

# Federal Animal Cruelty Law in Canada

## Original Criminal Code

- The original animal cruelty sections of the Criminal Code were originally enacted in 1892 with only minor amendments made in the mid-1950's
- The current offences are archaic and inadequate, resulting in many animal abusers escaping prosecution

## Weaknesses of current Criminal Code

- Cattle and other working animals have more protection than other species
- Unowned animals have less protection than owned animals
- Crimes of neglect are very difficult to prosecute due to the term 'wilful neglect'
- Animal cruelty crimes are considered property offences
- It is not an offence to train animals to fight other animals, nor to receive money from the fighting of animals
- There is no specific offence for particularly violent, brutal crimes against animals
- No additional protection is afforded to law enforcement animals

## Bill S-203

- Received Royal Assent April 17<sup>th</sup>, 2008
- Strongly opposed by all animal protection groups
- Opposed by the NDP and some Liberal MPs

## What did it change?

- Made no changes at all to the offences
- Made animal cruelty crimes hybrid offences so they can be charged as summary conviction or indictable
- Maximum penalties are 5-year jail term, unlimited fines and lifetime prohibition on animal ownership
- Specifically allows for restitution for agencies that care for abused animals

## Bill C-229

- Private member's bill tabled by MP Mark Holland in 2009 (identical to C-373)
- Identical to a bill that passed in the House of Commons in 2003 with the support of all parties
- Supported by animal protection groups and the majority of animal use industries

**What does it change?**

- Modernizes the wording and fixes the gaping loopholes in the offences
- Protects all animals equally, regardless of species and whether they are owned or not
- Introduces the term 'negligent' instead of 'wilful neglect'
- Moves animal cruelty out of the property section of the Criminal Code
- Introduces an offence of killing an animal brutally or viciously
- Adds an offence of training animals to fight other animals and receiving money from animal fighting
- Adds a specific offence for cruelty to law enforcement animals
- Makes animal cruelty crimes hybrid offences so they can be charged as summary conviction or indictable
- Maximum penalties are 5-year jail term, unlimited fines and lifetime prohibition on animal ownership
- Specifically allows for restitution for agencies that care for abused animals

**What does it not change?**

- Maintains key words that describe the offences – such as 'wilfully or recklessly' and 'without lawful excuse'
- Maintaining these words assures protection for animal use activities such as farming, hunting, fishing, trapping and scientific research