

# SENTENCING FOR ANIMAL CRUELTY

IN ENGLAND AND WALES



**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 helped over 3.1 million lost, abandoned, and unwanted animals. This is why Battersea is standing up for the animals with our campaign and this report.

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. Angel – a puppy found dumped on a freezing October night in a gravel pit, so emaciated, cold and afraid that it was almost impossible to know her breed. Tragically for Angel, help arrived too late.

Incidences of inhumane treatment of animals in society are all too common. In 2015 the RSPCA received 1,118,495 calls, leading to 796 defendants convicted for cruelty offences under the Animal Welfare Act 2006.

Time and again we see the same pattern – the law punishing the right offences but with pitiful penalties. This is not a failure made elsewhere in UK law. It's also not a mistake made elsewhere in the world. This Battersea report reveals that in England and Wales, Courts can only give out the lowest sentences for animal cruelty in Europe. It would be laughable if it wasn't so shocking.

Battersea has discovered that:

- England and Wales has the lowest sentence for animal cruelty in Europe at just six months in prison plus a fine
- almost every state in the USA, and every OECD nation<sup>1</sup> in our survey punishes extreme animal cruelty more seriously than England and Wales. Northern Ireland has a maximum sentence of five years
- 65% of people asked, believe the maximum sentence should be raised
- six months for animal cruelty compares badly with five years for fly tipping or seven years for theft.

Given the clear public support for tougher sentences in this area, the low sentences we have compared to other countries, and the truly appalling effect of these crimes on their voiceless victims, I hope you will agree that this Battersea report demonstrates the urgent need for tougher maximum sentences to help change the lives of so many animals.



**Claire Horton**, Chief Executive

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





CONTENTS

FOREWORD	2
EXECUTIVE SUMMARY	5
THE PENALTIES FOR ANIMAL CRUELTY IN ENGLAND AND WALES	6
SENTENCING AT THE CEILING	8
IS THE SENTENCE FOR ANIMAL CRUELTY PROPORTIONATE?	10
HOW DO ENGLAND AND WALES COMPARE WITH THE REST OF THE WORLD?	12
PROTECTING THE PUBLIC	15
APRIL'S JOURNEY	17
CONCLUSION	20
APPENDIX: MAXIMUM PRISON SENTENCES AVAILABLE FOR ANIMAL CRUELTY IN 100 JURISDICTIONS	21

Acknowledgements

Thank you to the RSPCA and Blue Cross for their contributions and support for this Battersea report.

EXECUTIVE SUMMARY

No matter what the circumstances, however an animal has suffered, Courts in England and Wales can only punish the most serious animal cruelty with up to six months in prison, an unlimited fine and a ban on keeping animals.

When compared with the penalties available for other offences, and with those for animal cruelty in other countries, this is unduly lenient. For example:

- six 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 (5 years) and theft (7 years)
- six months is the lowest maximum penalty for the most serious acts of animal cruelty in the 100 jurisdictions we measured across Europe, the USA, Australia and beyond (see appendix for full list). 93% of jurisdictions provide for a sentence of one year or more. 54% can impose a prison sentence of three years or more, and 34% of jurisdictions can sentence offenders to five years or more in prison. Northern Ireland recognises the gravity of such offences and has a maximum sentence of five years. Scotland takes animal cruelty more seriously than England and Wales with a maximum sentence of one year.

Serious animal cruelty offenders are a high risk to the public as well as to animals. Academic studies show they are five times more likely to go on to commit acts of violence, and animal abuse is 11 times more likely around domestic violence.

The current permitted sentences in England and Wales fail 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
- Magistrates in England and Wales are sentencing at the limit. 30% of all sentences imposed are custodial sentences and several of these are the maximum permissible penalty.

In most other jurisdictions, the Courts have been given the flexibility to impose lengthy prison sentences in the most serious of cases. This power should be also available to the Courts in England and Wales, and **we believe a five-year maximum sentence with wider ranges would give that flexibility, as 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 support<sup>2</sup>, and we encourage Ministers to embrace this change as soon as possible.

<sup>2</sup>NFP Synergy -Battersea Dogs & Cats Home Charity Awareness Monitor Q4 2016

# 1. THE PENALTIES FOR ANIMAL CRUELTY IN ENGLAND AND WALES

In England and Wales, the Animal Welfare Act 2006 (referred to as “the Act”) sets out how people should look after animals. It places a duty of care on pet owners to provide for their animals’ basic needs, spells out the animal cruelty offences and sets out the penalties for breaching the law<sup>3</sup>.

## 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 by failing to prevent someone else from causing that suffering
- dock a dog’s tail, unless it is for medical reasons or it is a working dog
- commit other acts of mutilation that affect sensitive tissues or bone structure, unless they are necessary for medical reasons
- administer poison or drugs without authority
- organise, promote, attend or bet on dog fights, train dogs and 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 maximum penalty available for animal cruelty in England and Wales is six months in jail for these offences, and/or an unlimited fine and/or a ban on keeping animals. In Scotland, under the Animal Health and Welfare (Scotland) Act 2006, the maximum penalty is one year. In Northern Ireland, under the Welfare of Animals Act (Northern Ireland) 2011, the maximum penalty is five years.

Although the Act appears to provide for a maximum prison sentence of 51 weeks, these are summary offences, dealt with in Magistrates’ Courts, whose sentencing powers are limited to six months. Legislation which would have allowed Magistrates’ Courts to impose a 51-week sentence has never been enacted<sup>4</sup>. The Environment, Food and Rural Affairs (EFRA) Select Committee recommended in pre-legislative scrutiny that some offences should be made triable ‘either way’<sup>5</sup>. This would enable the more serious cases to be tried at Crown Court where lengthier sentences could be imposed. This was not accepted by the Government of the day<sup>6</sup>.

Furthermore, the Sentencing Council recommends a reduction in sentence of up to one-third if the offender pleads guilty at the first reasonable opportunity<sup>7</sup>. The Sentencing Council is currently consulting on this guideline, although its proposal is to reinforce the one-third reduction principle<sup>8</sup>. This would mean a maximum prison sentence of four months for offenders in the most serious cases of animal cruelty in England and Wales who plead guilty at the first Court hearing.

Only one in five people believe that the maximum sentence is either appropriate or too high compared to almost two-thirds of the population (65%) who believe that the maximum penalty should be increased<sup>9</sup>.

<sup>3</sup><http://www.legislation.gov.uk/ukpga/2006/45/contents>

<sup>4</sup><http://www.legislation.gov.uk/ukpga/2003/44/section/15>

<sup>5</sup><http://www.publications.parliament.uk/pa/cm200405/cmselect/cmenvfru/52/52i.pdf>

<sup>6</sup><http://www.publications.parliament.uk/pa/cm200506/cmhansrd/vo060314/debtext/60314-37.htm>

<sup>7</sup><https://www.sentencingcouncil.org.uk/wp-content/uploads/Sept-2015-MCSG-pdf1.pdf>

<sup>8</sup><https://www.sentencingcouncil.org.uk/wp-content/uploads/Reduction-in-sentence-for-a-guilty-plea-consultation-paper-web.pdf>

<sup>9</sup>NFP Synergy – Battersea Dogs & Cats Home Charity Awareness Monitor Q4 2016

2. SENTENCING AT THE CEILING

Do people actually receive prison sentences for animal cruelty?

Yes, in 2015, 933 people were convicted of animal cruelty in England and Wales. Table 1 shows the sentences that were imposed.

Table 1 Outcomes for animal cruelty offences in England and Wales 2015<sup>10 11</sup>

SENTENCE	NUMBER OF OFFENDERS
Prison sentence	91
Suspended prison sentence	202
Community sentence	341
Fine	177
Conditional discharge	100
Absolute discharge	3
Otherwise dealt with	20

Nearly a third (31%) of animal cruelty cases were considered by the Courts to warrant a custodial sentence. While most of these were suspended sentences, 10% of offenders were sent to prison immediately.

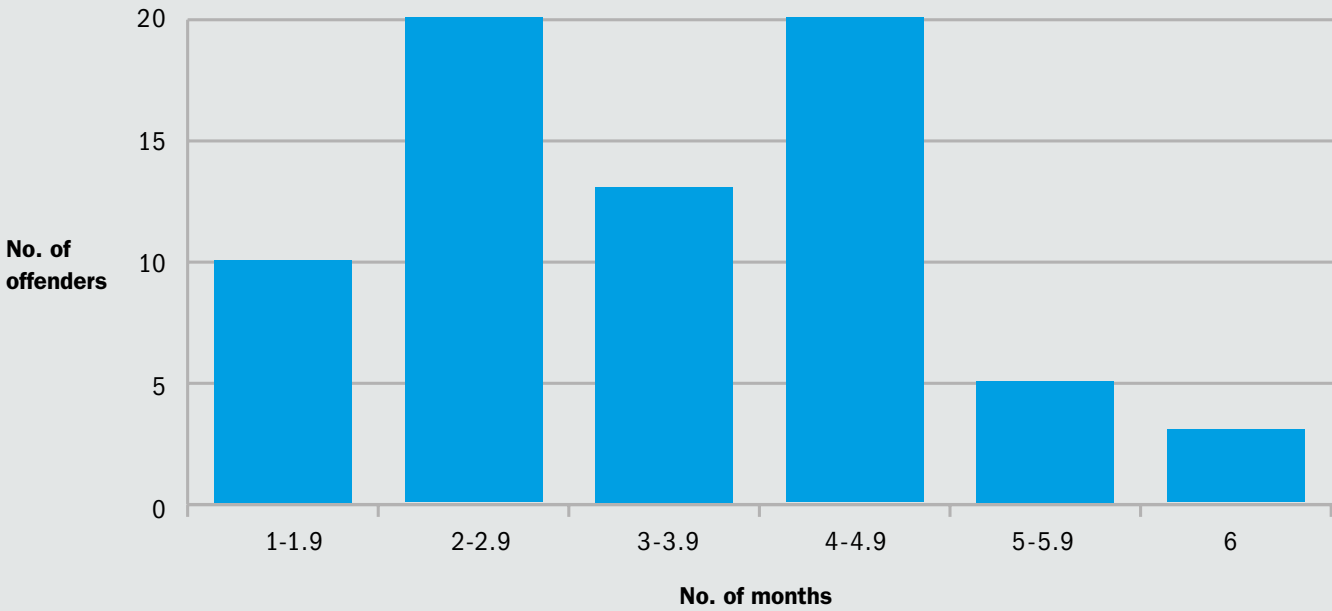
Do offenders actually receive the maximum prison sentence?

**Yes, some offenders do receive the maximum penalty.** The average length of sentence in 2015 for animal cruelty was 3.3 months<sup>12</sup>, against an absolute maximum of six months. A freedom of information request revealed that six offenders were given an immediate prison sentence of six months in 2013, the most recent year for which figures were provided<sup>13</sup>.

The RSPCA, who prosecute most breaches of the Animal Welfare Act, provide a more detailed insight into whether maximum sentences are imposed. In 2015, 75 offenders in RSPCA cases were sentenced to an immediate term in prison. Figure 1 shows the length of sentence they received.

<sup>10</sup><https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2015>  
<sup>11</sup>Discharge – this is when the court decides that given the character of the offender and the nature of the crime, punishment would not be appropriate. There are two types of discharge: Absolute discharge - no further action is taken, since either the offence was very minor, or the court considers that the experience has been enough of a deterrent. The offender will receive a criminal record. Conditional discharge - the offender is released and the offence registered on their criminal record. No further action is taken unless they commit a further offence within a time decided by the court (no more than three years). [https://www.cps.gov.uk/victims\\_witnesses/going\\_to\\_court/sentencing.html](https://www.cps.gov.uk/victims_witnesses/going_to_court/sentencing.html)  
<sup>12</sup><https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2015>  
<sup>13</sup>[https://www.whatdotheyknow.com/request/convictions\\_under\\_the\\_animal\\_wel#incoming-641540](https://www.whatdotheyknow.com/request/convictions_under_the_animal_wel#incoming-641540)

FIGURE 1  
Imprisonment lengths imposed for 2015 RSPCA prosecutions under the Animal Welfare Act 2006



Three offenders received an immediate prison sentence of six months. Furthermore, the spike at four months indicates that the maximum term may also have been imposed in a number of other cases. In most cases four months is the maximum term for offenders who have pleaded guilty at the earliest opportunity.

When this issue was raised in Parliament in 2013, the then Government rejected reform on the grounds that the existing maximum sentences are not imposed. The Minister responding for the Government in a debate on sentencing claimed that “Crucially, for no convictions has a Judge handed out the maximum sentence of six months. We therefore have to ask, why increase the maximum, if the existing one is not being used by the Courts?”<sup>14</sup>

This is not the case. The Courts are handing down maximum custodial sentences. **If this point is as crucial to the argument about the need for reform as the Minister claimed, the current sentencing decisions of the Courts provide strong evidence in support of reform, not against it.**

<sup>14</sup>Hansard, 15 Oct 2013, Column 232WH: [http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm131015/halltext/131015h0002.htm#131015h0002.htm\\_spnew35](http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm131015/halltext/131015h0002.htm#131015h0002.htm_spnew35)

### 3. IS THE SENTENCE FOR ANIMAL CRUELTY PROPORTIONATE?

- Proportionality in sentencing is a key principle of British justice – the sentence must fit the crime. This is ensured in two ways:
- Parliament sets the maximum penalty for offences, reflecting its view of their relative seriousness and creating the framework within which sentencing decisions must be made
  - the Sentencing Council provides guidance to the Courts on how to differentiate the severity of cases within offence types, and the types of sentence that would be appropriate within the limits set by Parliament. Yet the maximum sentence cannot exceed what is set by Parliament.

In relation to animal cruelty, Parliament has set the maximum custodial penalty of six months. Contrary to some suggestions, this is the role of Parliament and Parliament alone.

Sentencing guidelines recommend:

- a fine for the least serious cases, such as incompetence when there is little or no injury to the animal
- 12-26 weeks custody for the most serious cases, such as when an animal is deliberately killed.

**These guidelines were revised in 2017. The maximum sentence that can be imposed remains constrained by Parliamentary legislation at six months in its effort to ensure a proportionate sentencing framework across all offences.**

**FIGURE 2**  
Maximum permitted custodial penalties provided for in law for a range of offences in England and Wales

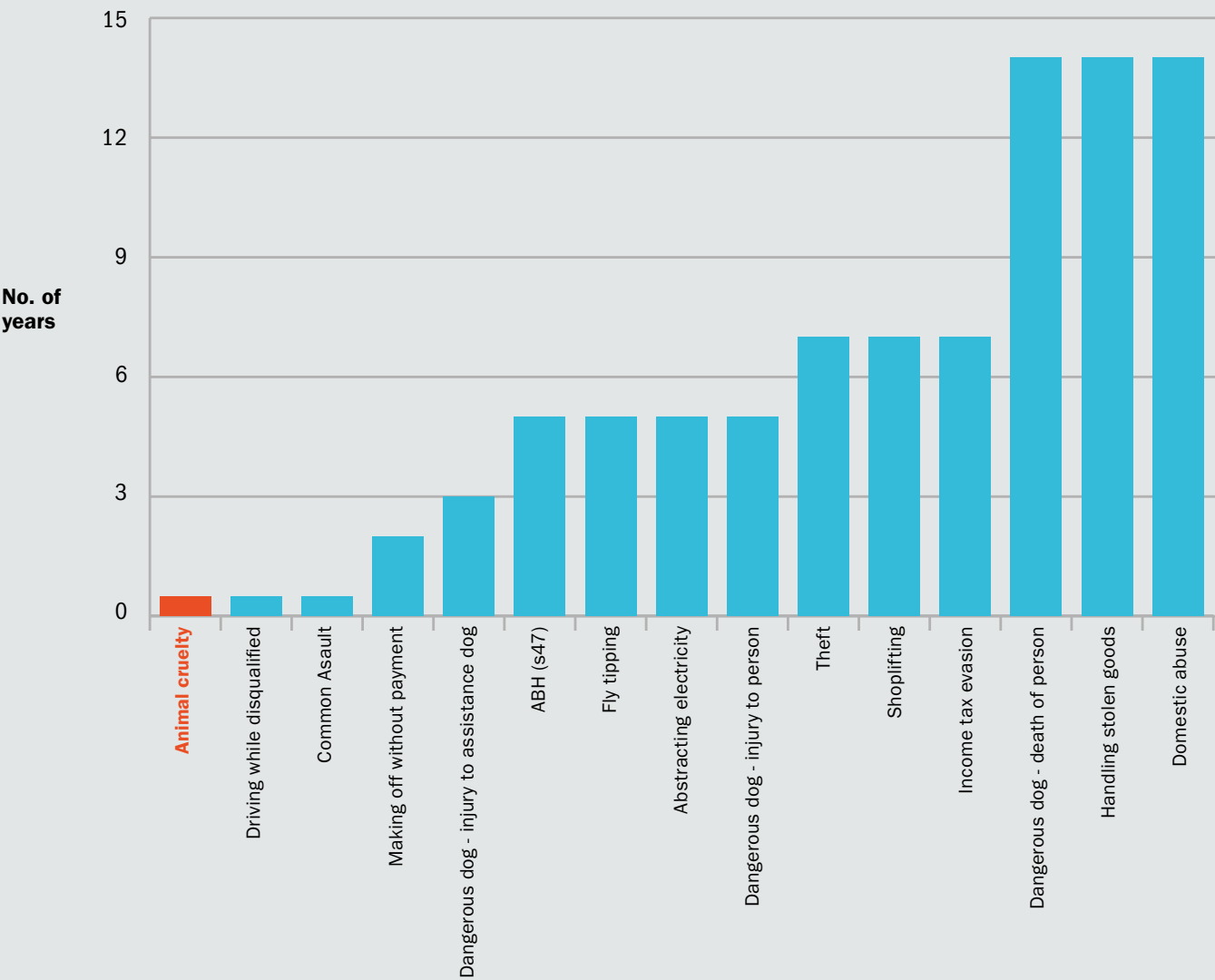


Figure 2 shows what the maximum permitted sentences are for a range of offences including animal cruelty.

- 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?
- is it proportionate that if a dog attacks and injures an assistance dog, its owner can be jailed for up to three years, but if a person attacks and injures or kills a dog, the most they can get is six months?
- wouldn't it be proportionate to allow for much harsher penalties to be imposed for serious cases of animal cruelty? The penalty structure for violence against the person operates along this principle and provides a useful model for animal cruelty in terms of graduated penalties, with attacks resulting in the most serious injuries attracting longer sentences.

# 4. HOW DO ENGLAND AND WALES COMPARE WITH THE REST OF THE WORLD?

The Animal Welfare Act 2006 was rightly heralded as a landmark piece of legislation. It was seen internationally as cementing the nation’s reputation as a leading voice in animal welfare.

## Ten years on, how do England and Wales compare with the rest of the world?

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 England and Wales, Scotland and Northern Ireland
- 50 States of the USA plus the District of Columbia
- 6 Australian States plus 2 Territories
- 5 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<sup>15</sup>.

<sup>15</sup>Dog fighting is excluded as this is often dealt with as a specific offence in separate legislation, particularly in the USA.

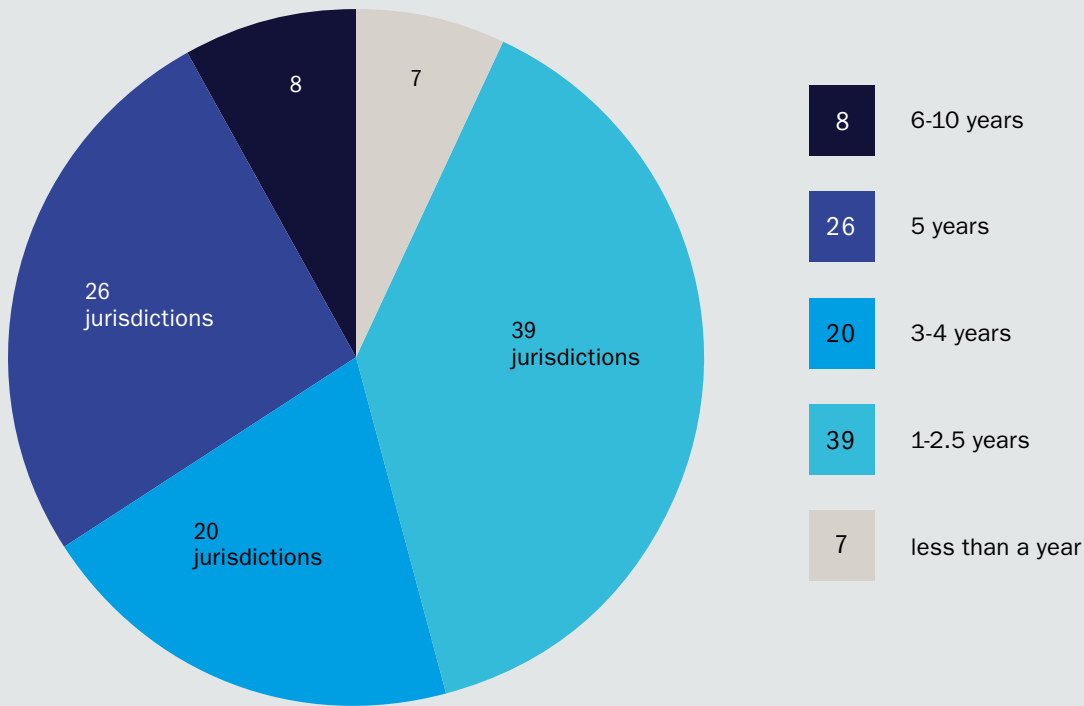
Figure 3 reveals that of the 100 jurisdictions studied:

- over half (54%) can impose a prison sentence of 3 years or more
- a third (34%) can impose a sentence of 5 years or more in prison
- 8% allow for prison sentences of more than 5 years.

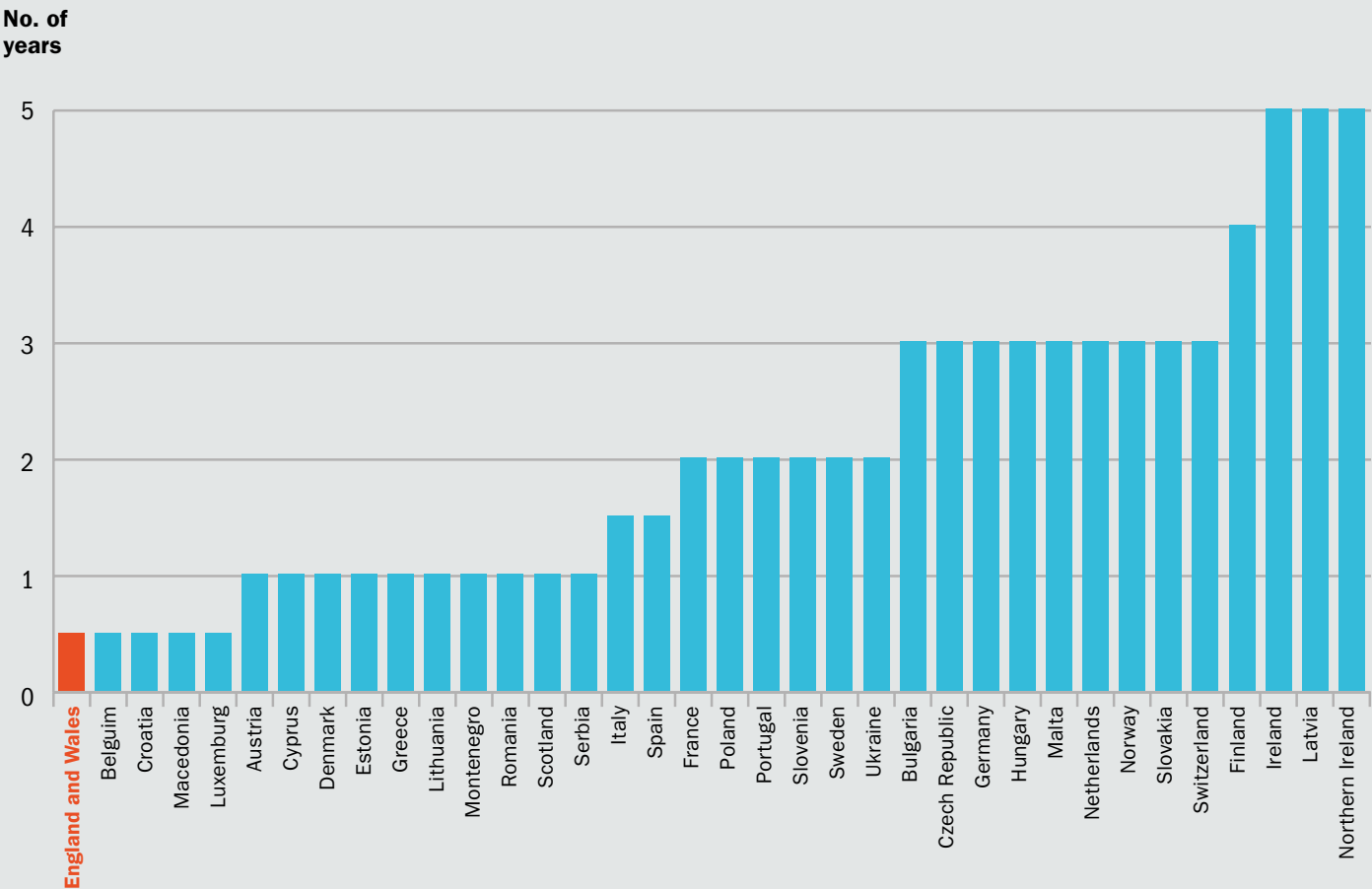
England and Wales’ position in this global picture is even more starkly presented in Figure 4 which shows the maximum penalties in individual countries in Europe.

**England and Wales is amongst the most lenient of the 100 jurisdictions, having the lowest maximum custodial penalty for the most serious cases.** Scotland is slightly stronger at 1 year, but still does not compare favourably with many other places.

**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.

## 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<sup>16</sup>.

## Child abuse

- pet abuse was concurrent in 88% of families under supervision for physical abuse of their children<sup>17</sup>
- children were at risk of neglect or abuse in 83% of families with a history of animal abuse<sup>18</sup>.

This strong evidence shows offenders use acts of cruelty against pets to manipulate their human victims<sup>19</sup>. 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.”<sup>20</sup>

## Deterrence

In August 2013, when consulting on increasing penalties for irresponsible dog owners under the Anti-social Behaviour, Crime and Policing Bill, the then Animal Welfare Minister, Lord de Mauley said:

“We’re already toughening up laws to ensure that anyone who owns a dangerous dog can be brought to justice, regardless of where a dog attack takes place. It’s crucial that the laws we have in place act as a deterrent to stop such horrific incidents.”<sup>21</sup>

<sup>16</sup><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>

<sup>17</sup>[http://animalstudiesrepository.org/cgi/viewcontent.cgi?article=1014&context=acwp\\_awap](http://animalstudiesrepository.org/cgi/viewcontent.cgi?article=1014&context=acwp_awap)

<sup>18</sup>[http://animalstudiesrepository.org/cgi/viewcontent.cgi?article=1014&context=acwp\\_awap](http://animalstudiesrepository.org/cgi/viewcontent.cgi?article=1014&context=acwp_awap)

<sup>19</sup><http://nationallinkcoalition.org/wp-content/uploads/2013/01/NSPCC-Review.pdf>

<sup>20</sup><http://nationallinkcoalition.org/wp-content/uploads/2013/01/NSPCC-Review.pdf>

<sup>21</sup><https://www.gov.uk/government/news/dangerous-dogs-tougher-penalties-for-irresponsible-dog-owners>

The Government, rightly, used the argument of deterrence for increasing sentences for owners of dangerously out of control dogs and irresponsible dog ownership in 2013. 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 Government for the most serious acts of animal cruelty.**

**It is now time that the Government deters offenders from animal cruelty, and as a result associated serious crimes by increasing the maximum custodial sentence to five years imprisonment for animal cruelty.**



RUPERT

Tiny kitten Rupert was found dumped with a broken jaw, so damaged he had to be fed by a tube. After an operation to fix his jaw and a lot of care Rupert was rehomed by the Blue Cross.



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.



# 6. APRIL'S JOURNEY

At nine months old, April was brought into Battersea after she was found on the streets by a Police Officer on a freezing cold night in January. She was in a terrible condition, underweight, with a shocking wound to her muzzle and an infection in her nose.

Battersea's dedicated Veterinary team spent many hours treating April's injuries. She underwent many operations to close the deep wounds on her muzzle. They believe these horrific wounds were caused by someone using wire or string to tape April's mouth shut.

During her almost 70 day stay at the Home, April captured the hearts of Battersea staff as she slowly recovered from her injuries and illnesses. Finally, after much care and attention, April was well enough to be rehomed and she found her new home and loving family.

Still a star of Battersea, April won the award for 'Best Dog' at the Battersea Annual Reunion event. Although she is now safe and happy, she will always carry the scars of the cruelty inflicted upon her before arriving at our gates.

APRIL ON ARRIVAL



APRIL IN SURGERY



PHOTOS ON THE RIGHT:  
She will always carry the scars  
of the cruelty inflicted upon her  
before arriving at our gates.







### Attacked on a train

In 2016, CCTV footage revealed a man attacking his Staffordshire Bull Terrier, Ronnie, on a train. The abuse included hanging and swinging the dog by his lead, pushing his foot against Ronnie's head and beating him with his hands, knees and feet. Ronnie appeared to lose consciousness during the attack and fouled the seat. He later died.

The crime sparked a widespread outcry from the public and following a media appeal by the Police, the offender was identified. He was jailed for 21 weeks by Chelmsford Magistrates' Court in 2016 and banned from owning any animal in the future.

"This was a disgraceful and totally unwarranted sustained and inhumane attack, amounting to torture for 20 minutes." Chair of the bench during sentencing

### Baby the Bulldog

The case of Baby being tortured came to light in 2016, when video footage of the abuse was found on a memory card and reported to the Police. The offenders were shown torturing their pet Bulldog by repeatedly stamping on her head, neck and chest and by throwing her down wooden stairs while laughing and filming the attack. Three months after the attack, Baby was put to sleep after losing the use of her back legs.

The offenders pleaded guilty to causing unnecessary suffering and only received a 21-week suspended sentence and six month curfew. They were also banned from keeping animals for life. Following the case there was a major public outcry about the leniency of the sentence given.

### Puppy torture

Over the course of a 10-month period in 2015, an offender systematically abused multiple puppies by beating, choking and stabbing them. Following the attacks, he would take the injured puppies to different vets, deceiving them with different excuses for their injuries. His crimes were discovered after vets became suspicious.

One dog suffered such severe injuries to her tail, with torn nerves and tendons, it had to be amputated. Another puppy, a Pug cross, had her jaw broken after he claimed he fell on her by mistake. Another had been tortured over several months and suffered from broken bones, haematomas and had bleach sprayed in his eyes. A dead puppy was also found at the offender's home in the bin with cable ties around its neck. Some of the dogs survived and were rehomed, but others had to be put to sleep. Shockingly, he continued to buy puppies to torture during the investigation.

For his crimes, the offender was sentenced to six months in prison and a lifetime ban on keeping animals. During sentencing, Magistrates said that although they took into account his early plea, they could not ignore the aggravating features in the case. These included using weapons, the serious nature of the injuries and the regularity of the cruel behaviour.

**PHOTOS ON THE LEFT:**  
These are other shocking examples of animals that were presented to Battersea Dogs & Cats Home and the RSPCA (Tyson and Baby).



7. CONCLUSION

The justice system in England and Wales needs the flexibility to treat the most serious acts of animal cruelty much more seriously than it can currently. The maximum sentence of six months is disproportionately low:

- six months is the lowest custodial penalty in the in 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 England and Wales can attract a prison sentence lower than fly tipping and theft
- serious animal cruelty offenders are a high risk to the community as well as to animals. They are five times more likely to have a violent crime record<sup>22</sup> and animal abuse is 11 times more likely in domestic violence situations.
- Magistrates in England and Wales are sentencing at the limit. 30% of all sentences imposed are custodial sentences and several of these are at the maximum penalty.

The Sentencing Council reviewed animal welfare and cruelty sentencing ranges and published on 24 January 2017 the Magistrates’ Court Sentencing Guidelines<sup>23</sup>. However, the Sentencing Council are powerless to increase the maximum sentence. This power lies solely with Parliament and only Parliament can legislate to change the current maximum custodial sentence for animal cruelty.

Time to modernise the Animal Welfare Act

The Animal Welfare Act was a landmark piece of legislation in 2006, but it is now 10 years old and its provisions for dealing with animal cruelty have been overtaken by progressive legislation in Europe and the USA. Battersea’s evidence suggests that the public wishes us to keep pace with these other countries.

Most jurisdictions now enable a much wider range of sentencing options for the Court, recognising the very different types and severity of offence. They include the possibility of a lengthy prison sentence, fine and disqualification from keeping animals. A momentum has built up in many countries for ensuring the punishment for animal cruelty fits the crime.

**It is now time for our Government to legislate to increase the maximum custodial sentence for animal cruelty.**

<sup>22</sup><http://www.dogsbite.org/pdf/2006-ownership-high-risk-dogs-marker-deviant-behavior.pdf>

<sup>23</sup><http://www.sentencingcouncil.org.uk/offences/>

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	



USA <sup>24</sup>		
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 <sup>rd</sup> 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 <sup>rd</sup> 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 <sup>25</sup>
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

<sup>24</sup>In 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.

<sup>25</sup>Mens rea is the legal term which refers to the mental state of the offender.

## **Further Information**

Barry Webb – Researcher

D: 020 7501 2632

E: [B.Webb@battersea.org.uk](mailto:B.Webb@battersea.org.uk)

---

### **BATTERSEA DOGS & CATS HOME**

4 BATTERSEA PARK ROAD  
LONDON SW8 4AA

### **BATTERSEA OLD WINDSOR**

PRIEST HILL, OLD WINDSOR  
BERKSHIRE SL4 2JN

### **BATTERSEA BRANDS HATCH**

CROWHURST LANE, ASH  
KENT TN15 7HH

---

0800 001 4444

[INFO@BATTERSEA.ORG.UK](mailto:INFO@BATTERSEA.ORG.UK)

[BATTERSEA.ORG.UK](http://BATTERSEA.ORG.UK)

---

Patron HRH The Duchess of Cornwall, GCVO  
President HRH Prince Michael of Kent, GCVO