

Criminal Consequences of Equine Neglect and Abuse in New Mexico

Revised by Jason Turner and Shawn Davis¹

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Figure 1. Thin, unthrifty horses that may represent criminal neglect or abuse. (Photo courtesy of Shawn Davis, New Mexico Livestock Board Deputy Director. Used with permission.)

INTRODUCTION

Animal cruelty is a concern in New Mexico, especially with equines (horses, donkeys, mules), but so is prosecution of those who do not adequately feed and care for their livestock. Law enforcement actively searches out cases of neglect and cruelty. Today, district attorneys and judges look at cruelty cases before them with a new sense of sobriety.

Cruel treatment is defined by New Mexico law to include two general types of actions: intentional actions and failure to act. Intentional cruel actions (abuse) include intentionally or maliciously torturing, mutilating, injuring, or poisoning an animal; maliciously killing an animal; killing an animal without lawful justification; or tormenting an animal.

Cruel treatment also includes situations where a person has failed to act or failed to provide (neglect) necessary food or care. Failing to act or failing to provide care rises to the level of cruelty when it involves either negligently mistreating, abandoning, or failing to provide necessary sustenance to an animal under a person's custody or control (Figure 1). Even failing to provide necessary veterinary care can fall under this category.

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SIGNS OF EQUINE NEGLECT OR ABUSE

Signs of neglect may include:

- The equine is severely emaciated (starved and extremely thin) and/or dehydrated and appears too weak/injured to stand, or is near death. The immediate area offers little if any feed or drinkable water.
- The equine is hung/caught in a fence or other structure and unable to free itself.
- The equine may have body sores, excessively long hooves, painful lameness, or other injuries with severe pain/distress indicative of a lack of routine care.
- The equine appears to be suffering from heat-stroke or, conversely, frostbite, and the immediate area offers no access to shelter from the elements.
- Depending on the severity, some of these signs may also indicate abuse.

Signs of intentional abuse may include:

- The equine displays obvious inflicted injuries such as stab wounds, bullet wounds, burns, etc.
- An observer witnesses someone beating, kicking, hurting, tormenting, or killing an animal.

PENALTIES FOR ANIMAL CRUELTY

The penalty for someone found guilty of cruelty to animals can range from misdemeanor to felony penalties. If you are found guilty of cruelty to animals resulting in the death, intentional mutilation, or injury of an animal, in most cases you can be charged with extreme cruelty to animals. This is a fourth-degree felony with a basic sentence of 18 months in prison and a fine of \$5,000, followed by 1 year of parole.

If you are found guilty of cruelty to animals, failing to provide food or water, failing to provide veterinary care, or any other act deemed not to be extreme cruelty, you can be charged with a misdemeanor. A misdemeanor has a basic sentence of 364 days in prison and a fine of \$1,000, followed by 1 year of parole.

In addition to fines and penalties, individuals convicted and sentenced may be responsible for other charges, including court costs, impound fees, or veterinary expenses.

HOW TO REPORT SUSPECTED CRUELTY

If you witness animal cruelty or suspect it may be occurring, the best action is to contact local law enforcement, a humane society, or other animal welfare agency. The *For More Information* section gives contacts to report suspected cruelty cases. When you call, be ready to give the following information: number and type of animals, address and/or location where abuse is alleged, directions to or a description of the property, name of alleged abuser, a description of the nature of the abuse and/or neglect, whether animals are visible from a public road, and whether there are other witnesses to the acts.

Some animal welfare advocates may be tempted to enter private property to help an allegedly maltreated animal. However, law enforcement warns against entering private property for any reason without owner permission. The law advises against photographing animals unless they are located in plain view and visible from a road or other public venue. If you enter private property without permission, you may face a criminal trespass charge, which is a misdemeanor with a basic sentence of 364 days in prison and a fine of \$1,000, followed by 1 year of parole.

THE INVESTIGATION PROCESS

Under New Mexico law, domestic equines are considered livestock, and the enforcement of cruelty laws involving livestock falls under the jurisdiction of the New Mexico Livestock Board. After responding to a call, investigators examine the livestock and then determine a course of action: either immediate seizure or working with the owner to monitor the care of the animals under investigation. If the life or health of the animal is in danger, the animal may be seized and taken to a veterinarian for immediate evaluation, examination, or necropsy. Debilitated animals may be left in the care of a veterinarian until they are in suitable health to transport. After the medical examination, the investigators work with the local court and district attorney to file the appropriate charges (either felony or misdemeanor) in the case based on the evidence obtained in the investigation. Once the court orders disposition of the animal, the equine may be surrendered to a licensed equine rescue or sold at auction.

OPTIONS IF YOU CAN NO LONGER CARE FOR YOUR HORSE

1. If you have a well-trained, well-bred, and sound horse and you want to have input on their “new home,” you can sell them to another individual or donate them to a therapeutic riding program, a school/college/university equine program, or a youth camp or group in need of suitable mounts.
2. Horses that possess the criteria mentioned in #1 may be sold at auction where they are in demand. Beware that ill-mannered, poorly conditioned, or unsound horses have little value (other than slaughter price) to prospective buyers.
3. Surrender the horse to the New Mexico Livestock Board and/or one of the state-licensed equine rescue facilities. More information can be found at www.fourcornersequinerecue.org/nmequinerecuealliance.html or www.nmlbonline.com.
4. When financial hardship hits, short-term feed assistance may provide time to seek a long-term solution in the best interest of the animal. If no other option exists, contact your local equine veterinarian to discuss a humane end of life.

Beware of the subsequent need for, cost of, and laws concerning carcass disposal. Financial aid for hay or veterinary euthanasia may be available from www.equineprotectionfund.org.

5. Above all, consider the legal consequences of doing nothing, and seek aid to resolve the situation.

FOR MORE INFORMATION

These contacts can answer questions and/or direct you to local authorities for reporting equine neglect and/or abuse.

Local New Mexico Livestock Board Inspector,
www.nmlbonline.com or (505) 841-6161

New Mexico County Sheriff contact information can be found in your phone directory under “Government,” or at www.usacops.com/nm.

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