

Senate File 2365

H-8388

1 Amend Senate File 2365, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 4, after line 30 by inserting:

4 <5. Dog vests, identification cards, documents, or
5 certificates which identify a dog as a service animal convey
6 no rights under this section or under the federal Americans
7 with Disabilities Act of 1990, 42 U.S.C. §12101 et seq., as
8 evidenced by the United States department of justice's informal
9 advisory stating that the department of justice does not
10 recognize such items as proof that a dog is a service animal.

11 Sec. _____. Section 717B.1, Code 2018, is amended by adding
12 the following new subsections:

13 NEW SUBSECTION. 2A. "*Animal mistreatment*" means an act
14 described as animal abuse as provided in section 717B.2,
15 animal neglect as provided in section 717B.3, animal torture
16 as provided in section 717B.3A, abandonment of a cat or dog as
17 provided in section 717B.8, or injury to or interference with a
18 police service dog as provided in section 717B.9.

19 NEW SUBSECTION. 3A. a. "*Convicted*" means the entry of
20 a judgment of conviction under chapter 901 or adjudicated
21 delinquent for an act which is an indictable offense in this
22 state or in another state under chapter 232.

23 b. "*Convicted*" does not mean a plea, sentence, adjudication,
24 deferred sentence, or deferred judgment which has been reversed
25 or otherwise set aside.

26 NEW SUBSECTION. 3B. "*Department*" means the department of
27 agriculture and land stewardship.

28 NEW SUBSECTION. 4A. "*Euthanasia*" means the same as defined
29 in section 162.2.

30 NEW SUBSECTION. 4B. "*Injury*" means an animal's
31 disfigurement; the impairment of an animal's health; or an
32 impairment to the functioning of an animal's limb or organ,
33 including physical damage or harm to an animal's muscle,
34 tissue, organs, bones, hide, or skin.

35 NEW SUBSECTION. 8A. "*Serious injury*" means an injury that

1 constitutes an animal's protracted or permanent disfigurement,
2 the protracted or permanent impairment of an animal's health,
3 the protracted or permanent impairment of the functioning of
4 an animal's limb or organ, or the loss of an animal's limb or
5 organ.

6 Sec. _____. Section 717B.2, Code 2018, is amended to read as
7 follows:

8 **717B.2 Animal abuse — penalties.**

9 1. A person is guilty of animal abuse if the person
10 intentionally injures, maims, disfigures, or destroys an animal
11 owned by another person, in any manner, including intentionally
12 poisoning the animal commits animal abuse when the person
13 knowingly or recklessly causes injury, serious injury, or death
14 to an animal by force, violence, or poisoning. A person guilty
15 of animal abuse is guilty of an aggravated misdemeanor.

16 2. This section shall not apply to conduct engaged in by any
17 of the following:

18 1. A person acting with the consent of the person owning
19 the animal, unless the action constitutes animal neglect as
20 provided in section 717B.3.

21 a. An owner of the animal, or a person acting with the
22 consent of the owner, who euthanizes an animal in a reasonable
23 manner, if at the time of the euthanasia, the animal is in a
24 state of permanent pain or suffering.

25 b. An owner of the animal, or a person acting with the
26 consent of the owner, who euthanizes a rabbit in a reasonable
27 manner for purposes of preparing the rabbit for human
28 consumption.

29 c. A commercial breeder as defined in section 162.2 who
30 tail docks a dog or removes the dewclaw of a dog, if all of the
31 following apply:

32 (1) The commercial breeder has been issued a valid
33 authorization by the department under chapter 162.

34 (2) The dog is five days or younger in age.

35 2. d. A person acting to carry out an order issued by a

1 court.

2 ~~3.~~ e. A licensed veterinarian practicing veterinary
3 medicine as provided in [chapter 169](#).

4 ~~4.~~ f. A person acting in order to carry out another
5 provision of law which allows the conduct.

6 ~~5.~~ g. A person taking, hunting, trapping, or fishing for a
7 wild animal as provided in [chapter 481A](#).

8 ~~6.~~ h. A person acting to protect the person's property from
9 a wild animal as defined in [section 481A.1](#).

10 ~~7.~~ i. A person acting to protect a person from injury or
11 death caused by a wild animal as defined in [section 481A.1](#).

12 ~~8.~~ j. A person reasonably acting to protect the person's
13 property from damage caused by an unconfined animal.

14 ~~9.~~ k. A person reasonably acting to protect a person from
15 injury or death caused by an unconfined animal.

16 ~~10.~~ l. A local authority reasonably acting to destroy an
17 animal, if at the time of the destruction, the owner of the
18 animal is absent or unable to care for the animal, and the
19 animal is permanently distressed by disease or injury to a
20 degree that would result in severe and prolonged suffering.

21 ~~11.~~ m. A research facility, as defined in [section 162.2](#),
22 ~~provided that~~ if the research facility has been issued a valid
23 authorization by the department pursuant to chapter 162, and
24 the research facility performs functions within the scope of
25 accepted practices and disciplines associated with the research
26 facility.

27 3. A person who commits animal abuse that causes injury to
28 an animal is guilty of a serious misdemeanor.

29 4. A person who commits animal abuse that causes serious
30 injury or death to an animal is guilty of an aggravated
31 misdemeanor.

32 5. Notwithstanding subsection 4, a person who commits
33 animal abuse that causes serious injury or death to an animal
34 is guilty of a class "D" felony if the person has previously
35 been convicted of committing animal abuse pursuant to this

1 section, animal neglect punishable as a serious misdemeanor
2 or aggravated misdemeanor pursuant to section 717B.3, animal
3 torture pursuant to section 717B.3A, injury to or interference
4 with a police service dog pursuant to section 717B.9,
5 bestiality pursuant to section 717C.1, or an act involving a
6 contest event prohibited in section 717D.2.

7 Sec. _____. Section 717B.3, Code 2018, is amended to read as
8 follows:

9 **717B.3 Animal neglect — penalties.**

10 1. A person ~~who impounds or~~ commits animal neglect when
11 the person owns or has custody of an animal, confines, in any
12 place, an that animal, is guilty of animal neglect if the
13 person does any of the following:

14 ~~a. Fails and knowingly or recklessly fails to supply the~~
15 ~~animal during confinement with a sufficient quantity of food or~~
16 ~~water. provide the animal with any of the following:~~

17 a. Access to food in an amount and quality reasonably
18 sufficient to satisfy the animal's basic nutrition level to the
19 extent that the animal's health or life is endangered.

20 ~~b. Fails to provide a confined dog or cat with adequate~~
21 ~~shelter. Access to a supply of potable water in an amount~~
22 reasonably sufficient to satisfy the animal's basic hydration
23 level to the extent that the animal's health or life is
24 endangered. Access to snow or ice does not satisfy this
25 requirement.

26 ~~c. Tortures, deprives of necessary sustenance, mutilates,~~
27 ~~beats, or kills an animal by any means which causes unjustified~~
28 ~~pain, distress, or suffering. Sanitary conditions free from~~
29 excessive animal waste or the overcrowding of animals to the
30 extent that the animal's health or life is endangered.

31 d. Ventilated shelter reasonably sufficient to provide
32 adequate protection from the elements and weather conditions
33 suitable for the age, species, and physical condition of the
34 animal so as to maintain the animal in a state of good health
35 to the extent that the animal's health or life is endangered.

1 The shelter must protect the animal from wind, rain, snow, or
2 sun and have adequate bedding to provide reasonable protection
3 against cold and dampness. A shelter may include a residence,
4 garage, barn, shed, or doghouse.

5 e. Grooming, to the extent it is reasonably necessary to
6 prevent adverse health effects or suffering.

7 f. (1) Veterinary care deemed reasonably necessary to
8 relieve an animal's distress from any of the following:

9 (a) A condition caused by failing to provide for the
10 animal's welfare as described in paragraphs "a" through "e".

11 (b) An injury or serious illness suffered by the animal
12 causing the animal to suffer prolonged pain and suffering.

13 (2) This paragraph "f" does not apply to any of the
14 following:

15 (a) An animal for which the cost of such veterinary care is
16 not reasonably affordable by the animal's owner, so long as the
17 animal's owner makes appropriate and reasonable arrangements
18 to transfer ownership and possession of the animal to a person
19 who agrees to provide such care.

20 (b) The animal's owner provides for the euthanasia of the
21 animal, and all of the following apply:

22 (i) The animal suffers from an illness or injury.

23 (ii) There is no reasonable probability that reasonable
24 veterinary care could alleviate the animal's illness or injury.

25 2. This section does not apply to conduct engaged in by a
26 research facility, as defined in section 162.2, provided that
27 if the research facility performs functions within the scope of
28 accepted practices and disciplines associated with the research
29 facility.

30 3. A person who negligently or intentionally commits the
31 offense of animal neglect is guilty of a simple misdemeanor. A
32 person who intentionally commits the offense of animal neglect
33 which results in serious injury to or the death of an animal is
34 guilty of a serious misdemeanor.

35 4. A person who commits animal neglect that causes injury to

1 an animal is guilty of a serious misdemeanor.

2 5. A person who commits animal neglect that causes serious
3 injury or death to an animal is guilty of an aggravated
4 misdemeanor.

5 6. Notwithstanding subsection 5, a person who commits
6 animal neglect that causes serious injury or death to an
7 animal is guilty of a class "D" felony if the person has been
8 previously convicted of animal abuse pursuant to section
9 717B.2, animal neglect punishable as a serious misdemeanor or
10 aggravated misdemeanor pursuant to this section, animal torture
11 pursuant to section 717B.3A, injury to or interference with
12 a police service dog pursuant to section 717B.9, bestiality
13 pursuant to section 717C.1, or an act involving a contest event
14 prohibited in section 717D.2.

15 Sec. _____. Section 717B.3A, Code 2018, is amended to read as
16 follows:

17 **717B.3A Animal torture — penalties.**

18 1. A person is guilty of animal torture, ~~regardless of~~
19 ~~whether the person is the owner of the animal, if~~ when the
20 person inflicts knowingly acts to inflict upon the an animal
21 severe and prolonged or repeated physical pain with a depraved
22 or sadistic intent to cause, if such act causes all of the
23 following:

24 a. The animal's prolonged or repeated suffering.

25 b. The animal's serious injury or death.

26 2. ~~This section~~ shall not apply to conduct engaged in by any
27 of the following:

28 a. A person acting to carry out an order issued by a court.

29 b. A licensed veterinarian practicing veterinary medicine as
30 provided in chapter 169.

31 ~~c. A person carrying out a practice that is consistent with~~
32 ~~animal husbandry practices.~~

33 ~~d. c.~~ c. A person acting in order to carry out another
34 provision of law which allows the conduct.

35 ~~e. d.~~ d. A person taking, hunting, trapping, or fishing for a

1 wild animal as provided in [chapter 481A](#).

2 ~~f.~~ e. A person acting to protect the person's property from
3 a wild animal as defined in [section 481A.1](#).

4 ~~g.~~ f. A person acting to protect a person from ~~injury~~
5 bodily harm or death caused by a wild animal as defined in
6 section 481A.1.

7 ~~h.~~ g. A person ~~reasonably~~ acting reasonably to protect the
8 person's property from damage caused by an unconfined animal.

9 ~~i.~~ h. A person ~~reasonably~~ acting reasonably to protect a
10 person from ~~injury~~ bodily harm or death caused by an unconfined
11 animal.

12 ~~j.~~ i. A local authority acting reasonably ~~acting~~ to
13 ~~destroy~~ euthanize an animal, if at the time of the ~~destruction~~
14 euthanasia, the owner of the animal is absent or unable to care
15 for the animal, and the animal is permanently distressed by
16 disease or injury to a degree that would result in severe and
17 prolonged suffering.

18 ~~k.~~ j. A research facility, as defined in [section 162.2](#),
19 ~~provided that~~ if the research facility has been issued a valid
20 authorization by the department pursuant to chapter 162, and
21 the research facility performs functions within the scope of
22 accepted practices and disciplines associated with the research
23 facility.

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

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

35 ~~(2) For a second or subsequent conviction, the person is~~

1 ~~guilty of a class "D" felony. The sentencing order shall~~
2 ~~provide that the person submit to psychological evaluation and~~
3 ~~treatment according to terms required by the court. The costs~~
4 ~~of the psychological evaluation and treatment shall be paid by~~
5 ~~the person.~~

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

12 4. A person who commits animal torture is guilty of a class
13 "D" felony.

14 5. Notwithstanding subsection 4, a person who commits
15 animal torture is guilty of a class "C" felony if the person
16 has previously been convicted of committing animal abuse
17 pursuant to section 717B.2, animal neglect punishable as a
18 serious misdemeanor or aggravated misdemeanor pursuant to
19 section 717B.3, animal torture pursuant to this section, injury
20 to or interference with a police service dog pursuant to
21 section 717B.9, bestiality pursuant to section 717C.1, or an
22 act involving a contest event prohibited in section 717D.2.

23 **Sec. ____.** NEW SECTION. **717B.3B Animal mistreatment — court**
24 **order — evaluation and treatment.**

25 1. At the time of a person's conviction for a form of
26 animal mistreatment, a court may enter an order requiring the
27 person to undergo a psychological or psychiatric evaluation
28 and to undergo any treatment that the court determines to be
29 appropriate after due consideration of the evaluation.

30 2. Notwithstanding subsection 1, the court shall enter an
31 order described in that subsection, if the convicted person is
32 any of the following:

33 a. A juvenile.

34 b. An adult convicted of animal abuse punishable as an
35 aggravated misdemeanor or class "D" felony pursuant to section

1 717B.2, animal neglect punishable as an aggravated misdemeanor
2 or class "D" felony pursuant to section 717B.3, or animal
3 torture punishable as a class "D" felony or class "C" felony
4 pursuant to section 717B.3A.

5 3. The costs of undergoing a psychological or psychiatric
6 evaluation and undergoing any treatment ordered by the court
7 shall be borne by the convicted person, unless the person is
8 a juvenile.

9 4. An order made under this section is in addition to any
10 other order or sentence of the court.

11 5. Any violation of the court order shall be punished as
12 contempt of court pursuant to chapter 665.

13 Sec. ____ . NEW SECTION. **717B.3C Animal mistreatment —**
14 **sentencing order — prohibitions.**

15 1. At the time of a person's sentencing for a form of animal
16 mistreatment, a court may prohibit the person from owning or
17 obtaining custody of an animal or residing in the same dwelling
18 where an animal is kept. The period of the prohibition shall
19 be not less than one year.

20 2. Notwithstanding subsection 1, the court shall enter an
21 order described in that subsection, if the convicted person has
22 committed animal abuse punishable as an aggravated misdemeanor
23 or class "D" felony pursuant to section 717B.2, animal neglect
24 punishable as an aggravated misdemeanor or class "D" felony
25 pursuant to section 717B.3, or animal torture punishable as
26 a class "D" felony or class "C" felony pursuant to section
27 717B.3A. The period of such prohibition shall be not less than
28 five years.

29 3. The duration of a prohibition described in this
30 section commences on the date that the person is placed on
31 probation, released on parole or work release, or released from
32 incarceration or from placement in a juvenile facility.

33 4. An order made pursuant to this section is in addition to
34 any other order or sentence of the court.

35 5. Any violation of the court order described in this

1 section is a public offense and shall be punished as a simple
2 misdemeanor.

3 Sec. _____. Section 717B.8, Code 2018, is amended to read as
4 follows:

5 **717B.8 Abandonment of cats and dogs — penalties.**

6 1. A person who has ownership or custody of a cat or dog
7 shall not abandon the cat or dog, ~~except the person may deliver~~
8 the.

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

10 a. The delivery of a cat or dog to another person who will
11 accept ownership and custody ~~or the person may deliver~~ of the
12 cat or dog.

13 b. The delivery of a cat or dog to an animal shelter or
14 pound as defined in section 162.2 that has been issued a valid
15 authorization by the department under chapter 162.

16 c. A person who relinquishes custody of a cat at a location
17 in which the person does not hold a legal or equitable
18 interest, if previously the person had taken custody of the cat
19 at the same location and provided for the cat's sterilization
20 by a licensed veterinarian practicing veterinary medicine
21 pursuant to chapter 169.

22 3. A person who violates this section is guilty of a simple
23 misdemeanor.

24 Sec. _____. IMPLEMENTATION OF ACT. Section 25B.2, subsection
25 3, shall not apply to this Act.>

26 2. Title page, by striking lines 1 through 3 and inserting
27 <An Act relating to the protection of and assistance provided
28 by animals and the misrepresentation of an animal as a service
29 animal or a service-animal-in-training and providing for>

PAUSTIAN of Scott