

House File 737 - Enrolled

House File 737

AN ACT

RELATING TO THE REGULATION OF PERSONS INVOLVED WITH ANIMALS
OTHER THAN LIVESTOCK AND CERTAIN WILD ANIMALS, PROVIDING FOR
CRIMINAL OFFENSES AND COURT ORDERS ASSOCIATED WITH ANIMAL
MISTREATMENT, AND INCLUDING PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 351.45 Tampering with a rabies
vaccination tag — penalties.

1. A person commits the offense of tampering with a rabies
vaccination tag if all of the following apply:

a. The person knowingly removes, damages, or destroys a
rabies vaccination tag as described in section 351.35.

b. The rabies vaccination tag is attached to a collar worn
by a dog, including as provided in sections 351.25 and 351.26.

2. *a.* For a first conviction, the person is guilty of a
simple misdemeanor.

b. For a second or subsequent conviction, the person is
guilty of a serious misdemeanor.

3. This section shall not apply to an act taken by any of
the following:

a. The owner of the dog, an agent of the owner, or a person
authorized to take action by the owner.

- b. A peace officer as defined in section 801.4.
- c. A veterinarian licensed as provided in chapter 169.
- d. An animal shelter or pound as defined in section 162.2.

Sec. 2. NEW SECTION. 351.46 Tampering with an electronic handling device — penalties.

1. A person commits the offense of tampering with an electronic handling device if all of the following apply:

a. The person knowingly removes, disables, or destroys an electric device designed and used to maintain custody or control of the dog or modify the dog's behavior.

b. The electronic device is attached to or worn by the dog or attached to an item worn by the dog, including but not limited to a collar, harness, or vest.

2. a. For a first conviction, the person is guilty of a simple misdemeanor.

b. For a second or subsequent conviction, the person is guilty of a serious misdemeanor.

3. This section shall not apply to an act taken by any of the following:

a. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.

b. A peace officer as defined in section 801.4.

c. A veterinarian licensed as provided in chapter 169.

d. An animal shelter or pound as defined in section 162.2.

Sec. 3. Section 717B.1, subsection 1, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0b. Preserve whitetail as defined in section 484C.1.

Sec. 4. Section 717B.1, Code 2020, is amended by adding the following new subsections:

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

NEW SUBSECTION. 3A. "*Commercial establishment*" means a commercial establishment as defined in section 162.2 that is operating under a valid authorization issued or renewed under

section 162.2A.

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

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

NEW SUBSECTION. 3C. "*Department*" means the department of agriculture and land stewardship.

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

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

NEW SUBSECTION. 8A. "*Serious injury*" means an injury that constitutes an animal's protracted or permanent disfigurement, the protracted or permanent impairment of an animal's health, the protracted or permanent impairment of the functioning of an animal's limb or organ, or the loss of an animal's limb or organ.

NEW SUBSECTION. 10. "*Veterinarian*" means a veterinarian licensed pursuant to chapter 169 who practices veterinary medicine in this state.

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

717B.2 Animal mistreatment — animal abuse — penalties.

1. ~~A person is guilty of animal abuse if the person intentionally injures, maims, disfigures, or destroys an animal owned by another person, in any manner, including intentionally poisoning the animal~~ commits animal abuse when the person intentionally, knowingly, or recklessly acts to inflict injury, serious injury, or death on an animal by force, violence, or poisoning. ~~A person guilty of animal abuse is guilty of an aggravated misdemeanor.~~

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

~~1. A person acting with the consent of the person owning~~

~~the animal, unless the action constitutes animal neglect as provided in [section 717B.3](#).~~

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

~~2. b. A person acting to carry out an order issued by a court.~~

~~3. c. A licensed veterinarian practicing veterinary medicine as provided in chapter 169.~~

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

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

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

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

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

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

~~10. 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.~~

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

1. An act required to be carried out by a commercial establishment to care for an animal in its possession or under its control as described in [section 162.10A, subsection 1](#), provided that the commercial establishment complies with applicable standard of care requirements pursuant to [subsections 1 and 2 of that section](#).

3. A person who commits animal abuse that causes injury, other than serious injury or death, to an animal is guilty of a serious misdemeanor.

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

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

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

717B.3 Animal mistreatment — animal neglect — penalties.

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

~~a. Fails and fails to supply the animal during confinement with a sufficient quantity of food or water. provide the animal with any of the following conditions for the animal's welfare:~~

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

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

~~c. Tortures, deprives of necessary sustenance, mutilates, beats, or kills an animal by any means which causes unjustified pain, distress, or suffering~~ Sanitary conditions free from excessive animal waste or the overcrowding of animals to the

extent that the animal's health or life is endangered.

d. Ventilated shelter reasonably sufficient to provide adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health to the extent that the animal's health or life is endangered. The shelter must protect the animal from wind, rain, snow, or sun and have adequate bedding to provide reasonable protection against cold and dampness. A shelter may include a residence, garage, barn, shed, or doghouse.

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

f. Veterinary care deemed necessary by a reasonably prudent person to relieve an animal's distress from any of the following:

(1) A condition caused by failing to provide for the animal's welfare as described in this subsection.

(2) An injury or illness suffered by the animal causing the animal to suffer prolonged pain and suffering.

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

a. A person issued or renewed an authorization to operate a commercial establishment, or a person acting under the direction or supervision of that person, if all of the following apply:

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

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

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

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

b. A research facility, as defined in section 162.2, ~~provided that~~ if the research facility has been issued or renewed a valid authorization by the department pursuant to chapter 162, and performs functions within the scope of

accepted practices and disciplines associated with the research facility.

3. A person who ~~negligently or intentionally~~ commits the offense of animal neglect that does not cause injury, serious injury, or death to an animal is guilty of a simple misdemeanor. ~~A person who intentionally commits the offense of animal neglect which results in serious injury to or the death of an animal is guilty of a serious misdemeanor.~~

4. A person who commits animal neglect that causes injury, other than serious injury or death, to an animal is guilty of a serious misdemeanor.

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

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

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

717B.3A Animal mistreatment — animal torture — penalties.

1. A person is guilty of animal torture, ~~regardless of whether the person is the owner of the animal,~~ if the person intentionally or knowingly inflicts upon the on an animal severe and prolonged or repeated physical pain with a depraved or sadistic intent to cause prolonged suffering that causes the animal's serious injury 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.~~ c. A person acting in order to carry out another provision of law which allows the conduct.

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

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

~~g.~~ f. A person acting to protect a person from injury bodily harm or death caused by a wild animal as defined in [section 481A.1](#).

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

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

~~j.~~ i. A local authority ~~reasonably~~ acting reasonably to ~~destroy~~ euthanize an animal, if at the time of the ~~destruction~~ euthanasia, 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.~~ j. A research facility, as defined in [section 162.2](#), ~~provided that if the research facility has been issued or renewed a valid authorization by the department pursuant to chapter 162, and the research facility performs functions within the scope of accepted practices and disciplines associated with the research facility.~~

k. An act required to be carried out by a commercial establishment to care for an animal in its possession or under its control as described in section 162.10A, subsection 1, provided that the commercial establishment complies with applicable standard of care requirements pursuant to subsections 1 and 2 of that section.

~~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 such an offense alleged to have been committed by a child under the age of seventeen.~~

4. A person who commits animal torture is guilty of an aggravated misdemeanor.

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

Sec. 8. NEW SECTION. 717B.3B Animal mistreatment — court order — evaluation and treatment.

1. At the time of a person's conviction for committing a public offense constituting animal mistreatment, a court may enter an order requiring the person to undergo a psychological or psychiatric evaluation and to undergo any treatment that the court determines to be appropriate after due consideration of the evaluation.

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

a. A juvenile.

b. An adult convicted of animal abuse punishable as an aggravated misdemeanor or class "D" felony pursuant to section 717B.2, animal neglect punishable as an aggravated misdemeanor or class "D" felony pursuant to section 717B.3, or animal torture pursuant to section 717B.3A.

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

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

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

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

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

1. A person who has ownership commits animal abandonment if the person owns or has custody of a cat or dog shall not abandon the cat or dog, except the person may deliver and relinquishes all rights in and duties to care for the cat or dog.

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

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

b. The delivery of a cat or dog to an animal shelter or pound as defined in [section 162.2](#) that has been issued or renewed a valid authorization by the department under chapter [162](#).

c. A person who relinquishes custody of a cat at a location in which the person does not hold a legal or equitable interest, if previously the person had taken custody of the cat at the same location and provided for the cat's sterilization by a veterinarian.

3. a. A person who violates [this section](#) commits animal abandonment that does not cause injury or death to an animal is guilty of a simple misdemeanor.

b. A person who commits animal abandonment that causes injury other than serious injury or death to an animal is guilty of a serious misdemeanor.

c. A person who commits animal abandonment that causes serious injury or death to an animal is guilty of an aggravated misdemeanor.

PAT GRASSLEY
Speaker of the House

CHARLES SCHNEIDER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 737, Eighty-eighth General Assembly.

MEGHAN NELSON
Chief Clerk of the House

Approved _____, 2020

KIM REYNOLDS
Governor