

## **Vote YES on SB 46**

### **(Provide a felony penalty for cruelty to animals, and clarify exemptions)**

South Dakota laws have worked well for years in dealing with cases of inhumane treatment of both livestock and non-livestock species. However, **South Dakota is the only state without a felony penalty for acts of severe animal cruelty.**

**Ag and Non-Ag animal interests in South Dakota are united against reprehensible acts of willful, malicious cruelty to animals.** SB46 proactively addresses the most severe acts of animal cruelty with a Class 6 felony penalty for such acts. Usual and customary animal ag practices and other time-honored animal uses are protected under a combined and expanded exemptions section.

#### **SB46 is supported by agricultural organizations in South Dakota in order to:**

- **Define animal cruelty separately from animal neglect** (Sections 1, 3, and 4). Under existing state law, both cruelty and neglect fall under “inhumane treatment”, which is a Class 1 misdemeanor. SB46 would continue to provide for **Neglect, abandonment, and mistreatment of an animal to be charged as a Class 1 Misdemeanor.**
- **Create a Class 6 felony penalty for “intentional, willful, and malicious” acts of cruelty toward animals.** (Section 4). There is a difference between acts of malicious cruelty and acts of neglect or mistreatment. SB46 provides definitions that clearly differentiate these acts.
- Resolve a disparity between “dog fighting,” which is currently a felony, and “animal fighting,” which currently has no penalty assigned for instigating the fight. (Sections 8 through 12). These are combined into one section, “animal fighting” (Section 10).

This bill does not change the authority of the Animal Industry Board in their purview of all livestock issues. Provisions of current law will remain, authorizing the Animal Industry Board to administer and enforce provisions of 40-1 for cattle, horses, sheep, swine, and other livestock.

Local humane societies, operating by the authorization of the local County Commissioners, will continue their roles to prevent neglect, abandonment, mistreatment or cruelty to dogs, cats, and other household pets. Local humane society members who are animal control officer must continue to seek judicial authorization. The activities of local humane societies that are currently in place will continue to be limited to species other than cattle, horses, sheep, swine, and other livestock.

#### **The provisions of the bill do not apply to:**

- animals under the direct and proper care of a licensed veterinarian
- persons engaged in **standard and accepted agricultural pursuits** or **animal husbandry practices**
- any usual and customary practice in the production of food, feed, or fiber, including all aspects of the livestock industry;
- in the boarding, breeding, competition, exhibition, feeding, raising, service work, showing, training, transportation, and use of animals;
- In the harvesting of animals for food or byproducts;
- humane killing of an animal;
- lawful hunting, trapping, fishing, or other activity authorized by the South Dakota Department of Game, Fish and Parks;
- lawful pest, vermin, predator, and animal damage control, including the disposition of wild animals;
- reasonable action taken by a person for the destruction or control of an animal known to be dangerous, a threat, or injurious to life, limb, or property; and
- actions taken by personnel or agents of the board, the Department of Agriculture, Department of Game, Fish and Parks, or the United States Department

### **Supporters of SB46 Include:**

- Ag Unity
- South Dakota Cattlemen's Association
- South Dakota Stockgrower's Association
- South Dakota Pork Producer's Council
- South Dakota Dairy Producers
- South Dakota Poultry Industries Association
- South Dakota Quarter Horse Association
- South Dakota Veterinary Medical Association
- South Dakota Livestock Auction Market Association
- South Dakota Association of Cooperatives
- Sioux Falls Humane Society
- Beadle County Humane Society
- SD FACT
- South Dakota Association of County Commissions