

Animal Cruelty: Bill S-213 versus Bill C-373

- Both bills increase penalties to a jail term up to five years and unlimited fines for indictable offenses, and up to 18 months jail and/or a fine up to \$10,000 for summary convictions. Both also allow the court to make an order prohibiting an offender from keeping an animal and may require payment of restitution. This is the only common ground between the two bills.
- Bill S-213 leaves in place the dysfunctional term “willful neglect” requiring the court to prove motive for neglecting animals. For example, a farmer who starved his sheep despite repeated warnings was found not guilty because the court couldn’t prove he intended to starve them. Bill C-373 instead uses the term “negligent” which is defined as “departing markedly from the standard of care that a reasonable person would use.”
- Bill S-213 leaves in place wording that allows stray and wild animals to be killed for any reason, or even for no reason. Bill C-373 makes it an offence to kill an animal “without a lawful excuse.” Under common law and statute law, lawful excuses include hunting, fishing, farming, euthanasia, research, pest control, and protection of life and property.
- Bill S-213 leaves in place wording that allows people to kill animals brutally and viciously if the animal dies immediately. For example, someone who ties an animal to a train track can get off by arguing that the animal died quickly and didn’t suffer. Bill C-373 makes it an offence to kill an animal with brutal and or vicious intent, whether or not the animal dies immediately.
- Bill S-213 leaves in place different protections for various animals in an illogical way. For example, cattle are in a class of their own, and wild animals and strays are unprotected for some offences. Bill C-373 protects all vertebrates, owned or unowned. It also adds special protection for law enforcement animals, “Brigadier’s Law,” something that S-213 also fails to do.
- Bill S-213 fails to define “animal.” Bill C-373 defines an animal as a “vertebrate other than a human being.”
- Bill S-213 leaves animal cruelty in the section of the criminal code dealing with protection of property. C-373 puts animals in a new section, reflecting the modern view that animals should be protected because they are feeling, sentient beings. This change, however, continues to recognize that many animals, both livestock and pets, are property.
- Bill S-213 does nothing to address training animals to fight other animals or betting on such fights. C-373 prohibits these practices.