



[Previous Page](#)

[Next Page](#)

**CHAPTER 441**

**FORMERLY HOUSE BILL**

**NO. 781 AS AMENDED BY**

**SENATE AMENDMENTS NO. 2 AND 3**

**AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 3, TITLE 11 OF THE DELAWARE CODE RELATING TO CRUELTY AND ABANDONMENT OF ANIMALS.**

*Be it enacted by the General Assembly of the State of Delaware (two-thirds of all the members elected to each house thereof concurring therein):*

Section 1. Amend Subsection (a), Section 344, Chapter 3, Title 11 of the Delaware Code, by striking all of said subsection except the first sentence therein, and substituting the following in lieu thereof:

"No such search shall be made between the hours of sunset and sunrise, unless the Court or Justice of the Peace shall be satisfied that it is necessary, in order to prevent the escape of any violator or of any evidence of a violation of the laws of this State, and then the authority shall be expressly given in the warrant. The officer making the arrest, under the provisions of any law for the prevention of cruelty to animals, shall seize any bull, bear, dog, cock, or other animal kept or used for the purpose of fighting, baiting, or other cruel and necessary exhibition, or affected by any violation of the laws for the prevention of cruelty to animals, and bring the same before the Court or Justice of the Peace hearing the complaint or surrender such animal to the custody of the Delaware Society for the Prevention of Cruelty to Animals and so notify the Court or Justice of the Peace hearing the complaint, who, upon a conviction of any of the parties complained of, may commit the animal to the custody of the Delaware Society for the Prevention of Cruelty to Animals which order shall be a part of the sentence of the party convicted. Before the order is made, the officer making such seizures shall make due return to the Court or Justice of the Peace hearing the complaint of the number and kind of animals or creatures seized by him. The costs of the care of any animals seized hereunder prior to any conviction of any party charged with a violation of any law for the prevention of cruelty to animals shall be paid by the party

convicted as a part of his sentence in addition to any fine or imprisonment ordered by the Court or by the Justice of the Peace."

Section 2. Amend subsection (a), Section 342, Chapter 3, Title 11 of the Delaware Code, by striking the words "shall be fined not more than \$50 for

each such offense, and may be imprisoned until the fine is paid" as the same appear at the end of said subsection, and substitute in lieu thereof the following:

"shall be fined not less than \$50 and not more than \$300 and/or imprisoned for not more than ninety days for each such offense. For a second offense the fine shall not be less than \$100.

A separate offense hereunder shall be deemed to have been committed each day upon which any of these offenses is committed and as to each animal affected by each such offense."

Section 3. Amend subsection (b), Section 342, Chapter 3, Title 11 of the Delaware Code by striking the words "shall be fined not more than \$25 for every such offense, and may be imprisoned until the fine is paid" as the same appears at the end of said subsection, and substituting in lieu thereof the following:

"shall be fined not less than \$50 and not more than \$300 and/or imprisoned for not more than ninety days for each such offense. For a second offense the fine shall not be less than \$100.

A separate offense hereunder shall be deemed to have been committed each day upon which any of these offenses is committed and as to each animal affected by each such offense."



Delaware Code Online

[Home](#) | [Contact](#)

[Share](#)

[Delaware.gov](#) | [Privacy](#) | [Translate](#) | [Contact](#) | [Phone Directory](#)