Italian Legal, Financial, and Social Innovations in Animal Protection, Judicial Custody, and Juvenile Justice

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Abstract

This paper presents Italy's integrated approach to animal protection as a convergence of criminal law reform, procedural innovation, public financial architecture, and social prevention policy. Grounded in the paradigm shift consolidated by Law No. 82 of 6 June 2025, the analysis traces the transition from an anthropocentric model of protection — in which criminal sanctions were justified by the offense to human sentiment — to a biocentric framework recognizing animals as direct victims of crime and sentient beings worthy of autonomous legal protection. The paper examines the substantive criminal provisions of Title IX-bis of the Italian Penal Code, the procedural breakthrough introduced by Article 260-bis of the Code of Criminal Procedure, and the unprecedented public funding mechanism established by the 2026 National Budget Law and governed by Ministerial Decree No. 116. It then presents case studies from operational anti-dogfighting enforcement, addressing novel legal questions regarding the status of offspring born during judicial custody. Finally, the paper explores Italy's legislative response to the criminological "Link" between animal abuse, juvenile deviance, and social marginalization, with reference to the preventive model developed through the "Animal Being" initiative in Naples.

1. Introduction: A Paradigm in Transition

For most of its history, Italian criminal law approached animal mistreatment through an anthropocentric lens: the animal itself was not the subject of protection; rather, the law punished cruelty insofar as it offended human moral sentiment and risked desensitizing perpetrators toward suffering in general.

The Supreme Court of Cassation documented this evolution with precision. In its judgment No. 16480 of 29 May 2020, the Third Criminal Section traced the legislative trajectory from the original version of Art. 727 of the Penal Code - a mere contravention protecting animals indirectly - through Law No. 473 of 1993, which "radically changed the underlying legal premise of criminal protection of animals, which are now considered not merely as beneficiaries of indirect or reflected protection [...] but enjoy direct protection oriented towards treating them as living beings." The 2004 reform (Law No. 189) introduced dedicated felony provisions under a new Title IX-bis ("Offences against the feeling for animals"), including Arts. 544-bis, 544-ter, 544-quater, and 544-quinquies of the Penal Code.

Law No. 82 of 6 June 2025, in force since 1 July 2025, completed this structural transformation. The reform significantly increased penalty thresholds rewrote the title of Book II, Title IX-bis of the Penal Code to "Offences against animals" - signalling the direct object of protection — and introduced a revolutionary procedural mechanism: Article 260-bis of the Code of Criminal Procedure. The following sections analyse each layer of this framework.

2. Substantive Criminal Law: Title IX-bis of the Italian Penal Code

2.1. Article 544-bis — Killing of Animals

Article 544-bis criminalizes the killing of an animal committed "with cruelty or without necessity." Following the 2025 reform, the penalty was substantially increased: imprisonment from **six months to three years**, together with a fine from €5,000 to €30,000. An aggravated bracket - imprisonment from

one to four years and a fine from €10,000 to €60,000 - applies where the act is committed "with torture or by deliberately prolonging the animal's suffering."
This represents a marked departure from the pre-reform framework, under which the offense carried a maximum term of two years' imprisonment without any provision for aggravated forms.
The element of *necessity* has been interpreted broadly by the Court of Cassation: the concept "encompasses not only the state of necessity under Art. 54 of the Penal Code but also any other situation inducing the killing or mistreatment of the animal to prevent or avoid an imminent danger or to prevent the aggravation of a legally cognizable harm to oneself or others or to one's property when the agent believes such harm to be otherwise unavoidable" (Cass., Sez. III, No. 16894 of 11 May 2026; Cass., Sez. III, No. 37847 of 15 June 2023).

2.2. Article 544-ter — Animal Cruelty and Mistreatment

Article 544-ter is a "free-form" offense (*reato a forma libera*): it punishes anyone who, with cruelty or without necessity, causes injury to an animal, subjects it to torture, or forces it to endure behaviors, exertion, or labor incompatible with its ethological characteristics. The current penalty bracket is **imprisonment from six months to two years** and a fine from €5,000 to €30,000. The penalty is increased by one half where the animal dies as a result.
The Court of Cassation has consistently distinguished this felony from the lesser contravention under Art. 727(2) (which punishes detention of animals in conditions incompatible with their nature), emphasizing that Art. 544-ter requires *dolus*, as well as the additional elements of cruelty or lack of necessity and the causation of actual harm — making Art. 727(2) a residual, less severe provision (Cass., Sez. III, No. 15453 of 13 April 2023). The same Court confirmed in 2026 that the ratio of criminal protection is now centered on the animal as a sentient being, whose ethological needs and capacity for suffering are the autonomous object of legal safeguard (Cass., Sez. III, No. 16894 of 11 May 2026).

2.3. Article 544-quinquies — Prohibition of Animal Fighting

Article 544-quinquies targets organized animal fighting with a comprehensive criminalization strategy. The principal offense - promoting, organizing, or directing unauthorized fighting competitions between animals that may endanger their physical integrity - is now punished with **imprisonment from two to four years** and a fine from €50,000 to €160,000. Penalties are increased by one third to one half in three aggravated circumstances: involvement of minors or armed persons; promotion through audio-visual materials; and recording of the fights.
Criminal liability extends, under separate provisions, to those who breed or train animals destined for fighting, to the owners or keepers of animals used in fights if consenting, **and to any person who participates in any capacity** in the fights or competitions. Those who organize or place bets on such events - even when absent from the venue - face imprisonment from three months to two years and a fine from €5,000 to €30,000.
This broad architecture of criminal responsibility reflects the operational reality of dogfighting networks, which function as multi-actor criminal ecosystems involving breeders, trainers, organizers, bettors, and spectators.

3. The Procedural Breakthrough: Article 260-bis of the Code of Criminal Procedure

3.1. Legislative Background

Prior to the 2025 reform, the most significant procedural gap in Italian animal protection law was the absence of a mechanism enabling the **definitive** transfer of custody of seized animals to qualified organizations during ongoing criminal proceedings. Animals were routinely held in municipal shelters as evidentiary assets for the entire duration of proceedings, which could last years. Fondazione Cave Canem and other organizations could obtain only provisional custody arrangements, with the ever-present risk that upon acquittal the animals would be returned to persons against whom serious allegations of abuse had been made. The Court of Cassation, applying the legal framework then in force, confirmed that in the absence of statutory provisions authorizing otherwise, custody arrangements were necessarily provisional and could not be made definitive prior to a final judgment (Cass., Sez. III, No. 16480 of 29 May 2020).
Law No. 82 of 6 June 2025 responded directly to this structural vulnerability by inserting Article 260-bis into the Code of Criminal Procedure.

3.2. The Mechanism of Definitive Custody (Affido Definitivo)

Article 260-bis c.p.p. applies in proceedings for offences under Arts. 544-bis, 544-ter, 544-quater, and 544-quinquies of the Penal Code, as well as Art. 4 of Law No. 201 of 4 November 2010 (implementing the European Convention for the Protection of Pet Animals), whether completed or attempted. Where the judicial authority orders seizure or confiscation of live animals "in order to guarantee their effective protection and maintenance in adequate health conditions," it may — by reasoned decree, even on application of the injured party or a recognized animal protection association — entrust the animals definitively to qualifying organizations (designated under Art. 19-quater of the Transitional Provisions of the Penal Code) or their authorized sub-custodians, subject to the prior payment of a **bond (cauzione) per animal**.
The key operational features of the mechanism are the following:

- **Valuation of the bond**: determined by the judicial authority taking into account the type of animal, its health condition, and the costs of long-term management following definitive transfer. Payment of the bond is a **condition of effectiveness** of the custody decree.
- **Sub-custody**: qualifying organizations may, with prior judicial authorization, identify individual natural persons, or other entities and associations, as sub-custodians; in such cases, the decree is issued directly in the name of the sub-custodian, always subject to prior payment of the bond.
- **Payment and allocation of the bond**: paid by bank transfer to the *Fondo Unico Giustizia*, the bond remains at the disposal of the judicial authority until final judgment. Upon a definitive conviction, the bond is credited to the State budget.
- **Documentary formalities**: documentation of the payment is inserted in the case file in original.
- **Anagrafe updates**: the definitive custody decree constitutes a title for the execution of the relevant registry changes (anagrafe variations) for the animals and **extends automatically to any offspring born during the period of seizure or confiscation**.
- **Rejection and appeal**: where the application for definitive custody is rejected, the qualifying organization may challenge the refusal within thirty days.

3.3. First Judicial Application and Emerging Issues: Cassazione No. 12805/2026

The first significant ruling by the Court of Cassation on Article 260-bis was delivered by the Third Criminal Section in judgment No. 12805 of 8 April 2026 (decided 18 February 2026). The case arose from a custody decree issued on 18 August 2025 - after the entry into force of Law 82/2025 - in favour of the LAV (Lega Anti Vivisezione) ETS, which was subsequently annulled by the Tribunal of *riesame* upon challenge by the investigated person.

The ruling addressed several foundational questions of systemic importance:

a) Impugnability of the definitive custody decree. The Court clarified that the term "definitivo" in Art. 260-bis does not render the custody decree immune from challenge. The definitiveness of the entrustment operates only after the expiry of the relevant impugnation terms without a challenge having been brought: it functions rather as a limit on subsequent revocation, not as an exclusion of ordinary review mechanisms. The Tribunal of *riesame* therefore has jurisdiction to examine a definitive custody decree challenged together with the underlying seizure order.

b) Standing of recognized animal protection organizations. The reform's amendments to Arts. 257(1), 322(1), 322-bis(1), 325(1), and 355(3) c.p.p. - which insert recognized animal protection organizations among the subjects entitled to participate in precautionary review proceedings — create a novel procedural standing. The Court confirmed that such organizations are entitled, under the amended Art. 325(1), to bring a direct appeal to the Court of Cassation against a *riesame* order annulling a definitive custody decree.

c) Notice of *riesame* proceedings. The Court noted that the 2025 reform, while extending the range of subjects entitled to propose *riesame* and precautionary appeal, did not amend Art. 324(6) c.p.p. to require that notice of the *riesame* hearing be given to qualified animal protection organizations that had not themselves proposed the review. The failure to notify the LAV of the hearing date was therefore not a procedural nullity under the current statutory framework, though the Court signaled the legislative lacuna.

4. The Operational Dimension: Case Studies in Anti-Dogfighting Enforcement

4.1. The Italy–Bulgaria Transnational Dogfighting Pipeline

In a major joint operation conducted by the *Carabinieri Forestali* (SOARDA), public prosecutors, and Fondazione Cave Canem ETS, a transnational dogfighting network operating between Northern Italy and Bulgaria was dismantled. The operation resulted in the rescue of several severely traumatized dogs, placed under formal judicial custody. The animals were initially rescued in May 2024 and officially entrusted to Fondazione Cave Canem ETS under judicial custody on 27 June 2025 — three days before the entry into force of Law No. 82/2025.

This case presented a set of novel legal questions at the intersection of procedural law, property law, and the emerging sentient-being framework.

4.2. The Legal Status of Offspring Born During Judicial Custody: The Case of "Alba"

On 7 July 2025 - one week after the entry into force of Law No. 82/2025 - one of the seized pregnant females, named Alba, gave birth to six puppies. Under traditional property law principles applied in civil and criminal proceedings alike, newborn animals born from a seized female could be argued to constitute fruits (*frutti naturali*) vested in the owner of the mother: an argument which, if accepted, would have placed the puppies outside the scope of the existing seizure order and potentially restored their legal ownership to the investigated person.

Fondazione Cave Canem successfully argued before the court that this analysis was incompatible with the biocentric framework now underpinning Italian animal law. In particular, it invoked Art. 260-bis(6) c.p.p. - which explicitly provides that the definitive custody decree "extends to any offspring born during the period of seizure or confiscation" - as a codification of the principle that the protective shield of judicial custody follows the animal as a sentient being, not the property relations of its owner. The court accepted this argument, holding that the legal protection attaching to the mother extended automatically to her offspring.
This outcome establishes an important precedent with direct implications for all cases involving seized pregnant animals and represents one of the clearest judicial applications of the sentient-being principle in procedural law.

4.3. Operation "Pitbull Inferno": Expanding the Protected Population

In a subsequent phase of enforcement against the same criminal network, nine additional dogs were rescued in January 2025, including two breeding females - one of whom was seized together with her five puppies - and two young orphaned females. As of the time of the Washington D.C. conference, operations are actively underway to acquire judicial custody of thirteen Pitbulls seized by the *Carabinieri* and State Police in the "Gela case" - *Operazione Pitbull Inferno* - involving an organization that staged, recorded, and distributed dogfighting videos on social networks. Among the animals to be taken into custody are four puppies and a pregnant female awaiting delivery.
The continuous expansion of this operational case demonstrates the systemic nature of organized dogfighting in Italy and the capacity of the new legal framework to provide real-time protective responses to each stage of enforcement.

5. Public Financial Architecture: The National Custody and Rehabilitation Fund

5.1. The Structural Problem

Even with the most robust substantive and procedural legal framework, effective protection of animals seized in criminal proceedings requires sustainable public financial resources. Historically, the entire burden of veterinary care, behavioral rehabilitation, logistical transfers, and long-term housing fell exclusively on Third Sector organizations and private donors.
Dogs rescued from dogfighting environments present acute clinical and behavioral challenges: they are frequently severely traumatized, display deep-rooted defensive and reactive behaviors, and require prolonged, individualized rehabilitation programs delivered by certified canine behaviorists and applied ethologists. Without dedicated public funding, the only available response was indefinite confinement in custodial facilities - an approach that is both scientifically inadequate and ethically untenable.

5.2. The 2026 Budget Law and Ministerial Decree No. 116

Italy resolved this structural failure through Article 1, paragraph 847, of Law No. 199 of 30 December 2025 (National Budget Law 2026), which allocated **€2,000,000 in public funds** for the 2026–2027 biennium to cover the costs associated with the custody of animals seized or confiscated in connection with animal fighting cases, as well as animals with behavioral problems entrusted to facilities managed or supported by Third Sector entities specializing in behavioral rehabilitation.

Director-General Decree No. 116 of 19 June 2026 of the Ministry of Labour and Social Policies translated this legislative commitment into an operational framework, establishing the procedures for accessing, using, and disbursing the allocated resources. Qualifying Third Sector organizations may claim full reimbursement for:

- **Specialized veterinary surgeries and clinical treatments**;
- **Safe logistical transfers** to accredited sanctuaries and rehabilitation centers;
- **Tailored behavioral and ethological rehabilitation protocols** executed by certified canine instructors and applied behaviorists.

5.3. Significance: From Cage Confinement to Science-Based Rehabilitation

The establishment of this fund represents a systemic acknowledgment that dogs used in fighting are not "biological weapons" or inherently irredeemable animals, but victims of crime suffering from severe trauma. With adequate public funding and scientifically grounded rehabilitation protocols, animals that have experienced extreme trauma can undertake structured recovery pathways, undergo thorough behavioral assessment, and - where appropriate - be safely integrated into carefully screened adoptive families.
This institutional commitment challenges and supersedes approaches that treated lifetime cage confinement as the default or only responsible response to animals seized from fighting environments.

6. The Criminological "Link": Animal Abuse, Juvenile Justice, and Social Prevention

6.1. The Link in the Italian Legal Framework

A substantial body of criminological research documents the "Link" between animal cruelty, interpersonal violence, and broader patterns of criminal behavior, particularly in juvenile populations. The Italian legal system has explicitly incorporated this insight into its juvenile justice framework.
Animal abuse should therefore not be viewed solely as conduct requiring a judicial response: it is also a potential early indicator of psychological distress, social marginalization, educational poverty, and vulnerability to deviant socialization processes. This perspective calls for an integrated approach in which justice, education, social policy, and the Third Sector operate in coordination.

6.2. Law No. 70/2024 on Bullying and Cyberbullying

Law No. 70 of 17 May 2024 (*Disposizioni e delega al Governo in materia di prevenzione e contrasto del bullismo e del cyberbullismo*) strengthened the preventive dimension of juvenile protection and formally recognized the criminological Link within the Italian legal framework. Under this statute, aggressive, violent, or abusive conduct involving animals may serve as an indicator of broader situations of vulnerability, triggering early socio-educational interventions by the Juvenile Court. The law grants the court the power to activate mandatory re-educational pathways for minors who display such behaviors, providing a legal basis for non-punitive, empowerment-focused responses at the earliest stage of the deviance spectrum.

6.3. The Caivano Framework: Security, Accountability, and Prevention

Decree-Law No. 123/2023 (converted into Law No. 159/2023), adopted in response to episodes of severe juvenile violence and educational poverty in the municipality of Caivano, has generated substantial debate

among legal scholars and social workers regarding the appropriate balance between security-oriented measures and rehabilitative, preventive responses.
Without entering into that debate ideologically, the experience of Fondazione Cave Canem ETS suggests that an effective response to juvenile vulnerability cannot rely on sanctions or judicial intervention alone. Prevention requires the creation of credible alternatives: education, professional skills, community participation, and opportunities for young people to recognize themselves as active contributors to society, rather than subjects of surveillance or punishment.

6.4. "Animal Being": A Non-Judgmental Model of Youth Empowerment

A concrete expression of this preventive approach is "Animal Being," an initiative developed by Fondazione Cave Canem ETS with the patronage of the Ministry of Labour and Social Policies, within a wider network involving FOQUS – Fondazione Quartieri Spagnoli, Fondazione Azimut, the Accademia di Belle Arti di Napoli, and other public, private, and Third Sector partners.
Developed in the *Quartieri Spagnoli* of Naples - a neighborhood with a history of severe social marginalization and organized crime proximity - the project connects sustainable fashion, professional development, social inclusion, and responsible dog adoption. Young people, including students and emerging professionals, are placed at the center of a creative and professional pathway designed to transform talent into skills, responsibility, and concrete opportunities for labor market participation.
The **coat** the central garment developed within the project - was deliberately chosen as a symbol of protection, care, and belonging: the same principles underlying the adoption of a rescued dog, and more broadly the responsibility of a community toward those at risk of exclusion.
"Animal Being" creates a symbolic and practical connection between two forms of social invisibility: young people facing barriers to education and employment, and animals confined to shelters or rescued from criminal environments. The involvement of rescued animals adds a powerful educational dimension, since relationships based on care, responsibility, and respect for sentient beings become vehicles for developing empathy, strengthening social bonds, and providing animals with pathways out of custodial facilities and into adoptive families.
The project operates as a practical social-policy counterpart to the juvenile justice framework: a non-judgmental, opportunity-based model aimed at addressing the underlying social conditions of juvenile deviance - educational poverty, isolation, unemployment, and weakened community ties - before these vulnerabilities consolidate into more structured patterns of criminal behavior.

7. Conclusions: From Individual Rescue to Systemic Change

The Italian legal framework examined in this paper represents a coherent, multi-layered response to animal abuse that goes beyond isolated criminal prohibitions. Its distinctive features may be summarized as follows:

1. **Biocentric recognition**: Law No. 82/2025 completes Italy's transition from an anthropocentric to a biocentric model, making animals the direct and autonomous subjects of criminal protection.
2. **Procedural immediacy**: Article 260-bis c.p.p. breaks the link between ownership and control during criminal proceedings, enabling the immediate and definitive transfer of custody to qualified organizations - with the bond mechanism ensuring financial accountability and due process compliance.

3. **Jurisprudential consolidation**: The Court of Cassation, through its first applications of Art. 260-bis (Cass. No. 12805/2026) and its continued development of the sentient-being framework (Cass. No. 16894/2026), is rapidly building a body of case law that operationalizes and refines the new normative architecture.
4. **Public financial commitment**: The 2026 Budget Law and DM 116 establish that the State - not civil society alone - bears institutional responsibility for the rehabilitation of animal victims of crime.
5. **Systemic social prevention**: The criminological Link is formally embedded in the juvenile justice framework, and civil society initiatives such as "Animal Being" demonstrate that prevention, inclusion, and animal protection can be pursued through a single coherent model.

A rescue operation is never the end of the process: it is the starting point for changing judicial practices and rewriting the law. When we protect an animal who is the victim of a crime, we are also confronting the human environment in which that crime developed. Animal advocacy, in this integrated Italian model, is not only about speaking for animals - it is about transforming the systemic failures that affect both animals and vulnerable human communities.

Key Legislative and Judicial References

Source	Reference
Law No. 82 of 6 June 2025	Modifications to the Penal Code and Code of Criminal Procedure on offences against animals — entry into force 1 July 2025
Art. 260-bis c.p.p.	Definitive custody of animals subject to seizure or confiscation
Art. 544-bis c.p.	Killing of animals (imprisonment 6 months – 3 years; aggravated: up to 4 years)
Art. 544-ter c.p.	Animal cruelty and mistreatment (imprisonment 6 months – 2 years)
Art. 544-quinquies c.p.	Prohibition of animal fighting (imprisonment 2 – 4 years for organizers)
Cass., Sez. III, No. 12805/2026	First Cassazione ruling on Art. 260-bis c.p.p.: impugnability of definitive custody decree; standing of animal protection organizations
Cass., Sez. III, No. 16894/2026	Confirmation of biocentric protection framework; sentient-being standard
Cass., Sez. III, No. 16480/2020	Historical baseline: provisional-only custody pre-2025 reform
Cass., Sez. III, No. 15453/2023	Distinction between Art. 544-ter (felony) and Art. 727(2) c.p. (contravention)

National Budget Law 2026 (Art. 1, para. 847, Law No. 199/2025)	€2,000,000 public fund for custody and rehabilitation of seized animals
Ministerial Decree No. 116 of 19 June 2026	Operational framework for access to and disbursement of the custody fund
Law No. 70 of 17 May 2024	Prevention of bullying and cyberbullying; criminological Link and juvenile court jurisdiction
Decree-Law No. 123/2023 (Law No. 159/2023)	Caivano Decree: juvenile crime prevention and educational poverty

For further information, exchange of ideas, or collaboration opportunities, please contact Avv. Federica Faiella, President of Fondazione Cave Canem ETS – E-mail: federica.faiella@fondazionecavecanem.org