

717B.3A Animal torture.

1. A person is guilty of animal torture, regardless of whether the person is the owner of the animal, if the person inflicts upon the animal severe physical pain with a depraved or sadistic intent to cause prolonged suffering or death.

2. This section shall not apply to any of the following:

- a. A person acting to carry out an order issued by a court.
- b. A licensed veterinarian practicing veterinary medicine as provided in chapter 169.
- c. A person carrying out a practice that is consistent with animal husbandry practices.
- d. A person acting in order to carry out another provision of law which allows the conduct.
- e. A person taking, hunting, trapping, or fishing for a wild animal as provided in chapter 481A.
- f. A person acting to protect the person's property from a wild animal as defined in section 481A.1.
- g. A person acting to protect a person from injury or death caused by a wild animal as defined in section 481A.1.
- h. A person reasonably acting to protect the person's property from damage caused by an unconfined animal.
- i. A person reasonably acting to protect a person from injury or death caused by an unconfined animal.
- j. A local authority reasonably acting to destroy an animal, if at the time of the destruction, the owner of the animal is absent or unable to care for the animal, and the animal is permanently distressed by disease or injury to a degree that would result in severe and prolonged suffering.
- k. A research facility, as defined in section 162.2, provided that the research facility performs functions within the scope of accepted practices and disciplines associated with the research facility.

3. a. The following shall apply to a person who commits animal torture:

(1) For the first conviction, the person is guilty of an aggravated misdemeanor. The sentencing order shall provide that the person submit to psychological evaluation and treatment according to terms required by the court. The costs of the evaluation and treatment shall be paid by the person. In addition, the sentencing order shall provide that the person complete a community work requirement, which may include a work requirement performed at an animal shelter or pound, as defined in section 162.2, according to terms required by the court.

(2) For a second or subsequent conviction, the person is guilty of a class "D" felony. The sentencing order shall provide that the person submit to psychological evaluation and treatment according to terms required by the court. The costs of the psychological evaluation and treatment shall be paid by the person.

b. The juvenile court shall have exclusive original jurisdiction in a proceeding concerning a child who is alleged to have committed animal torture, in the manner provided in section 232.8. The juvenile court shall not waive jurisdiction in a proceeding concerning an offense alleged to have been committed by a child under the age of seventeen.

2000 Acts, ch 1152, §3; 2008 Acts, ch 1058, §22

Referred to in §162.10A, 232.8, 717B.1