



NATIONAL LINK COALITION

*Working together to stop violence
against people and animals*

State Statutes in Which Acts of Animal Abuse Constitute Acts of Domestic Violence or Elder Abuse

As of: November 2020

COERCIVE ANIMAL ABUSE AS DOMESTIC VIOLENCE

Alaska

AS 18.66.990(3). Definitions

(3) "Domestic violence" and "crime involving domestic violence" mean one or more of the following offenses or an offense under a law or ordinance of another jurisdiction having elements similar to these offenses, or an attempt to commit the offense, by a household member against another household member:

- (I) cruelty to animals under AS 11.61.140(a)(5) if the animal is a pet;

Arizona

Domestic violence; definition; classification; sentencing option; arrest and procedure for violation; weapon seizure

Ariz. Rev. Stat. § 13-3601.

A. "Domestic violence" means any act that is a dangerous crime against children as defined in [the following sections]: § 13-2910. Cruelty to animals; interference with working or service animal; classification; definitions

A. A person commits cruelty to animals if the person does any of the following:

8. Intentionally or knowingly subjects any animal under the person's custody or control to cruel neglect or abandonment that results in serious physical injury to the animal.

9. Intentionally or knowingly subjects any animal to cruel mistreatment.

Colorado

Offenses Involving the Family Relations, Domestic Violence

Colo. Rev. Stat. Ann. § 18-6-800.3(1).

(1) “Domestic violence” means an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. “Domestic violence” also includes any other crime against a person, or against property, including an animal, or any municipal ordinance violation against a person, or against property, including an animal, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.

Indiana

Crime involving domestic or family violence,

Ind. Code Ann. § 31-9-2-42 and § 34-6-2-34.5 (2007; amended 2019)

"Domestic or family violence" means, except for an act of self-defense, the occurrence of one (1) or more of the following acts committed by a family or household member:

(1) Attempting to cause, threatening to cause, or causing physical harm to another family or household member without legal justification.

(2) Placing a family or household member in fear of physical harm without legal justification.

(3) Causing a family or household member to involuntarily engage in sexual activity by force, threat of force, or duress.

(4) Abusing (as described in IC 35-46-3-0.5(2)), IC 35-46-3-0.5), torturing (as described in IC 35-46-3-0.5(5)), IC 35-46-3-0.5), mutilating (as described in IC 35-46-3-0.5(3)), IC 35-46-3-0.5), or killing a vertebrate animal without justification with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member

Domestic violence animal cruelty,

Ind. Code Ann. § 35-46-3-12.5.

Sec. 12.5. A person who knowingly or intentionally kills a vertebrate animal with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member commits domestic violence animal cruelty, a Class D felony.

Maine

Stalking

Maine Revised Statutes § Title 17-A: Maine Criminal Code, Part 2: Substantive Offenses;

Chap. 9: Offenses Against the Person

Sec. 201-A. Stalking. A person is guilty of stalking if the actor intentionally or knowingly engages in a course of conduct directed at or concerning a specific person that would cause a reasonable person: ... (5) To fear injury to or the death of an animal owned by or in the possession and control of that specific person. Violation of this paragraph is a Class D crime.

Nebraska

Domestic Intimate Partner Abuse

Nebraska Revised Statutes § 43-2922

Terms, defined . For purposes of the Parenting Act:

(8) Domestic intimate partner abuse means an act of abuse as defined in section 42-903 and a pattern or history of abuse evidenced by one or more of the following acts: Physical or sexual assault, threats of physical assault or sexual assault, stalking, harassment, mental cruelty, emotional abuse, intimidation, isolation, economic abuse, or coercion against any current or past intimate partner, or an abuser using a child to establish or maintain power and control over any current or past intimate partner, and, when they contribute to the coercion or intimidation of an intimate partner, acts of child abuse or neglect or threats of such acts, cruel mistreatment or cruel neglect of an animal as defined in section 28-1008, or threats of such acts, and other acts of abuse, assault, or harassment, or threats of such acts against other family or household members.

Nevada

Acts which constitute domestic violence,

Nev. Rev. Stat. Ann. § 33.018(1)(e)(7).

1. Domestic violence occurs when a person commits one of the following acts against or upon the person's spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person is or was actually residing, any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child:...(e) A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to:...(7) Injuring or killing an animal.

New Hampshire

Protection of persons from domestic violence

RSA 173-B:1

I. "Abuse" means the commission or attempted commission of one or more of the acts described in subparagraphs (a) through (h) by a family or household member or by a current or former sexual or intimate partner, where such conduct is determined to constitute a credible present threat to the petitioner's safety. The court may consider evidence of such acts, regardless of their proximity in time to the filing of the petition, which, in combination with recent conduct, reflects an ongoing pattern of behavior which

reasonably causes or has caused the petitioner to fear for his or her safety or well-being:
(h) Cruelty to animals as defined in RSA 644:8.

Tennessee

Domestic Abuse,

Tenn. Code Ann. § 36-3-601(1) (West 2013).

(1) “Abuse” means inflicting, or attempting to inflict, physical injury on an adult or minor by other than accidental means, placing an adult or minor in fear of physical harm, physical restraint, malicious damage to the personal property of the abused party, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by an adult or minor, or placing an adult or minor in fear of physical harm to any animal owned, possessed, leased, kept, or held by the adult or minor.

Utah

Utah Code 77-36-1. Definitions

(4) Domestic violence" or "domestic violence offense" means any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another. "Domestic violence" or "domestic violence offense" also means commission or attempt to commit, any of the following offenses one cohabitant against another:

(b) aggravated cruelty to an animal, as described in Subsection 76-9-301(4), with the intent to harass or threaten the other cohabitant;

RELATED STATUTES

Arkansas

A.C.A. §9-15-403, the Spousal Abuse Safety Plan Act of 2007, includes the “harming the pet of a spouse” within Arkansas’ definition of “emotional abuse.” “Spousal abuse” is defined as an act of physical, sexual or emotional abuse against a spouse. It is not clear whether “spousal abuse” is defined as an act of domestic violence. Separate laws in the state (A.C.A. § 5-26-303 through 309) define conditions and penalties for domestic battering and assault, but emotional abuse is not included within those definitions.

Connecticut

C.G.S Sec. 46b-38a. Family violence prevention and response: Definitions

Para. (3) “Family violence crime” means a crime which, in addition to its other elements, contains as an element thereof an act of family violence to a family or household member. In Para. (1), “Family violence” means an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault,

including, but not limited to, stalking or a pattern of threatening, between family or household members. Animal cruelty is a felony crime in Sec. 53-247.

Florida

F. S. A. § 741.30: allows petitioners to file injunctions for protection against domestic violence when the respondent has “intentionally injured or killed a family pet.” The court may also consider this as a factor when determining whether there is reasonable cause to believe the petitioner is in imminent danger of becoming a victim of domestic violence.

Michigan

M.P.C. § 750.50b: A provision added in 2018 makes it illegal to knowingly kill, torture, maim, disfigure, or poison an animal, or threaten to do so, “with the intent to cause mental suffering or distress to a person or to exert control over a person.”

Minnesota

M. S. A. § 343.21: Overworking or mistreating animals; penalty

Minnesota’s general cruelty statutes allow courts to impose double penalties for felony animal torture or cruelty where the violation results in death or great bodily harm to a pet or companion animal, and the act is done to threaten, intimidate, or terrorize another person.

Missouri

V.A.M.S. 565.225 (2.1): Stalking, first degree, penalty

Missouri’s definition of stalking in the first degree includes making a threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, the safety of his or her family or household member, or the safety of domestic animals or livestock kept at such person’s residence or on such person’s property. The threat shall be against the life of, or a threat to cause physical injury to, or the kidnapping of the person, the person’s family or household members, or the person’s domestic animals or livestock kept at such person’s residence or on such person’s property;

Navajo Nation

Subchapter 24 in the Criminal Code (the Violence Against Family Act) defines “family violence” as including numerous offenses including stalking. The nine offenses which define stalking include “Making threats to harm the victim, the victim’s children, relatives, friends, pets or livestock.” Stalking victims can obtain a Family Violence Court Order to protect themselves.

Oregon

O.R.S. §163.275: Coercion

This statute defines the crime of coercion, a Class C felony, as including eight activities in which a person compels or induces another person to engage in conduct, or refrain from a legitimate conduct, by instilling a fear. One such fear is the unlawful causing of physical injury to an animal.

Texas

Texas Penal Code §42.072: Stalking

Stalking definitions include if a person, on more than one occasion and pursuant to the same scheme or course of conduct directed specifically at another person, knowingly engages in conduct that he or she knows or should reasonably know the other person will regard as threatening, including an offense against the other person's property. "Property" includes a pet, companion animal or assistance animal.

PENDING LEGISLATION

Kentucky

HB 216 would include violence against an animal used as coercive conduct within the definitions of "domestic violence and abuse" and "dating violence and abuse" and would allow judges to award possession of a domestic animal to the petitioner in a protection-from-abuse procedure.

Missouri

HB 370 (2019) would add "intimidation," defined as "injuring, killing, or threatening to injure or kill an animal if such act is done to coerce, control, punish, or as an act of revenge against a household member," to the conditions which would allow courts to issue orders of protection. **The bill died in the House Judiciary Committee.**

New Mexico

HB 52 (2019) would have added to the NMSA Section 40-13-2 statutory definitions of domestic violence "an incident by a household member consisting of or resulting in the act of or threat of: intentionally or maliciously torturing, mutilating, injuring or poisoning a companion animal; or maliciously killing a companion animal." **The bill passed the House but died in the Senate.**

New York

A 588 (2019) would create a felony-level crime of animal cruelty to companion animals that is intended to threaten, intimidate or harass a family or household member, with additional penalties if the act is committed in the presence of a minor child.

Texas

HB 2516 (2019) would add cruelty to non-livestock animals with the intent to coerce, control, punish or intimidate another family member to the definition of "family violence." **The bill died in the House.**

Virginia

HB 2642 and SB 1276 (2019) would have made any violation relating to animal cruelty a Class 6 felony when such violation is carried out with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member. **The bills died in the Senate.**

COERCIVE ANIMAL ABUSE AS ELDER ABUSE

Colorado

Courts and Court Procedure, Art. 14: Civil Protection Orders

C.R.S. 13-14-101.

13-14-101. Definitions. For purposes of this article, unless the context otherwise requires:

(1) "Abuse of the elderly or of an **at-risk adult**" means mistreatment of a person who is sixty years of age or older or who is an **at-risk adult** as defined in [section 26-3.1-101 \(1\)](#), C.R.S., including but not limited to repeated acts that:

(f) Constitute threats or acts of violence against, or the taking, transferring, concealing, harming, or disposing of, an animal owned, possessed, leased, kept, or held by the elderly or **at-risk adult**, which threats or acts are intended to coerce, control, punish, intimidate, or exact revenge upon the elderly or **at-risk adult**.

PENDING LEGISLATION

Maryland

HB 33, which would have taken the progressive step of including “the destruction of or harm to an animal” belonging to a vulnerable adult to the definition of elder abuse became law on May 8, 2020 but the key provision about animal abuse was deleted. The new law merely makes it illegal to intentionally and maliciously inflict severe emotional distress on a vulnerable adult without defining the term.