

SENTENCING FOR ANIMAL CRUELTY

IN SCOTLAND



BATTERSEA
HERE FOR EVERY DOG AND CAT

Please be aware that
this document contains
graphic images of the
effects of cruelty

FOREWORD

As one of Britain's best-loved animal rescue and rehoming charities, Battersea Dogs & Cats Home sees some of the most heart-warming moments of an animal's life. It's here that dogs and cats find hope, companionship and a second chance in life. We've been transforming the lives of dogs and cats since 1860, and in that time have helped over 3.1 million lost, abandoned and unwanted animals.

Battersea aims never to turn away a dog or cat in need and that means we frequently see the tragic victims of animal cruelty, dogs and cats who have suffered the very worst that humans can do to animals.

Incidents of inhumane treatment of animals in society are all too common. In 2016, the Scottish SPCA received 246,964 calls to its animal helpline, and in 2015-16, 81 offenders were convicted of cruelty and welfare offences under the Animal Health and Welfare (Scotland) Act 2006.

The Scottish Government has a strong record on animal welfare. However, Battersea feels the law is let down by the weakness of sentences available to the Courts. Although the maximum penalty in England and Wales is lower, it still stands at only 12 months in Scotland, which is much lower than most of Europe.

Battersea has discovered that:

- Scotland has one of the lowest sentences for animal cruelty in Europe at just 12 months in prison plus a fine and a ban on keeping animals
- most states in the USA, and many OECD nations¹ in our survey take extreme animal cruelty more seriously than Scotland. Northern Ireland and Ireland have a maximum sentence of five years
- 12 months for the worst act of animal cruelty compares badly with five years for crimes such as fly tipping or theft
- animal cruelty is often a flag for offences against the person such as domestic violence.

Given the truly appalling effect of these crimes on their victims, I am delighted that the Scottish Government has listened to our case and agreed that the maximum penalty for the most serious cruelty offences should be raised to five years imprisonment.² We must now work with them to ensure cross-party support exists and the law is amended to introduce this new maximum penalty, further ensuring Scotland's position as one of the leading countries in the world for animal welfare.



Claire Horton, Chief Executive

¹The Organisation for Economic Co-operation and development (OECD) <https://www.oecd.org/about/>

²<http://www.gov.scot/Resource/0052/00524214.pdf>



OPPOSITE: Stuart

CONTENTS

FOREWORD	2
EXECUTIVE SUMMARY	5
THE PENALTIES FOR ANIMAL CRUELTY IN SCOTLAND	6
SENTENCING AT THE CEILING	8
IS THE MAXIMUM SENTENCE FOR ANIMAL CRUELTY IN SCOTLAND PROPORTIONATE?	10
HOW DOES SCOTLAND COMPARE WITH THE REST OF THE WORLD?	12
PROTECTING THE PUBLIC	15
CASE STUDIES	17
CONCLUSION	20
APPENDIX: MAXIMUM PRISON SENTENCES AVAILABLE FOR ANIMAL CRUELTY IN 100 JURISDICTIONS	21

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Thank you to the Scottish SPCA, Cats Protection, Edinburgh Dog & Cat Home, Blue Cross and PDSA for their contributions and support for this Battersea report.

EXECUTIVE SUMMARY

No matter what the circumstances, however an animal has suffered, the Courts in Scotland can only punish the most serious acts of animal cruelty with up to 12 months in prison, a fine of up to £20,000 and a ban on keeping animals.

Although slightly stronger than the maximum penalty of six months in England and Wales, when compared with the penalties available for other offences, and with those for animal cruelty in other countries, this is unduly lenient. For example:

- 12 months in prison for the gravest act of animal cruelty, such as torturing an animal to death, is less than the maximum sentence for fly tipping or theft (five years)
- this is one of the lowest maximum penalties for the most serious acts of animal cruelty in the 100 jurisdictions Battersea measured across Europe, the USA, Australia and beyond (see appendix for full list). Over half (54%) can impose a prison sentence of three years or more, over one third (34%) of jurisdictions can sentence offenders to five years or more in prison and 8% allow for prison sentences of more than five years. Northern Ireland recognises the gravity of such offences and has a maximum sentence of five years.

Serious animal cruelty offenders are a high risk to the public as well as to animals. Academic research shows they are five times more likely to go on to commit acts of violence³, and animal abuse is 11 times more likely around domestic violence.⁴ In England and Wales, it has also been found that almost 14,000 offences were committed by those with a previous conviction or caution for animal cruelty offences.⁵

The current permitted sentence in Scotland fails to recognise this wider risk to the public:

- a short sentence limits the amount of respite and protection to communities, not only because offenders are in prison for a shorter period but also because the deterrent effect is weaker
- Courts are sentencing at the upper end of the limit. The data that Battersea has received from the Scottish Government indicates that the Courts have sentenced at the maximum limit in several cases over the last few years.

In many other jurisdictions, the Courts have been given the flexibility to impose lengthy prison sentences in the most serious of cases. This power should also be available to the Courts in Scotland, and **Battersea believes a five-year maximum sentence with wider ranges would give that flexibility, as already available in Northern Ireland.** This would not be necessary in most cases, but should be available to Courts to help them be more responsive to individual cases. It is a move with widespread popular and now Government support, and we encourage Members of the Scottish Parliament (MSPs) to embrace such change to ensure it happens as soon as possible.

³<http://www.dogsbite.org/pdf/2006-ownership-high-risk-dogs-marker-deviant-behavior.pdf>

⁴<http://www.genderbias.net/docs/resources/guideline/Battered%20pets%20and%20domestic%20violence%20animal%20abuse%20reported%20by%20women%20experiencing%20intimate%20violence%20and%20by%20nonabused%20women.pdf>

⁵http://www.centreforcrimeprevention.com/wp-content/uploads/2017/08/ProtectingAnimalsProtectingPeople_Peter_Cuthbertson_David_Spencer.pdf

1. THE PENALTIES FOR ANIMAL CRUELTY IN SCOTLAND

In Scotland, the Animal Health and Welfare (Scotland) Act 2006 (referred to as 'the Act') sets out how people should take care of and act towards the animals in their care. It places a duty of care on pet owners to provide for their animals' basic needs, defines the animal cruelty offences and sets out the penalties.⁶

Offences

In relation to animal cruelty, the Act makes it a criminal offence to:

- cause unnecessary suffering, either physical or mental, to the animal, whether due to negligence or intentional, or failing to prevent someone else from causing that suffering
- unlawfully dock a dog's tail
- carry out prohibited procedures that affect sensitive tissues or bone structure, unless they are necessary for medical reasons
- carry out operations without care or humanity, for example not using anaesthetic to alleviate pain
- administer poison or drugs without authority
- organise, promote, attend or bet on dog fights, train dogs or keep premises for fighting
- fail in the duty of care to take reasonable steps to meet the animal's welfare needs, such as providing a suitable environment and diet, and protection from pain and disease.

Penalties

The Act provides for a maximum penalty of up to:

- 12 months in prison for causing unnecessary suffering (section 19) or being involved in animal fighting (section 23), and/or a fine of up to £20,000 and/or a ban on keeping animals
- six months in prison for the other offences such as failure of duty of care, and/or a fine of up to £5,000 and/or a ban on keeping animals.

Sentences may be reduced for offenders pleading guilty by up to a third. It is a matter for the Court to decide whether and by how much to reduce sentences.⁷

In England and Wales, the maximum custodial penalty for animal cruelty under the Animal Welfare Act (2006)⁸ is six months in prison. In Northern Ireland, under the amended Welfare of Animals Act (Northern Ireland) 2011⁹, the maximum penalty is five years.

⁶<http://www.legislation.gov.uk/asp/2006/11/section/46>

⁷<http://www.scottishsentencingcouncil.org.uk/about-sentencing/sentencing-factors>

⁸<http://www.legislation.gov.uk/ukpga/2006/45/contents>

⁹<http://www.legislation.gov.uk/nia/2011/16/contents>

2. SENTENCING AT THE CEILING

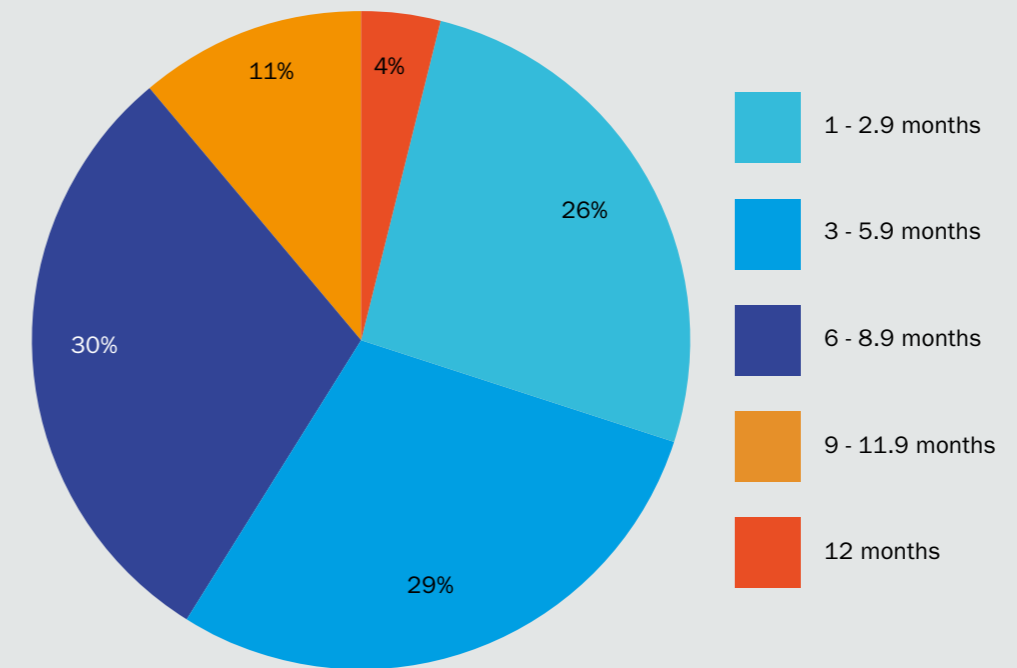
From 2011-2016, 522 people were convicted of animal cruelty offences in Scotland, under the Animal Health and Welfare (Scotland) Act 2006. Specifically, 426 offenders were convicted under sections 19 and 23 of the Act, the more serious offences of causing unnecessary suffering and animal fights.

In 2015/2016 in Scotland, 81 offenders were convicted of animal cruelty offences, and in England and Wales in 2015, 933 people were convicted of this crime. This demonstrates that the scale of the problem in Scotland is similar to that in England and Wales, given that Scotland's population is approximately 9% of that in England and Wales, and that the number of offenders convicted in Scotland was just under 9% of the number in England and Wales.

Table 1. Number of people convicted of animal cruelty under the Animal Health and Welfare (Scotland) Act 2006¹⁰

NUMBER CONVICTED UNDER:	2011-12	2012-13	2013-14	2014-15	2015-16
s.19 (unnecessary suffering)	88	93	79	94	69
s.20 (mutilation)	1	-	-	-	-
s.21 (cruel operations)	-	-	-	-	-
s.22 (administration of poisons)	-	-	-	-	-
s.23 (animal fights)	3	-	-	-	-
s.24 (fail to ensure welfare)	8	14	16	23	8
s.29 (abandonment)	10	6	2	3	4
Total number of people convicted	110	113	98	120	81

FIGURE 1
Length of sentence of offenders sent to prison for animal cruelty in Scotland, 2011-2016



Over this five-year period, 27 offenders were sent to prison for animal cruelty. Figure 1 shows that 45% went to prison for more than six months, and 15% (four offenders) for more than nine months. Considering that the maximum sentence of 12 months may be reduced by up to a third for offenders pleading guilty, these figures indicate that the Courts have sentenced at the maximum limit in several cases over the last few years.

¹⁰Figures provided by the Scottish Government Justice Analytical Service

3. IS THE MAXIMUM SENTENCE FOR ANIMAL CRUELTY IN SCOTLAND PROPORTIONATE?

Proportionality is a crucial issue in determining sentences that are fair and just. The punishment must fit the crime. The Courts decide the most appropriate sentence for individual crimes, but the maximum sentence they can give is set by the Scottish Parliament. Maximum sentences reflect Parliament's view of the relative seriousness of different crimes.

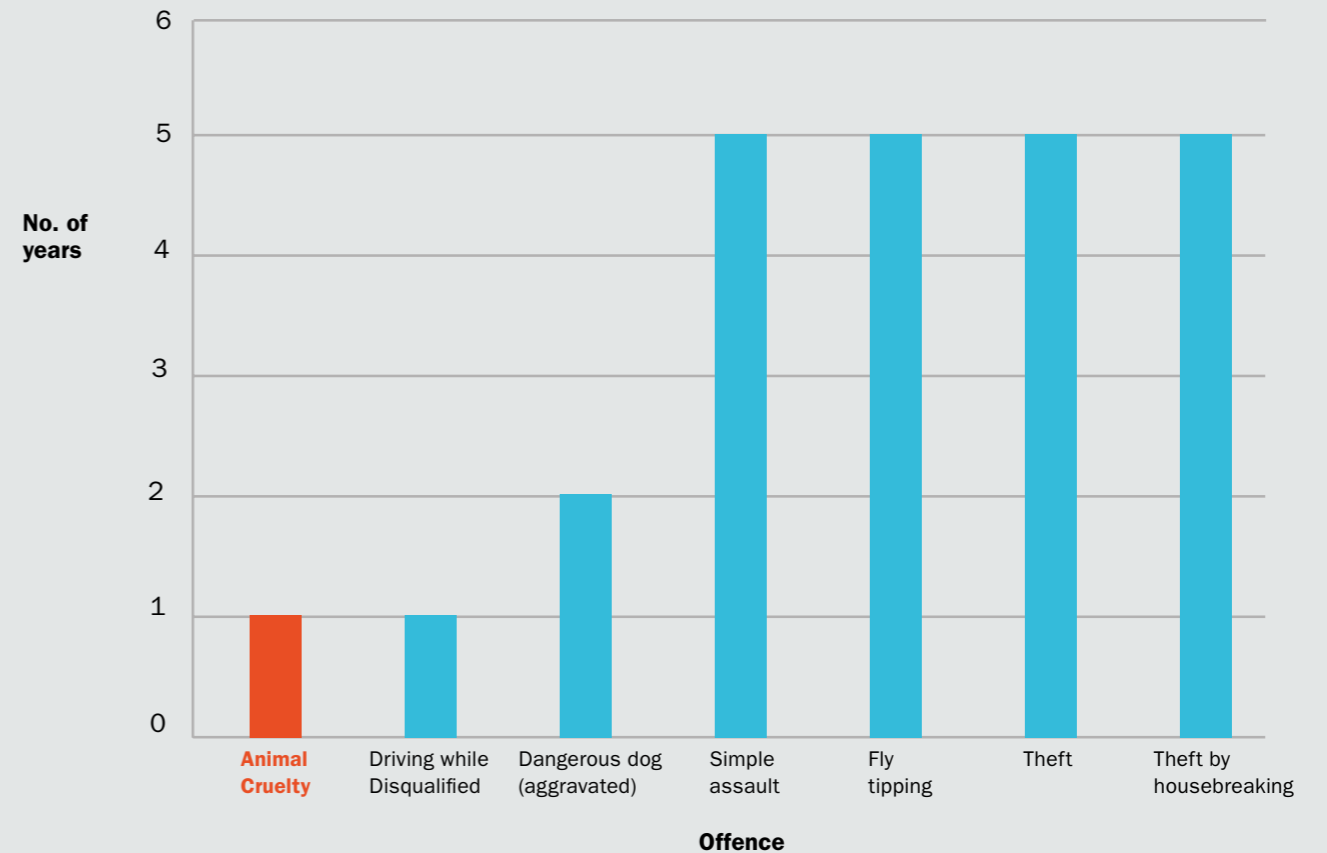
When the question of increasing the maximum sentence for animal cruelty was raised in the Scottish Parliament in August 2015, the then Cabinet Secretary for the Environment and Rural Affairs, Richard Lochhead, rejected reform:

"This [the current legislation] is in line with the rest of Great Britain, and the Scottish Courts have not yet used the maximum penalties available to them. The Scottish Government therefore believes that the maximum sentences available are currently proportionate."¹¹

However, the maximum prison sentence has been used by the Courts. The Courts need the flexibility to impose longer prison sentences in the most serious of cases to help them be more responsive to individual cases.

So, how does the 12-month maximum prison sentence for the most serious acts of animal cruelty compare with that for other offences? As Figure 2 reveals, animal cruelty is treated much less seriously than other crimes.

FIGURE 2
Maximum permitted custodial sentences for a range of offences in Scotland



When compared with the penalties available for other offences, is it proportionate that the most serious offences of animal cruelty such as torturing an animal to death are considered less serious than, for example, fly tipping or theft?

¹¹<http://www.parliament.scot/parliamentarybusiness/28877.aspx?SearchType=Simple&Keyword=animal%20cruelty&ExactPhrase=True&DateChoice=0&SortBy=DateSubmitted&ResultsPerPage=10>

4. HOW DOES SCOTLAND COMPARE WITH THE REST OF THE WORLD?

The maximum penalty varies significantly from place to place. Battersea researched 100 jurisdictions, from across the world, to assess and compare the maximum sentence provision.

Figure 3 shows the maximum custodial penalties provided for in law for animal cruelty in 100 jurisdictions around the world.

These include:

- 36 European nations, including Scotland, England and Wales and Northern Ireland
- 50 USA States plus the District of Columbia
- six Australian States plus two territories
- five other OECD countries (Canada, Israel, Japan, New Zealand and Turkey).

The penalties shown are for the most serious cases of animal cruelty such as intentionally torturing an animal, causing it serious injury or death.¹²

¹²Dog fighting is excluded as this is often dealt with as a specific offence in separate legislation, particularly in the USA.

Figure 3 reveals that of the 100 jurisdictions studied:

- over half (54%) can impose a prison sentence of three years or more in prison
- a third (34%) can impose a sentence of five years or more in prison
- 8% allow for prison sentences of more than five years.

Scotland's position is more starkly presented in Figure 4, which shows the maximum penalties in individual countries in Europe.

Scotland is amongst the most lenient of the 100 jurisdictions, with a one year maximum custodial penalty for the most serious cases. Although this is slightly stronger than England and Wales it still does not compare favourably with many other countries.

FIGURE 3
Maximum custodial sentences available for animal cruelty in 100 jurisdictions around the world

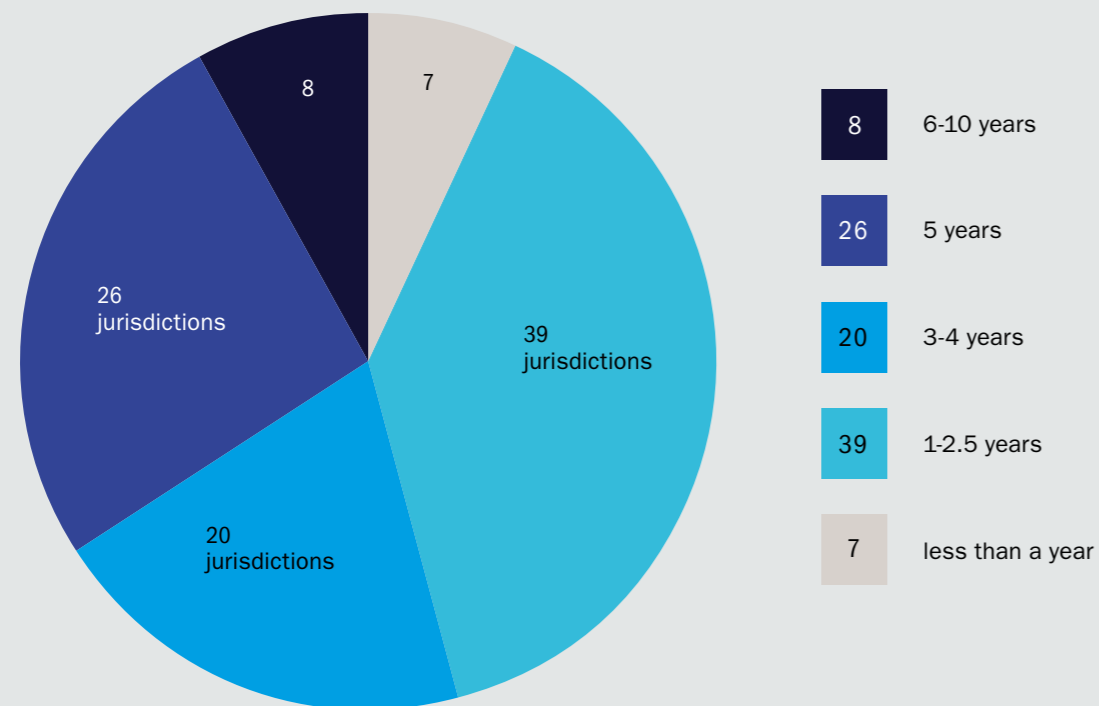
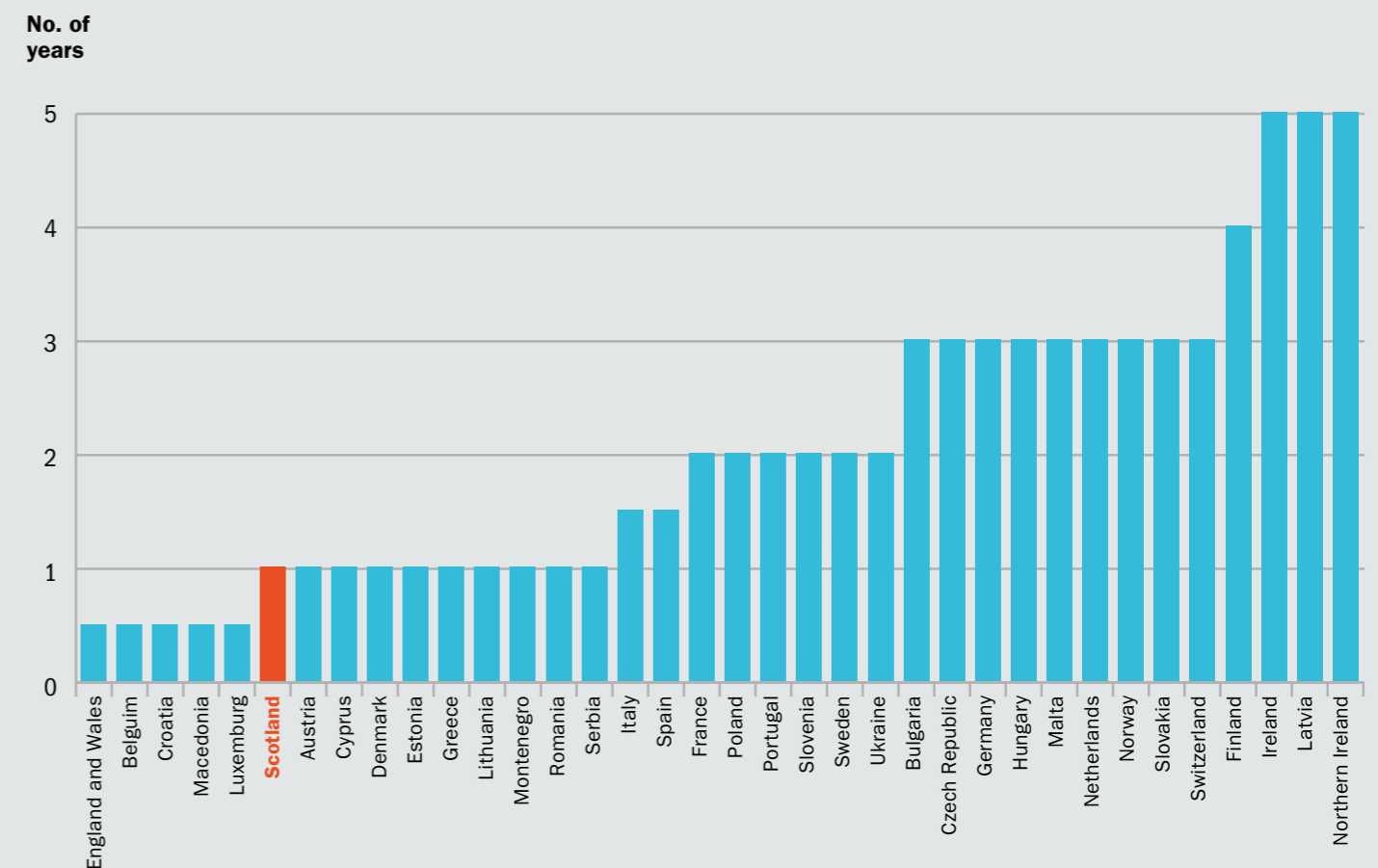


FIGURE 4
Maximum custodial penalties for animal cruelty in Europe



5. PROTECTING THE PUBLIC

There is now a substantial body of evidence that animal cruelty offenders also commit other serious crimes. Animal cruelty 'flags' high-risk offenders, and should be treated as a serious offence by law enforcement and the justice system for public protection. For example, between 2005-2015 almost 14,000 offences were committed, in England and Wales, by someone with a previous conviction or caution for animal cruelty offences.¹³

Domestic violence

- women in domestic violence shelters were nearly 11 times more likely to report that their partner had hurt or killed pets
- furthermore, 22% of women reported that concern for their pets had kept them from going to the shelter sooner.¹⁴

Child abuse

- pet abuse was concurrent in 88% of families under supervision for physical abuse of their children¹⁵
- children were at risk of neglect or abuse in 83% of families with a history of animal abuse.¹⁶

This strong evidence shows offenders use acts of cruelty against pets to manipulate their human victims.¹⁷ This has led to non-animal welfare organisations recognising implications for their policy and practice. For example, the NSPCC concluded:

"Professionals in the United Kingdom can no longer afford to ignore the potential links between child abuse and animal cruelty. The two forms of abuse should not be seen as mutually exclusive; it needs to be recognised that they can co-exist, or there may be associations between the two, and that there are consequently implications for policy and practice."¹⁸

Deterrent sentencing

It is a principle of Scotland's sentencing policy that sentences must also deter as well as punish. The Scottish Sentencing Council has noted:

"When deciding a sentence, judges will consider whether there is a need to protect the public from future offending and how best to do that. They will also consider how to discourage other people from committing similar crimes - this is known as 'deterrence'."

In February 2016, the Scottish Government announced that it would increase the maximum penalties for wildlife offences to enable the Courts to provide more effective deterrent sentences. Minister for Environment, Climate Change and Land Reform, Dr Aileen McLeod said:

"Wildlife crime has no place in modern Scotland, this is why I have decided to increase the maximum available penalties to bring wildlife offences into line with other environmental crimes. **It is important we have appropriate penalties that deter criminality but also reflect the impact these crimes can have on our environment and Scotland's reputation as a wildlife tourism destination. Work will now begin on bringing together a list of relevant offences this change would apply to.**"¹⁹

The Government, rightly, used the argument of deterrence for increasing the penalties for wildlife crime. **Battersea believes that this argument, based on deterrence, also applies when looking to prevent animal cruelty.**

Proper punishment for animal cruelty would help protect the most vulnerable in society from harm, by deterring its perpetrators from committing these criminal offences. This deterrent will only work if a stronger sentence is made available by the Scottish Government for the most serious acts of animal cruelty.

Battersea welcomes the Scottish Government's willingness to increase the maximum sentence for animal cruelty sentences to five years imprisonment.²⁰ If this receives support from all parties, this increase will deter offenders from committing animal cruelty, and as a result associated serious crimes.



RALPH

Ralph was brought into Battersea, skinny, hairless and suffering from a severe infection. It took 10 weeks of care for Ralph to regain his health after which he was happily rehomed to his foster carer.

¹³http://www.centreforcrimeprevention.com/wp-content/uploads/2017/08/ProtectingAnimalsProtectingPeople_Peter_Cuthbertson_David_Spencer.pdf

¹⁴<http://www.genderbias.net/docs/resources/guideline/Battered%20pets%20and%20domestic%20violence%20and%20animal%20abuse%20reported%20by%20women%20experiencing%20intimate%20violence%20and%20by%20nonabused%20women.pdf>

¹⁵http://animalstudiesrepository.org/cgi/viewcontent.cgi?article=1014&context=acwp_away

¹⁶http://animalstudiesrepository.org/cgi/viewcontent.cgi?article=1014&context=acwp_away

¹⁷<http://nationallinkcoalition.org/wp-content/uploads/2013/01/NSPCC-Review.pdf>

¹⁸<https://www.scottishsentencingcouncil.org.uk/about-sentencing/sentencing-factors/>

¹⁹<https://beta.gov.scot/news/tackling-wildlife-crime/>

²⁰<http://www.gov.scot/Resource/0052/00524214.pdf>

6. CASE STUDIES

Mouth wired shut

At nine months old, April was brought into Battersea after she was found in a terrible condition, underweight, with a shocking wounds to her muzzle and an infection in her nose. Battersea's Veterinary team believes these horrific wounds were caused by someone using wire or string to tape April's mouth shut. After much care and attention, April was well enough to be rehomed and she found her new home and loving family.

Bruno - Burned to death

Whilst looking after a pet dog for a friend, an offender from Fife took revenge on the dog as it had nipped his finger. The offender took the dog into Kirkcaldy's Dunniker Woods and tied him to a tree, before dousing him in petrol and setting him alight. The dog burned to death.

The Sheriff described the incident as a "grotesque act of savagery". The offender was banned for life from keeping animals but jailed for just nine months at Kirkcaldy Sheriff Court after pleading guilty to causing the dog unnecessary suffering. Nine months imprisonment is the maximum sentence that the offender could have received for this horrifying crime, as a guilty plea reduces their sentence by one third and the current law only allows for a 12 month maximum prison sentence.

The dog's owners said:

"Receiving a year maximum is disgusting considering in America a man did the same thing and got five years.

"His maximum sentence is a joke. He tortured and murdered a family pet simply because he bit his finger."

Dog weighed down and drowned in pond

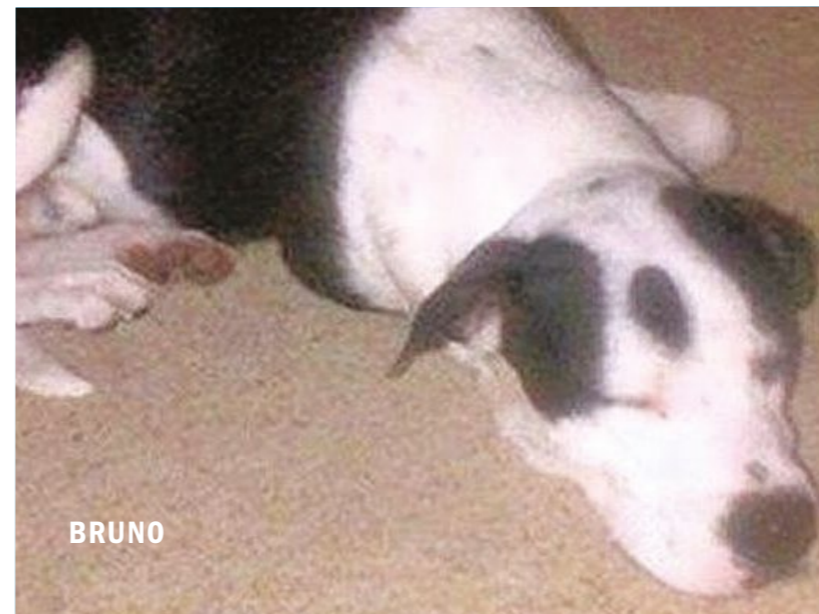
A Staffordshire Bull Terrier was found dead floating in a Lanarkshire pond in 2015. A post-mortem revealed that the dog had been struck hard on the head, neck and body. She had also been weighed down with two large, slab-like stones which had been tied to her lead.

Inspector Heather Lawson of the Scottish SPCA said,

"Although the trauma to her head and neck was significant it would have been unlikely to be the cause of death, which is unexplained at this stage. It is not yet known if she was still breathing when she entered the water."

Sadly, no owner was identified for the dog and nobody was convicted for this dreadful offence of animal cruelty. Had this case gone to court, is it right that the defendant would receive less time in prison for dumping a dog in a pond than they could receive for dumping commercial litter?

APRIL



BRUNO



KEIRA

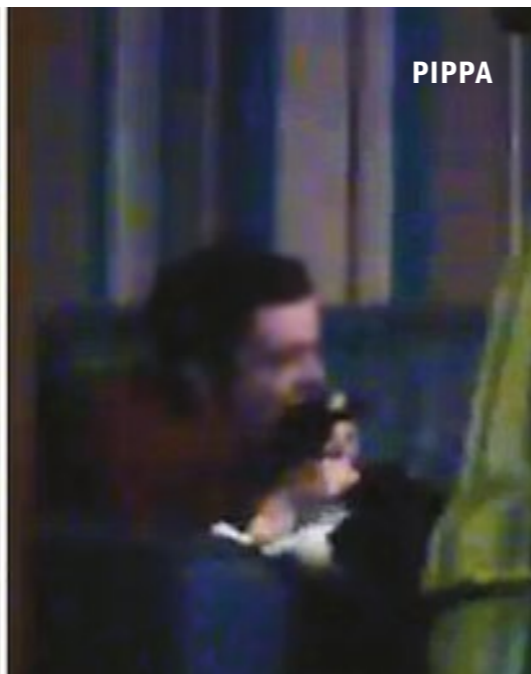
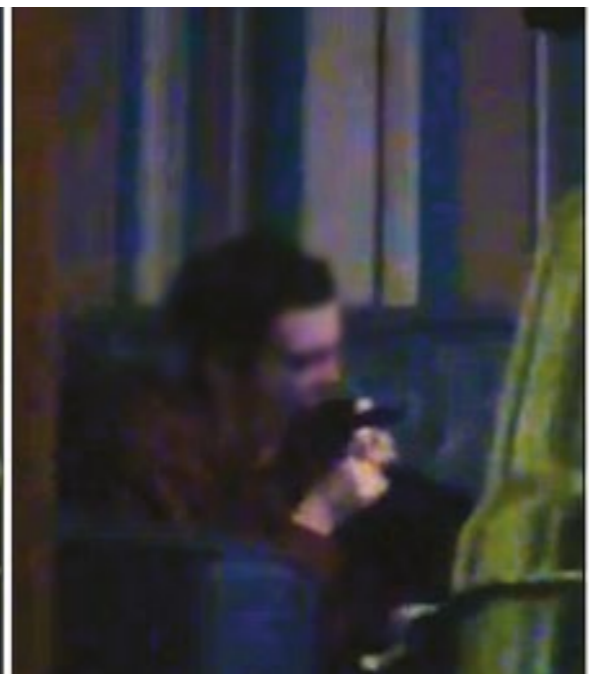
LIZZIE



DOG IN POND



TIGA



PIPPA

PHOTOS ON PAGES 16-18:
These are other shocking examples of animals that were presented to Battersea Dogs & Cats Home and the Scottish SPCA (Dog in pond, Lizzie, Keira and TIGA).

Puppy farmer

At an illegal puppy farm, 57 dogs were found living in appalling conditions with urine and faeces everywhere and no proper food or fresh water. Many had lice and were suffering from skin conditions. The rotting corpse of one dog was found in a cage, partly eaten by other dogs. Another looked like she had been used in a dog fight. Both her ears were missing, leaving a large open wound which had become infected and infested with maggots. She later died.

The offender was jailed for eight months at Falkirk Sheriff Court after pleading guilty to failing to protect the welfare of his dogs and causing them unnecessary suffering, and operating an unlicensed pet shop. A Confiscation Order was also made, the first of its kind for animal cruelty in Scotland, allowing his assets to be seized under Proceeds of Crime legislation.

The Scottish SPCA inspector involved described this as “one of the most harrowing cases we’ve ever dealt with”.

Pippa – Bitten and tortured

In Fife, an offender was filmed repeatedly striking his two-year-old family cat, Pippa, eventually killing her. The offender struck Pippa nine times before throwing the cat against a wall and forcing her head into his mouth and biting her.

Sheriff Craig McSherry called his actions a “disgraceful act of cruelty towards a young animal”. He also stated that he would have sought to impose the maximum 12 month sentence but the offender’s guilty plea forced him to reduce it to just eight months.

An additional six months were added to his sentence for other charges, bringing his total sentence to 14 months imprisonment.

Dog fighting

At an offender’s home, Scottish SPCA inspectors found two badly injured dogs with multiple puncture wounds and scars over their bodies. The Scottish SPCA also found tools used to train and break apart fighting dogs, DIY medical equipment such as flesh staplers and syringes, and accounts of fights.

Kilmarnock Sheriff Court jailed this offender for eight months and banned him from keeping animals for life, for his role in organised dog fighting. He had moved to Scotland a year after receiving a six month suspended jail sentence and a 10 year ban from keeping animals for dog fighting offences in England.

These horrifying examples demonstrate the intense cruelty of cases happening in Scotland. The Courts urgently need the flexibility to impose longer prison sentences for crimes such as these.

7. CONCLUSION

The justice system in Scotland needs greater flexibility to treat the worst acts of animal cruelty much more seriously than it can currently. The maximum sentence of 12 months is disproportionately low:

- 12 months is one of the lowest custodial penalties in the 100 jurisdictions across four continents Battersea examined. Of these, 54% can impose a prison sentence of three years or more, and 34% can sentence offenders to five years or more
- the most serious act of animal cruelty in Scotland can attract a prison sentence lower than fly tipping or theft
- serious animal cruelty offenders are a high risk to the community as well as to animals. Animal abuse is 11 times more likely in domestic violence situations and offenders are five times more likely to have a violent crime record^{21 22}
- the Courts in Scotland are sentencing at the limit of their powers for the worst cases of animal cruelty.

Time to modernise the Act

The Animal Health and Welfare (Scotland) Act 2006 is now over 10 years old. While it does allow for slightly harsher custodial penalties than in England and Wales, its provisions have been overtaken by progressive legislation across Europe, the USA and Northern Ireland.

Most jurisdictions now enable a much wider range of sentencing options for the Courts. A momentum has built up in many countries to see a proper deterrent and to ensure the punishment for animal cruelty fits the crime.

The Scottish Government has proposed in its 2017-2018 Programme for Government that it is now time to legislate to increase the maximum custodial sentence for animal cruelty to five years in prison.²³ We must now ensure this is carried out as soon as possible to show the world how seriously Scotland takes cruelty towards animals.

²¹<http://www.dogsbite.org/pdf/2006-ownership-high-risk-dogs-marker-deviant-behavior.pdf>

²² <http://www.genderbias.net/docs/resources/guideline/Battered%20pets%20and%20domestic%20violence%20animal%20abuse%20reported%20by%20women%20experiencing%20intimate%20violence%20and%20by%20nonabused%20women.pdf>

²³<http://www.gov.scot/Resource/0052/00524214.pdf>

APPENDIX

Maximum prison sentences available for animal cruelty in 100 jurisdictions

These are the maximum custodial sentences provided in law for the most serious acts of animal cruelty, excluding dog fighting.

JURISDICTION	MAXIMUM PRISON SENTENCE AVAILABLE	NOTES
UK		
England and Wales	6 months	
Northern Ireland	5 years	Recently increased
Scotland	1 year	
Europe		
Austria	1 year	Under review to increase
Belgium	6 months	
Bulgaria	3 years	
Croatia	6 months	1 year if for gambling purposes
Cyprus	1 year	Under review to increase
Czech Republic	3 years	
Denmark	1 year	2 years for repeat offenders
Estonia	1 year	
Finland	4 years	
France	2 years	
Germany	3 years	
Greece	1 year	2 years for dog fighting
Hungary	3 years	
Ireland	5 years	
Italy	1.5 years	3 years for dog fighting
Latvia	5 years	
Lithuania	1 year	
Luxembourg	6 months	3 years proposed
Macedonia	6 months	
Malta	3 years	Recently increased
Montenegro	1 year	5 years for specially protected animals
Netherlands	3 years	
Norway	3 years	
Poland	2 years	
Portugal	2 years	
Romania	1 year	
Serbia	1 year	3 years for dog fighting
Slovakia	3 years	
Slovenia	2 years	
Spain	1.5 years	Recently increased
Sweden	2 years	
Switzerland	3 years	
Ukraine	2 years	

USA²⁴		
Alabama	10 years	Class C Felony
Alaska	5 years	Class C Felony
Arizona	2 years	Class 6 Felony
Arkansas	6 years	Class C Felony
California	3 years	Felony
Colorado	1.5 years	Class 6 Felony
Connecticut	10 years	Class C Felony
Delaware	3 years	Class F Felony
District of Columbia	5 years	Felony
Florida	5 years	Felony third degree
Georgia	5 years	Felony
Hawaii	5 years	Class C Felony
Idaho	6 months	Misdemeanor
Illinois	5 years	Class 3 Felony
Indiana	2.5 years	Level 6 Felony
Iowa	2 years	Misdemeanor
Kansas	1 year	Felony
Kentucky	1 year	Misdemeanor
Louisiana	10 years	
Maine	5 years	Class C crime
Maryland	3 years	Felony
Massachusetts	7 years	
Michigan	4 years	Felony
Minnesota	2 years	
Mississippi	6 months	Misdemeanor
Missouri	5 years	Class D Felony
Montana	2 years	
Nebraska	5 years	Class IV Felony
Nevada	4 years	Category D Felony
New Hampshire	7 years	Class B Felony
New Jersey	5 years	Crime of the 3 rd Degree
New Mexico	1.5 years	Fourth degree felony
New York	2 years	Felony
North Carolina	2 years	Class H Felony
North Dakota	5 years	Class C Felony
Ohio	1 year	5th degree felony
Oklahoma	5 years	Felony
Oregon	5 years	Class C Felony
Pennsylvania	2 years	Misdemeanor
Rhode Island	2 years	
South Carolina	5 years	Felony

South Dakota	2 years	Class 6 Felony
Tennessee	6 years	Class E Felony
Texas	2 years	State jail felony
Utah	5 years	3 rd degree felony
Vermont	3 years	
Virginia	5 years	Class 6 felony
Washington	5 years	Class C Felony
West Virginia	5 years	Felony
Wisconsin	3.5 years	Class I Felony
Wyoming	2 years	Felony
Australia		
Australian Capital Territory	2 years	1 year for duty of care breach
New South Wales	5 years	2 years where mens rea can't be proven ²⁵
Northern Territory	2 years	1 year for duty of care breach
Queensland	7 years	3 years for less serious cruelty
South Australia	4 years	2 years where no serious injury or death
Tasmania	5 years	
Victoria	2 years	
Western Australia	5 years	
Other OECD countries		
Canada	5 years	2 years for wilful neglect
Israel	4 years	
Japan	1 year	Recently amended. A fine for neglect
New Zealand	5 years	3 years for reckless ill-treatment
Turkey	3 years	Agreed by parliament, unclear if enacted yet

²⁴In the USA, crimes are classified as either misdemeanors (less serious crimes) or felonies (more serious crimes). Felonies carry the potential for longer prison sentences than misdemeanors. Many states categorize their felony crimes by degree of seriousness, from the most serious to the least. Some states use a 'class' designation, such as A, B, C, and so on; others use 'levels', such as 1, 2, and 3. Class A and level 1 felonies are the most serious, class B and level 2 are less serious, and so on. Every class or level has a set punishment range.

²⁵Mens rea is the legal term which refers to the mental state of the offender.

Further Information

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