

## **717A.2 Animal facilities civil action criminal penalties.**

1. A person shall not, without the consent of the owner, do any of the following:

*a.* Willfully destroy property of an animal facility, or kill or injure an animal maintained at an animal facility, including by an act of violence or the transmission of a disease including but not limited to any disease designated by the department of agriculture and land stewardship pursuant to section 163.2.

*b.* Exercise control over an animal facility including property of the animal facility, or an animal maintained at an animal facility, with intent to deprive the animal facility of an animal or property.

*c.* Enter onto or into an animal facility, or remain on or in an animal facility, if the person has notice that the facility is not open to the public, if the person has an intent to do one of the following:

(1) Disrupt operations conducted at the animal facility, if the operations directly relate to agricultural production, animal maintenance, educational or scientific purposes, or veterinary care.

(2) Kill or injure an animal maintained at the animal facility.

A person has notice that an animal facility is not open to the public if the person is provided notice before entering onto or into the facility, or the person refuses to immediately depart from the facility after being informed to leave. The notice may be in the form of a written or verbal communication by the owner, a fence or other enclosure designed to exclude intruders or contain animals, or a sign posted which is reasonably likely to come to the attention of an intruder and which indicates that entry is forbidden.

2. A person suffering damages resulting from an action which is in violation of subsection 1 may bring an action in the district court against the person causing the damage to recover all of the following:

*a.* An amount equaling three times all actual and consequential damages.

*b.* Court costs and reasonable attorney fees.

3. A person violating this section is guilty of the following penalties:

*a.* A person who violates subsection 1, paragraph "*a*", is guilty of a class "C" felony if the injury to or death of an animal or damage to property exceeds ten thousand dollars, a class "D" felony if the injury to or death of an animal or damage to property exceeds one thousand dollars but does not exceed ten thousand dollars, an aggravated misdemeanor if the injury to or death of an animal or damage to property exceeds one hundred dollars but does not exceed one thousand dollars, a serious misdemeanor if the injury to or death of an animal or damage to property exceeds fifty dollars but does not exceed one hundred dollars, or a simple misdemeanor if the injury to or death of an animal or damage to property does not exceed fifty dollars.

*b.* A person who violates subsection 1, paragraph "*b*", is guilty of a class "D" felony.

*c.* A person who violates subsection 1, paragraph "*c*", is guilty of an aggravated misdemeanor.

4. *a.* This section does not prohibit any conduct of a person holding a legal interest in an animal or property which is superior to the interest held by a person suffering from damages resulting from the conduct.

*b.* This section does not apply to a governmental agency that is taking lawful action against an animal or animal facility.

*c.* This section does not apply to a licensed veterinarian practicing veterinary medicine as provided in chapter

169 and according to customary standards of care.

91 Acts, ch 227, §1

CS91, §717A.1

95 Acts, ch 43, § 15; 2001 Acts, ch 120, §25

CS2001, §717A.2

2003 Acts, ch 44, §106; 2004 Acts, ch 1142, §1