

Law 20 luglio 2004, n.189

" Provisions concerning the prohibition of maltreatment of animals and their use in illegal fights or competitions "

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Art. 1

(penal code amendments)

1. After the IX title of the II book of the penal code, the following is inserted

"IX-BIS TITLE- CRIMES AGAINST SENTIMENT FOR ANIMALS

Art 544-bis. (Animals killing). - Whoever , for cruelty or unnecessarily, causes the death of an animal shall be punished with 3-18 months detention .

Art 544-ter.-(Animals abuse). - Whoever , for cruelty or unnecessarily, causes an injury to an animal or rather submits it to tortures or to conducts or strains or works that are unbearable according to its ecological features shall be punished with 3 months to one year detention or with a 3.000 to 15.000 € fine. The same punishment shall affix to whoever gives banned or narcotic substances to animal or rather submits them to any treatment causing disease to their health. The punishment increases of an half if the animal's death derives from the acts of the first paragraph.

Art 544-quater. - (Unauthorised plays or events). - Unless the fact constitutes a more serious offense, whoever organises or promotes plays or events implicating tortures or abuse on animals shall be punished with 4-24 months detention and with a 3.000 to 15.000 € fine. The punishment is increased from 1/3 to an half if the facts described in the first paragraph are committed in relation to illegal bets or for the purpose of benefit to themselves or others otherwise if from them derives the animal's death

Art 544-quinquies. - (Prohibition of animal fights). - Whoever promotes, organizes or supervises fights or unauthorized animal competitions that could put in danger their safety shall be punished with 1-3 years detention and with a 50.000 to 160.000 € fine. The punishment is increased from 1/3 to an half :

- 1) whether the aforementioned activities are accomplished in collusion with minors or by armed persons
- 2) whether the aforementioned activities are promoted by videos reproduction or by any kind of material including actions or images of fights or competitions
- 3) whether the convicted handles any shape of shooting or recording of the fights or competitions.

Whoever, excluding complicity cases, breeding or training animals destines them, under any form or even by means of third parties, to take part in fights described in the 1st paragraph shall be punished with 3 months to 2 years detention and with a 5.000 to 30.000 € fine. The same punishment shall be applied to consenting owners or holders of the animals employed in the first paragraph competitions. Whoever, even if not on the crime scene, excluding complicity cases, organizes bets or gambles himself on the above mentioned fights or competitions shall be punished with 3 months to 2 years detention and with a 5.000 to 30.000€ fine.

Art 544-sexies. - (Requisitions and ancillary punishments).- In case of conviction or in case of punishment application by parties requested according to art. 444 of the code of criminal procedure, for the crimes provided for by articles 544-ter, 544-quater, 544-quinquies, animal

requisition is always prescribed, unless it belongs to someone unrelated to the crime. If the judgment of conviction or the punishment application by parties request judgment is declared towards someone who accomplishes the aforementioned activities, animal-transport, trade and breeding activity, a 3 months to 3 years suspension is prescribed. In case of recidivism the prohibition of the same activities is prescribed.

2. Art 638.1 of the penal code: after the words "is punished" the following words are inserted: "unless the act constitutes a more serious offense".

3. Art n° 727 of the penal code is substituted by the following ART.727

Art 727.-(Animals neglect). Whoever neglects pets or animals who got used to habits related to captivity shall be punished with up to one year detention or with a 1.000 to 10.000€ fine. to the same punishment shall be subjected whoever owns animals in circumstances which are incompatible with their nature, and a reason of serious sufferings.

3. L'articolo 727 del codice penale e' sostituito dal seguente: "Art. 727. - (Abbandono di animali). - Chiunque abbandona animali domestici o che abbiano acquisito abitudini della cattività e' punito con l'arresto fino ad un anno o con l'ammenda da 1.000 a 10.000 euro. Alla stessa pena soggiace chiunque detiene animali in condizioni incompatibili con la loro natura, e produttive di gravi sofferenze".

Art. 2.

(Prohibition of skins and fur trade and commercial use)

1. It is forbidden to use dogs (*Canis familiaris*) and cats (*Felis catus*) for the production or packaging of skins, fur, clothing and leather goods, made up of or obtained, in whole or in part, by skins or fur of the same, as well as to market or introduce them in the national territory.

2. Violation of the provisions referred to in paragraph 1 shall be punished with the arrest of three months to one year or with the fine from 5,000 to 100,000 euros.

3. In any case, the confiscation and destruction of the material referred to in paragraph 1 follows the conviction

Art. 3.

(Amendment to Coordinating and Transitional Provisions of the Penal Code)

1. After Article 19-bis of the Coordinating and Transitional Provisions of the Penal Code, the following are inserted:

"Article 19-ter - (Special Laws on Animals) - The provisions of Title IX-bis of Book II of the Penal Code do not apply to cases covered by special laws on hunting, fishing, , transport of animals, slaughter of animals, scientific experimentation on them, circus activities, zoos and other animal laws. The provisions of Title IX-bis of Book II of the Penal Code do also not apply to historical and cultural events authorized by the competent region.

Art. 19-quater. - (Custody of seized or confiscated animals). - The animals subject to seizure or confiscation orders are entrusted to associations or bodies which are required by the decree of the Minister of Health, adopted in agreement with the Minister of the Interior:

2. The decree referred to in Article 19-quater of the Coordinating and Transitional Provisions of the Penal Code shall be adopted within three months of the date of entry into force of this Law.

Art. 4.

(Coordination Standards)

1. At article 4 of 27 January 1992 Legislative Decree n°116 at paragraph 8, the words: "under Article 727 of the Criminal Code" are replaced by the following: "with imprisonment from three months to one year or with a fine from 3,000 to 15,000 euros".

2. The 5th paragraph of article number 5 of the 14 August 1991 law n° 281 is repealed.

3. The following changes are brought to the 12 June 1913 law n° 611:

(a) Article 1 is repealed;

(b) In Article 2 (a), the words "Art 491 of the Criminal Code" are replaced by the following: "Title IX-bis of Book II of the Penal Code and Article 727 of the Penal Code";

(c) in Article 8, the words: "Article 491" are replaced by the following: "Article 727".

Art. 5.

(Educational activities)

1. The State and the regions may promote, without new or greater public-finance burdens, educational programs of schools and institutes of every rank and grade integration for the purpose of effective education of pupils in the field of the behavioral ethology of animals and their respect, including through practical tests.

Art. 6.

(Watch)

1. In order to prevent and counteract the crimes provided for in this Act, by a decree of the Minister of the Interior, heard the Minister of Agriculture and Forestry and the Minister of Health, adopted within three months of the date of entry into force of this Law, arrangements for coordinating the activities of the State Police, the Carabinieri Corps, the Financial police, the State Forestry and the Municipal and provincial Police bodies are established.

2. Supervision of compliance with this Act and other rules relating to the protection of animals shall also be entrusted, with regard to affection animals (pets), within the limits of the tasks assigned by their respective prefects decrees of designation, in accordance with articles 55 and 57 of the Code of Criminal Procedure, to the special sworn guards of recognized protectionist and zoofile associations.

3. The implementation of this Article shall not result in new or increased charges for the State and local authorities.

Art. 7.

(Rights and Faculties of Entities and Associations)

1. Under Article 91 of the Code of Criminal Procedure, the associations and bodies referred to in Article 19-c of the Coordinating and Transitional Provisions of the Penal Code pursue the purpose of safeguarding the interests caused by the offenses provided for in this Law.

Art. 8.

(Financial penalties destination)

1. Revenues resulting from the application of the financial penalties provided for in this Law fthelow to the State budget entries to be reallocated to the Ministry of Health forecast and allocated to the associations or bodies referred to in Article 19-quater of the coordinating and transitional provisions of the penal code.
2. With the decree referred to in Article 19-quater of the coordinatiog and transitional provisions of the Penal Code, the criteria for allocating the revenue referred to in paragraph 1 shall be determined taking into account in each case the number of animals entrusted to each body or association.
3. By 25 November each year, the Minister of Health shall define the program for the implementation of this Act and for the allocation of the sums referred to in paragraph 1.

Art. 9.

(Coming into force)

1. This Law shall enter into force the day after its publication in the Official Gazette.