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MODEL ANTI-BESTIALITY LAW¹

Overview

Ideally, bestiality should be considered a felony sexual assault and the statute should include definitions that are broad but enforceable, elements that include direct or indirect contact as well as exploitation (e.g. promoting, trafficking or animal pornography), and provision for escalation in aggravating circumstances. Penalties should include extended or permanent non-contact with animals, and sex offender or animal abuser registration in aggravated cases.

Definitions

- Bestiality means conduct² or contact, whether direct or indirect,³ with a live or dead⁴ animal or creature⁵ for purpose of sexual arousal or gratification
- Sexually oriented material means any book, article, magazine, publication, or written matter of any kind; or drawing, etching, painting, photograph, motion picture, film, or sound recording which depicts sexual activity, actual or simulated,⁶ involving a person and an animal

¹ These recommendations are based on current or proposed United States laws, cases that have adjudicated (whether or not a law prohibiting bestiality was in effect at the time), and suggestions based on experience and expertise.

² The word “conduct” indicates the manner in which a person behaves. The most compelling evidence in a bestiality case may be the presence of animal pornography, books about bestiality, the offender’s online presence in bestiality-related forums, etc. Less than 40% of arrests involve an eye witness.

³ If specifically defined, “contact” should be defined as broadly as possible since the range of sexual contact between humans and animals is the same as that between two humans: humans or animals can be penetrated, fondled, or masturbated, via mouth, anus or vagina, for the purpose of arousal or emission by either an animal or a person.

⁴ About 2% of animal sexual assault arrests involve necrobestiality.

⁵ If animal must be defined, it should be as broad as possible. Dogs are the most commonly abused, followed by horses, farm animals, fowl, wildlife, cats, and dolphins.

⁶ Courts have ruled inconsistently on non-standard images, for example composite or morphed images (images from different sources, such as a baby’s head on a sexualized image of an adult), or sexualized anime (Japanese-style cartoon-like figures that resemble children or infants being sexually assaulted by an animal or adult)



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Criminal Offenses

- Engage in, submit to, observe, further/cause/aid/abet/solicit another to engage in bestiality
- Possess, procure, sell, or transfer the use of an animal for the purposes of sexual arousal or gratification of a person
- Permit bestiality on premises under that person's control
- Advertise, promote, conduct, or organize an event involving bestiality, whether for commercial or recreational purposes
- Commit bestiality in a place or in such a manner that the person knows the conduct is observable
- Photograph, film, distribute, or possess sexually oriented material depicting actual or simulated bestiality

Aggravating circumstances

- Animal is injured, tortured, or for purposes of sexual gratification of the person
- Animal is penetrated by object whether or not injury to animal occurs whether or not injury to animal is present
- Bestiality is committed in the presence of a minor
- Causing another person to engage in bestiality with an animal
 - When person is a minor, whether or not coerced, solicited, or threatened
 - When person is any age and non-consenting; or physically, developmentally, or mentally impaired
- Second and subsequent arrest for bestiality

Exceptions

- Accepted animal husbandry practices, or accepted veterinary medical practices by a licensed veterinarian or certified veterinary technician or assistant

Recommended sanctions or conditions

- Seizure of any animal in the offender's possession or under the offender's control
- Non-contact⁷ with animals⁸ for a minimum of five years.
- Participation in a behavior modification program, at the offender's expense.
- Restitution for any veterinary or medical expenses incurred as a result of bestiality
- Registration as an animal abuser or sex offender

⁷ No contact means the offender cannot own or take care of an animal, or work (including volunteer work) at any facility that involves animal animals.

⁸ This should not be limited to the type of animal that was sexually abused. Many offenders, for example, have sex with dogs as well as horses.