

Senate Amendment 5013

Amendment Text

PAG LIN

1 1 Amend [House File 723](#), as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. By striking everything after the enacting
1 4 clause and inserting the following:
1 5 "Section 1. NEW SECTION. 717B.3A ANIMAL TORTURE.
1 6 1. A person is guilty of animal torture,
1 7 regardless of whether the person is the owner of the
1 8 animal, if the person acts with a depraved or sadistic
1 9 intent to inflict on the animal severe physical pain
1 10 in order to prolong suffering or death.
1 11 2. This section shall not apply to any of the
1 12 following:
1 13 a. A person acting to carry out an order issued by
1 14 a court.
1 15 b. A licensed veterinarian practicing veterinary
1 16 medicine as provided in chapter 169.
1 17 c. A person carrying out a practice that is
1 18 consistent with animal husbandry practices.
1 19 d. A person acting in order to carry out another
1 20 provision of law which allows the conduct.
1 21 e. A person taking, hunting, trapping, or fishing
1 22 for a wild animal as provided in chapter 481A.
1 23 f. A person acting to protect the person's
1 24 property from a wild animal as defined in section
1 25 481A.1.
1 26 g. A person acting to protect a person from injury
1 27 or death caused by a wild animal as defined in section
1 28 481A.1.
1 29 h. A person reasonably acting to protect the
1 30 person's property from damage caused by an unconfined
1 31 animal.
1 32 i. A person reasonably acting to protect a person
1 33 from injury or death caused by an unconfined animal.
1 34 j. A local authority reasonably acting to destroy
1 35 an animal, if at the time of the destruction, the
1 36 owner of the animal is absent or unable to care for
1 37 the animal, and the animal is permanently distressed
1 38 by disease or injury to a degree that would result in
1 39 severe and prolonged suffering.
1 40 k. An institution, as defined in section 145B.1,
1 41 or a research facility, as defined in section 162.2,
1 42 provided that the institution or research facility
1 43 performs functions within the scope of accepted
1 44 practices and disciplines associated with the
1 45 institution or research facility.
1 46 3. A person guilty of animal torture is guilty of
1 47 an aggravated misdemeanor for the first offense and
1 48 guilty of a class "D" felony for a second or
1 49 subsequent offense. If a person is guilty of animal
1 50 torture, as provided in this subsection, the
2 1 sentencing order shall provide that the person
2 2 participate in counseling according to terms ordered
2 3 by the court. However, a person shall not be guilty
2 4 of more than one offense of animal torture, when the
2 5 abuse occurs to multiple animals during any
2 6 uninterrupted period."
2 7 #2. Title page, line 1, by striking the words

2 8 "persons and".

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2 12 COMMITTEE ON [JUDICIARY](#)

2 13 ANDY McKEAN, CHAIRPERSON

2 14 [HF 723.309](#) 78

2 15 da/cf