

House File 737

S-5062

1 Amend House File 737, as passed by the House, as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 717B.1, Code 2020, is amended by adding
5 the following new subsection:

6 NEW SUBSECTION. 3A. *“Commercial establishment”* means the
7 same as defined in section 162.2.

8 Sec. 2. Section 717B.2, unnumbered paragraph 1, Code 2020,
9 is amended to read as follows:

10 A person ~~is guilty of~~ commits animal abuse if the person
11 intentionally injures, maims, disfigures, or destroys an animal
12 owned by another person, in any manner, including intentionally
13 poisoning the animal. A person ~~guilty of~~ who commits animal
14 abuse is guilty of an aggravated misdemeanor. Animal neglect
15 as provided in section 717B.3 is not an included offense of
16 animal abuse. On a charge of animal abuse, the court shall
17 not accept a plea agreement unless the agreement includes
18 a plea of guilty to the offense of animal abuse. A person
19 sentenced for committing animal abuse shall be sentenced to
20 and shall serve the maximum period of imprisonment for the
21 offense, notwithstanding any other provision of law to the
22 contrary. The person’s sentence shall not be reduced under
23 chapter 903A or any other provision of law. In addition,
24 the sentencing order shall provide that the person complete
25 a supervised community work requirement, which may include a
26 work requirement performed at an animal shelter or pound, as
27 those terms are defined in section 162.2, according to terms
28 required by the court. This section shall not apply to any of
29 the following:

30 Sec. 3. Section 717B.2, Code 2020, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 12. A commercial establishment, provided
33 that the commercial establishment’s conduct complies with
34 applicable standard of care requirements in section 162.10A.

35 Sec. 4. Section 717B.3, subsection 1, unnumbered paragraph

1 1, Code 2020, is amended to read as follows:

2 A person who impounds or confines, in any place, an animal ~~is~~
3 ~~guilty of~~ commits animal neglect if the person does any of the
4 following:

5 Sec. 5. Section 717B.3, subsection 2, Code 2020, is amended
6 to read as follows:

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

8 a. A person who is issued or renewed an authorization as
9 provided in chapter 162, or a person acting under the direction
10 or supervision of the person, if all of the following apply:

11 (1) The animal, as described in subsection 1, was maintained
12 as part of the commercial establishment's operation.

13 (2) In providing conditions for the welfare of the animal,
14 as described in subsection 1, the person complied with the
15 standard of care requirements provided in section 162.10A,
16 subsection 1, including any applicable rules adopted by the
17 department applying to any of the following:

18 (a) A state licensee or registrant operating pursuant to
19 section 162.10A, subsection 2, paragraph "a" or "b".

20 (b) A permittee operating pursuant to section 162.10A,
21 subsection 2, paragraph "c".

22 b. A research facility, as defined in section 162.2,
23 ~~provided that~~ if the research facility performs functions
24 within the scope of accepted practices and disciplines
25 associated with the research facility.

26 Sec. 6. Section 717B.3, subsection 3, Code 2020, is amended
27 to read as follows:

28 3. a. A person who negligently or intentionally commits
29 the offense of animal neglect is guilty of a ~~simple~~ serious
30 misdemeanor.

31 b. A person who intentionally commits the offense of animal
32 neglect which results in serious injury to or the death of an
33 animal is guilty of a ~~serious~~ an aggravated misdemeanor. In
34 addition, the sentencing order shall provide that the person
35 complete a supervised community work requirement, which may

1 include a work requirement performed at an animal shelter or
2 pound, as those terms are defined in section 162.2, according
3 to terms required by the court.

4 Sec. 7. Section 717B.3A, subsection 1, Code 2020, is amended
5 to read as follows:

6 1. A person ~~is guilty of~~ commits animal torture, regardless
7 of whether the person is the owner of the animal, if the person
8 intentionally inflicts upon the animal severe physical pain
9 ~~with a depraved or sadistic intent to cause in a manner that~~
10 causes the animal's prolonged suffering or death.

11 Sec. 8. Section 717B.3A, subsection 2, Code 2020, is amended
12 by adding the following new paragraph:

13 NEW PARAGRAPH. 1. A commercial establishment, provided that
14 the commercial establishment's conduct complies with applicable
15 standard of care requirements in section 162.10A.

16 Sec. 9. Section 717B.3A, subsection 3, Code 2020, is amended
17 by adding the following new paragraph:

18 NEW PARAGRAPH. c. (1) A person convicted of animal torture
19 shall also be sentenced, in addition to any other punishment
20 provided by law, to an additional term of confinement
21 committing the person into the custody of the director of the
22 department of corrections for a period of not less than one
23 year but not more than three years as determined by the court,
24 with eligibility for parole as provided in chapter 906. The
25 board of parole shall determine whether the person should be
26 released on parole or placed in a work release program. The
27 additional term of confinement imposed under this paragraph
28 shall commence upon completion of the sentence imposed under
29 paragraph "a", subparagraph (1) or (2), or any other applicable
30 criminal sentencing provisions for the underlying criminal
31 offense, and the person shall begin the additional term of
32 confinement under supervision as if on parole or work release.
33 The person shall be placed on the corrections continuum
34 described in chapter 901B, and the terms and conditions of the
35 additional term of confinement, including any violations, shall

1 be subject to the same procedures set forth in chapters 901B,
2 905, 906, and 908, and rules adopted under those chapters for
3 persons on parole or work release.

4 (2) The revocation of parole or work release may be
5 for a period of up to six months upon a first revocation,
6 and up to one year upon a second or subsequent revocation.
7 Notwithstanding section 903.4, the place of confinement after
8 any revocation shall be at a correctional institution or
9 facility.

10 Sec. 10. Section 901.5, Code 2020, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 14. In addition to any other sentence or
13 other penalty imposed against the defendant, the court shall
14 impose an additional term of confinement if required under
15 section 717B.3A, subsection 3, paragraph "c".

16 Sec. 11. Section 902.12, Code 2020, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 6. A person serving a sentence for a
19 conviction for animal torture in violation of section 717B.3A
20 that occurs on or after July 1, 2020, shall be denied parole or
21 work release until the person has served seven-tenths of the
22 maximum term of the person's sentence.

23 Sec. 12. Section 907.3, subsection 1, paragraph a, Code
24 2020, is amended by adding the following new subparagraph:

25 NEW SUBPARAGRAPH. (15) The offense is a violation of
26 section 717B.3A.

27 Sec. 13. Section 907.3, subsection 2, paragraph a, Code
28 2020, is amended by adding the following new subparagraph:

29 NEW SUBPARAGRAPH. (9) The offense is a violation of section
30 717B.3A.

31 Sec. 14. Section 907.3, subsection 3, Code 2020, is amended
32 by adding the following new paragraph:

33 NEW PARAGRAPH. h. The offense is a violation of section
34 717B.3A.>

TOM SHIPLEY