consequence of the abandonment of an animal, the animal sustains severe bodily injury or dies, the crime shall be deemed to be a third-degree felony that entails the punishment of imprisonment ranging from three (3) years and one (1) day to eight (8) years.

i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from three thousand (3,000) to eight thousand (8,000) dollars.

Section 2.—Confinement of Animals.—

a. Any person with the control over an animal shall provide the animal with an adequate space within the property of the custodian that allows for free movement.

b. Any person who confines, binds or otherwise limits the movement of an animal, and in so doing, causes unnecessary suffering, shall be guilty of a misdemeanor that entails the imposition of an individual fine, not to exceed ninety (90) days, a fine or a daily punishment by community service not to exceed ninety (90) days or home confinement or house arrest in calendar days up to ninety (90) days, or a combination of these punishments, which shall sum up to not more than ninety (90) days. Provided, further, that to walk the animal, a collar and leash is mandatory in order to control the animal, in pertinent cases, without causing harm or suffering, except for animals weighing over 60 pounds, which require a “safety collar.”

c. Instances of recidivism in this crime shall be punished by imprisonment for up to six (6) months.

d. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from five hundred (500) to two thousand (2,000) dollars. Thereafter, for each instance of recidivism, the sum of the last fine imposed by the Court shall double.

Section 3.—Abuse by Negligence.—

a. A person shall be deemed to be negligent if said person knowingly, carelessly or negligently fails to provide minimal care to an animal in the possession of said person.

b. Neglecting animals constitutes a misdemeanor that entails a fine of up to five thousand (5,000) dollars or imprisonment for up to six (6) months, or both penalties, in the discretion of the Court.

c. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from five hundred (500) to two thousand (2,000) dollars.

d. A person is negligent if he/she runs with his/her car over a dog, cat, horse and/or head of cattle and does not take the necessary measures for the animal to be tended to or, in case of having inflicted death, the necessary measures to have the animal removed, provided he/she is not placing his/her safety at risk. Among the steps to be followed are the following: calling an animal round-up center in the municipality, and if such information should not be available, calling the Police. Any person who fails to comply with this subsection shall be guilty of a misdemeanor that entails the imposition of an individual fine not to exceed ninety (90) days, a fine or a daily punishment by community service not to exceed ninety (90) days or home confinement or house arrest in calendar days for up to ninety (90) days, or a combination of these punishments, which shall sum up to not more than ninety (90) days.

Section 4.—Aggravated Negligence against Animals.—

a. A person shall be guilty of aggravated negligence when willfully, knowingly, carelessly or with criminal negligence:

i. Fails to provide minimal care to an animal in the possession of said person and failure to provide such care results in severe bodily injury or death of the animal. This crime is typified as a fourth-degree felony that entails the imposition of a punishment by

imprisonment ranging from six (6) months and one (1) day to three (3) years.

a) If upon conviction, the accused qualifies and avails him/herself of serving time on probation or any alternative method other than jail imprisonment, the penalty shall entail a mandatory fine ranging from one thousand (1,000) to three thousand (3,000) dollars.

Section 5.—Animal Abuse.—

a. A person is guilty of the crime of animal abuse if the person willfully, knowingly, carelessly or with criminal negligence inflicts any bodily injury or suffering on the animal.

b. Animal abuse is considered to be a fourth-degree felony that entails the imposition of punishment by imprisonment ranging from six (6) months and one (1) day to three (3) years.

i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from one thousand (1,000) to three thousand (3,000) dollars.

c. Notwithstanding the provisions of subsection (b) of this Section, animal abuse constitutes a third-degree felony that entails the imposition of punishment by imprisonment ranging from three (3) years and one (1) day to eight (8) years if:

i. The person who is committing the crime of animal abuse has been previously convicted of one or more offenses relative to:

a) Any law concerning animal protection in Puerto Rico or equivalent laws or regulations from any other jurisdiction; or

b) Any statute of Puerto Rico concerning domestic violence, child abuse or elderly abuse, or equivalent laws from another jurisdiction; or

c) The person knowingly abuses an animal in the immediate presence of a minor. For the purposes of this subclause, a minor is in the immediate presence of an instance of animal abuse if such an instance is seen or directly perceived in any manner by the minor.

1. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from three thousand (3,000) to ten thousand (10,000) dollars.

Section 6.—Third-Degree Animal Abuse.—

a. A person shall be guilty of the crime of animal abuse in its third-degree felony modality if a person willfully, knowingly, carelessly or with criminal negligence:

i. Inflicts a severe bodily injury; or

ii. Inflicts death on an animal.

b. This crime entails punishment by imprisonment ranging from three (3) years and one (1) day to eight (8) years.

i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory

fine ranging from three thousand (3,000) to ten thousand (10,000) dollars.

c. Notwithstanding the provisions of subsection (a) of this Section, animal abuse shall be typified as a second-degree felony that entails the imposition of punishment by imprisonment ranging from eight (8) years and one (1) day to fifteen (15) years if:

i. The person committing the crime of animal abuse has been previously convicted of one or more offenses relative to:

a) Any law concerning animal protection in Puerto Rico or equivalent laws or regulations from another jurisdiction; or

b) Any statute of Puerto Rico concerning domestic violence, child abuse or elderly abuse, or equivalent laws from another jurisdiction; or

c) The person knowingly abuses an animal in the immediate presence of a minor. For purposes of this subclause, a minor is in the immediate presence of an instance of animal abuse if such an instance is seen or directly perceived in any manner by the minor.

1. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from ten thousand (10,000) to fifteen thousand (15,000) dollars.

Section 7.—Aggravated Animal Abuse.—

a. A person shall be guilty of the crime of aggravated animal abuse if the person willfully or knowingly:

i. Tortures an animal; or

ii. Kills an animal under circumstances that show there was malice aforethought or a gross disregard for life.

b. Aggravated animal abuse is typified as a second-degree felony that entails punishment by imprisonment for a term of not less than eight (8) years and one (1) day and not more than fifteen (15) years.

i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from ten thousand (10,000) to twenty thousand (20,000) dollars.

c. Notwithstanding the provisions of subsection (b) of this Section, aggravated animal abuse shall be typified as a second-degree felony without the right to alternate benefits other than jail imprisonment if:

i. The person committing the crime of animal abuse has been previously convicted of one or more offenses relative to:

a) Any law concerning animal protection in Puerto Rico or equivalent laws or regulations of another jurisdiction;
or

b) Any statute of Puerto Rico concerning domestic violence, child abuse or elderly abuse, or equivalent laws from another jurisdiction; or

c) The person knowingly abuses an animal in the immediate presence of a minor. For purposes of this subclause,

a minor shall be in the immediate presence of an instance of animal abuse if such an instance is seen or directly perceived in any manner by the minor.

Section 8.—Animal Fights.—

a. No person shall cause, sponsor, organize, conduct or promote events in which any animal fights, threatens or injures another animal for sport, entertainment, financial gain or any other purpose, except for cockfights, practice which is regulated by Act No. 98 of 2007.

b. For purposes of this Section, a person promotes an event in which an animal fights, threatens or injures another animal for sport, entertainment, financial gain, among others, if the person:

i. Is knowingly present or bets in such an event in which an animal fights, threatens or injures another animal for sport, entertainment, financial gain, among others;

ii. The custodian trains, transports, possesses, breeds or fits an animal with the intention of involving said animal in an event in which the animal is to fight, threaten or injure another animal for sport, entertainment, financial gain, among others;

iii. Allows knowingly for any kind of event in which an animal fights, threatens or injures another animal for sport, entertainment, financial gain, among others, to take place in any location that is owned or controlled by the person, among others;

iv. Allows knowingly for an animal used for such an event in which an animal fights, threatens or injures another animal for sport, entertainment, or financial gain, among others, to be maintained, lodged, trained or transported in any place or vehicle owned or controlled by the person;

- v. Uses knowingly any means of communication with the purpose of promoting such an event in which an animal fights, threatens or injures another animal for sport, entertainment, financial gain, among others; or
 - vi. Possesses knowingly an animal used to fight, threaten or injure another animal for sport, entertainment, financial gain, among others, or any mechanism intended to reinforce the animal's ability to fight, threaten or injure for sport, entertainment, financial gain, among others.
- c. Any person who engages in any of the efforts described in this Section shall be accused of inciting or participating in animal fights, which is typified as a second-degree felony.
- i. If upon conviction under any of its modalities, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from ten thousand (10,000) to twenty-five thousand (25,000) dollars. If the owner of the location is a recidivist, the property shall be seized to the benefit of the Commonwealth of Puerto Rico.
- d. Notwithstanding the provisions of subsection (c) of this Section, the crime shall be typified as a second-degree felony without the right to alternate benefits other than jail imprisonment if:
- i. The person committing the crime of animal abuse has been previously convicted of one or more offenses relative to:
 - a) Any law concerning animal protection in Puerto Rico or equivalent laws or regulations from another jurisdiction;

b) Any statute of Puerto Rico concerning domestic violence, child abuse or elderly abuse, or equivalent laws from another jurisdiction; or

c) The person knowingly carries out any of the activities mentioned in this subsection concerning animal fights in the immediate presence of a minor. For purposes of this subclause, a minor is in the immediate presence of an instance of animal abuse if such an instance is seen or directly perceived in any manner by the minor; or

d) If as a consequence of such a fight, the animal dies.

e. The Puerto Rico Police shall seize all animals, equipment, material and/or money present at the location where the animal fights are held, without distinction as to who is the owner of the materials or the money or who are the animals' custodians. For this action, the procedure established in Act No. 93 of July 13, 1988, known as the Uniform Seizure Act of 1998, shall be followed.

f. The animals thus seized shall be evaluated by the Department of Health, which shall make an assessment as to the dangerousness of the animals, and should the Department determine that said animals are dangerous, the Department shall dispose of the same by euthanasia practiced by a veterinarian. Otherwise, the Department shall hand them over to a shelter, which shall have full discretion as to whether to accept or reject the animals, with the purpose, if possible, of putting them up for adoption.

Section 9.—Transportation of Animals.—

a. When transporting or conveying an animal under such conditions or in such a manner or position so as to inflict unnecessary

suffering on the animal, under conditions that do not allow for proper ventilation, light or shelter, under which the animal is exposed to excessive heat and cold, bad weather, sun or rain, or without taking the necessary precautions in order for said animal to have enough food and water and proper rest, the person responsible for transporting said animal shall be guilty of a misdemeanor that entails the imposition of a fine of up to five thousand (5,000) dollars or punishment by imprisonment for up to six (6) months.

b. When the animal thus transported sustains an injury for not being properly transported, the crime shall constitute a fourth-degree felony.

i. If upon conviction, the accused qualifies and avails him/herself of serving time or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from one thousand (1,000) to three thousand (3,000) dollars.

Section 10.—Animal Abuse by Juridical Entities.—

a. Any entity, whether engaged or not in animal affairs, that abuses an animal, shall be sanctioned with the same punishments, according to the type of crime as established in this Act.

i. Should the entity be found guilty, in addition to the punishments that apply pursuant to this Act, the person who owns the entity thus found guilty may not engage in any animal affairs.

Section 11.—Poisoning.—

a. If any person should use any kind of poison, even if he/she hires a third party for such a purpose, without making the necessary provisions to prevent bodily injuries to animals other than pests, he/she shall be accused of a misdemeanor that entails the imposition of an individual fine not to exceed ninety (90) days, a fine or a daily punishment by community

service not to exceed ninety (90) days, or home confinement or house arrest in calendar days for up to ninety (90) days, or a combination of these punishments, which shall sum up to not more than ninety (90) days. The fact that the animal has entered his/her premises shall not constitute a defense. Instances of recidivism shall be typified as misdemeanors that entail a fine of up to five thousand (5,000) dollars and/or punishment by imprisonment for up to six (6) months. A subsequent instance of recidivism shall be typified as a fourth-degree felony.

- b. Poisoning an animal constitutes a fourth-degree felony if:
 - i. An animal ingests the poison laid out without proper precautions and this results in a severe bodily injury of the animal.
 - a) If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from one thousand (1,000) to five thousand (5,000) dollars.
- c. Poisoning an animal is typified as a third-degree felony if:
 - i. There is a willful administration to any animal of any poison or poisonous substance that causes a severe bodily injury or death.
 - a) If upon conviction under subsection (c), the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from three thousand (3,000) to ten thousand (10,000) dollars.

Section 12.—Animal Traps.—

a. If any person uses any kind of trap or device to catch animals other than pests without taking the necessary precautions to prevent injuries or unnecessary suffering of animals, he/she shall be accused of a misdemeanor that entails the imposition of an individual fine not to exceed ninety (90) days, a fine or a daily punishment by community service not to exceed ninety (90) days or home confinement or house arrest in calendar days for up to ninety (90) days, or a combination of these punishments, which shall sum up to not more than ninety (90) days. Instances of recidivism shall be typified as misdemeanors that shall entail a fine of up to five thousand (5,000) dollars and/or punishment by imprisonment for up to six (6) months. A subsequent instance of recidivism shall be typified as a fourth-degree felony.

i. If the trap inflicts severe bodily injury or death, the crime shall be considered to be a fourth-degree felony.

a) If upon conviction, the accused of a fourth-degree felony qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from one thousand (1,000) to three thousand (3,000) dollars.

Section 13.—Euthanasia.—

a. The termination of the life of an animal may only be conducted by a veterinarian or by properly trained personnel under the supervision of a veterinarian, through techniques approved by the AVMA (American Veterinary Medical Association) and complying with the provisions of Act

No. 194 of August 4, 1979, as amended; Act No. 247 of September 3, 2004, as amended; and Act No. 4 of June 23, 1971, as amended.

b. The animal shall be tended to during the entire process, until its death is certified by a veterinarian.

c. Any person who violates this Section of the present Act shall be guilty of a third-degree felony.

i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from three thousand (3,000) to ten thousand (10,000) dollars.

d. Emergency Situations.—

i. In emergency situations in which the animal is of such a size that the same cannot be transported, the person in charge of or who finds the animal shall call the nearest Police Station so that an officer may, through Police Headquarters, directly contact a veterinarian in his/her region. In the event the veterinarian is unable to reach the location, and after a detailed description by the police officer of the condition of the animal, the veterinarian may instruct him/her so that he/she induce a compassionate death by coup de grace. Any unauthorized person who induces the death of an animal shall be guilty of a fourth-degree felony.

ii. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from one thousand (1,000) to five thousand (5,000) dollars.

Section 14.—Cosmetic Surgeries.—

a. Any cosmetic surgery practiced on an animal shall be conducted solely and exclusively by a veterinarian who holds a license and is a Veterinarian College member.

b. Unauthorized persons who engage in this practice shall be accused of a fourth-degree felony.

i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from one thousand (1,000) to five thousand (5,000) dollars.

Section 15.—Protection Orders.—

a. In all cases in which a person is accused of domestic violence or child abuse, the Court shall, by petition of party, issue a protection order for the petitioner so that he/she be the sole custodian of the animal. The Court shall order the accused to keep far away from the animal and prohibit contact of any kind.

b. A violation of the protection order shall be considered to be a fourth-degree felony.

i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from one thousand (1,000) to three thousand (3,000) dollars.

Section 16.—Pre-Conviction Provisions.—

a. When a person has been accused of acts that constitute animal abuse, the Court or the law enforcement officers may, as a precautionary and

preventive measure in benefit of the animal, remove or order the provisional removal of the animal while the case is heard. Likewise, the Court may take or order the precautionary measures it deems convenient and necessary for the protection and welfare of the animal, including the issue of a protection order. The animal shall be handed over to the shelter of the municipality of residence of the custodian or to the private organization that intervened in the animal abuse situation, if the organization so requests.

b. If after a trial on its merits or a hearing, the existence of abuse against the animal is not proven, the animal shall be returned to its custodian.

Section 17.—Animal Breeders.—

a. The sale of animals on streets, roads, and public places of the Island is hereby prohibited.

b. All breeders shall hold a license issued by the Commonwealth of Puerto Rico. The Department of Health shall be the agency responsible for issuing said licenses and for establishing the requirements therefor. Any breeder operating without a license from the Department of Health for such purposes, after said license is available at the Department of Health, shall be guilty of a fourth-degree felony.

i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from one thousand (1,000) to five thousand (5,000) dollars.

c. Selling animals on the streets, roads, or public places of the Island shall constitute a fourth-degree felony.

i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine ranging from one thousand (1,000) to five thousand (5,000) dollars.

d. Instances of recidivism in this crime entail, in addition to the provisions of subsection (c), the imposition of a fixed fine of five thousand (5,000) dollars.

i. If upon conviction, the accused qualifies and avails him/herself of serving time on probation or of any alternative method other than jail imprisonment, the punishment shall entail a mandatory fine of five thousand (5,000) dollars.

Section 18.—Liens.—

a. Any expense incurred to provide minimal care to a seized animal shall constitute a lien on the animal and the costs of such care shall be paid in full by the custodian before the animal is returned to him/her after having been found not guilty or after criminal charges have been dismissed. If the costs are not paid in full within thirty (30) days after the criminal case has been resolved, the legal custody of the seized animal by the custodian shall be immediately transferred to the agency or person who has custody, which shall take steps for its possible adoption. The costs of providing care to the animal shall continue to be the responsibility of the custodian against whom the agency or person with custody may bring a civil action for collection of money owed.

Section 19.—Experiments.—

The following provisions shall apply to experiments with live animals.

a. Experiments shall be restricted to cases in which these are considered to be absolutely essential for scientific research purposes at university centers.

b. Experiments for educational purposes shall not be permitted at the grade school, middle school and high school levels.

Section 20.—Payment of Fines.—

It is hereby established that, if the person convicted should be unable to pay any fine imposed by the Court, the person shall have to serve time in jail, to be computed on the basis of fifty dollars (\$50.00) per day.

Section 21.—Compensation Fund.—

The moneys originating from the fines shall be deposited into a special fund that shall be administered by the *OECA*, to be distributed among municipal shelters to provide direct animal care services.

Section 22.—Approval of the Act.—

This Act shall take effect immediately after its approval.

Section 23.—Laws Repealed.—

Attune with the foregoing and consistent with the above stated, we hereby repeal Act No. 67 of May 31, 1973, as amended (5 L.P.R.A. Section 1651 et seq.), known as the “Animal Protection Act,” as well as Act No. 107 of 1993.

Section 24.—Saving Clause.—

If any clause, part or Section of this Act should be illegal, unlawful or null, as per the final and binding ruling of a Court with jurisdiction, then the same shall be deemed not to be included and the remainder of the Act shall remain in full force and effect.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 154 (S.B. 2552) of the 7th Session of the 15th Legislature of Puerto Rico:

AN ACT to set forth the “Animal Protection and Welfare Act,” in order to establish judicial proceedings, facilitate multi-sector coordination among municipalities, government agencies and private organizations; to typify crimes and impose penalties; to repeal Act No. 67 of May 31, 1973, as amended, known as the Animal Protection Act, among others; and for other purposes,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 30th of September of 2008.

Francisco J. Domenech
Director