

Animal cruelty amendments at a glance

| Flaws in current legislation | What's wrong with the current legislation? | How would effective legislation address this problem?* | How does Bill S-203 address it? |
|---|---|---|---|
| Wilful neglect | <p>The wording of the current offence of wilful neglect requires proof of a person's intent. The requirement that a person intended to neglect their animals makes it extremely difficult to lay charges, as is proven in the following example:</p> <p>A Saskatchewan farmer allowed more than 30 sheep to starve to death and his other animals were emaciated. The SPCA visited numerous times over several months advising him to provide proper feed and bedding. Ultimately he was charged with causing wilful neglect but the judge found him not guilty as he did not feel the farmer intended to starve his animals.</p> | <p>Effective legislation introduces the term negligent and defines it as "departing markedly from the standard of care that a reasonable person would use."</p> | <p>No change</p> <p>Under this legislation, crimes of neglect will continue to be extremely difficult to punish appropriately.</p> |
| Killing an animal | <p>It is currently an offence to kill an owned animal without lawful excuse. For example, animals may be killed in the pursuit of lawful activities such as farming or research.</p> <p>However, wild or stray animals can be killed for any reason.</p> | <p>Effective legislation makes it an offence to kill any animal without a lawful excuse.</p> <p>Lawful excuse includes hunting, fishing, farming, euthanasia and protection of life and property.</p> | <p>No change.</p> <p>Bill S-203 would still only extend very limited protection for wild or unowned animals.</p> |
| Brutal and vicious | <p>The current legislation does not address brutally or viciously killing an animal as a form of violence.</p> <p>Several years ago in Edmonton, two young men tied a dog to a tree and beat it to death with a baseball bat. Because the veterinarian testified that the dog died instantly on the first blow, the men could not be convicted of causing unnecessary pain and suffering.</p> | <p>Effective legislation makes it an offence to kill an animal with brutal or vicious intent, whether or not the animal dies immediately. This would allow the Criminal Code to address a particularly heinous form of violence in our society.</p> | <p>No change.</p> <p>Cases such as this one from Edmonton would continue to go unpunished.</p> |
| Different protection for different animals | <p>Current legislation refers to different animals and protects them differently.</p> <p>It contains a separate section and offences for cattle and also refers to dogs, birds and "other animals".</p> | <p>Effective legislation applies to all vertebrates equally whether they are owned or unowned.</p> | <p>No change.</p> <p>Bill S-203 maintains the confusing language of the current legislation, enacted in 1892.</p> |
| Definition | <p>There is currently no definition of animal.</p> | <p>Effective legislation includes the following definition: "A vertebrate, other than a human being."</p> | <p>No change.</p> |
| Property section | <p>Currently, crimes against animals are considered property offences. Contemporary Canadian values place animals as more than just simple property, but rather as feeling, sentient beings.</p> | <p>Effective legislation moves animal cruelty out of the property section of the Criminal Code to better reflect modern Canadian values.</p> | <p>No change.</p> <p>Bill S-203 continues to entrench the century-old concept that animals need to be protected simply as someone's property.</p> |
| Fighting and training | <p>The current legislation does not make it an offence to train animals to fight other animals, nor to receive money for the fighting of animals.</p> | <p>Effective legislation makes it an offence to train an animal to fight and receive money for animal fighting and training.</p> | <p>No change.</p> |
| Penalties | <p>In the current law, the penalties do not appropriately punish perpetrators nor act as a deterrent. The bill also provides different penalties for crimes against cattle.</p> <p>There is currently no provision for cost recoveries for those who provide care and treatment (such as SPCAs, humane societies or veterinarians) of animals who have been abused.</p> | <p>Effective legislation provides greater flexibility in sentencing by allowing animal cruelty crimes to be prosecuted as either summary conviction or indictable offences.</p> <p>Maximum penalties are either a jail term of up to five years and unlimited fines for indictable offences; or fines of up to \$10,000 and/or imprisonment of up to 18 months for summary convictions.</p> <p>Effective legislation also includes up to a lifetime prohibition on ownership, and those found guilty can be ordered to pay restitution.</p> | <p>Bill S-203 has the same penalty provisions.</p> |
| Law enforcement animals | <p>There is no extra protection for law enforcement animals.</p> | <p>Effective legislation includes a specific offence of poisoning, injuring or killing a law enforcement animal while it is working.</p> | <p>No change.</p> |

* The problems with current legislation were all addressed in Bill C-373