

Reprinted 3/25/86

House File 2120

Local Government: Spear. Chair: Connors and Grandia.

~~Amend (S 234) ...~~
JAN 22 1986

LOCAL GOVERNMENT

HOUSE FILE 2120
BY COREY

Passed House, Date 3-21-86 (p.953) Passed Senate, Date 4-3-86 (P.1033)
Vote: Ayes 77 Nays 15 Vote: Ayes 45 Nays 0
Approved April 21, 1986 (p.1606)

A BILL FOR

1 An Act relating to the care of neglected or estray animals.

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

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HF 2120

1 Section 1. NEW SECTION. 717.4 NEGLECTED ANIMALS.

2 A person may take charge of an animal when the owner fails
3 to properly take care of and provide for it, and may furnish
4 the animal with proper care, either on the person's own
5 premises or on the premises of the owner. The person has a
6 lien on the animal for the reasonable value of the care, and
7 the reasonable value of the care may be collected by the
8 person from the owner.

9 Sec. 2. NEW SECTION. 717.5 DISABLED ANIMALS KILLED.

10 A peace officer, officer of a society for the prevention of
11 cruelty to animals, or a magistrate, may humanely destroy a
12 disabled animal that is neglected or estray.

13 Sec. 3. Section 331.653, subsection 21, Code Supplement
14 1985, is amended to read as follows:

15 21. Destroy ~~any-unfit-and~~ a neglected or estray disabled
16 estrays animal as provided in section ~~188.50~~ 717.5.

17 Sec. 4. Sections 188.49 and 188.50, Code 1985, are re-
18 pealed.

19 EXPLANATION

20 This bill moves language that allows a person to take care
21 of a neglected animal and collect the costs of care from the
22 owner and that permits the destruction of disabled estray and
23 neglected animals from chapter 188 to chapter 717 which is
24 part of the criminal code. Under chapter 188 an animal is
25 defined as including a horse, cow, pig, goat, sheep, mule, or
26 ass whereas chapter 717 applies to all nonhuman vertebrates
27 which would include dogs and cats.

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HOUSE FILE 2120

H-5234

Amend House File 2120 as follows:

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

"Section 1. Section 188.49, Code 1985, is amended to read as follows:

188.49 NEGLECTED ANIMALS -- DISABLED ANIMALS
KILLED.

1. Any A person may take charge of any an animal when the owner fails to properly take care and provide for it, and may furnish the same animal with proper care, either on the person's own premises or on the premises of the owner, ~~and shall have.~~ The person has a lien on the animal for the same care, and the reasonable value of such the care may be collected by the person from the said owner.

2. A peace officer or officer of a society for the prevention of cruelty to animals, may humanely destroy a disabled animal that is neglected or estray.

3. As used in this section "animal" means a domestic animal or fowl.

Sec. 2. Section 331.653, subsection 21, Code Supplement 1985, is amended to read as follows:

21. Destroy ~~any unfit and a neglected or estray~~ disabled estray animal as provided in section ~~188-50~~ 717.5.

Sec. 3. Section 717.2, Code 1985, is amended to read as follows:

717.2 CRUELTY TO ANIMALS.

Any A person who ~~shall impound or confine or cause to be impounded or confined~~ impounds or confines, in any place, any a domestic animal, or fowl, or any dog or cat, and ~~fail~~ fails to supply such the animal during confinement with a sufficient quantity of food, and water, and adequate shelter, or who ~~shall torture~~ torment, ~~deprive~~ tortures, torments, deprives of necessary sustenance, ~~mutilate~~ mutilates, ~~overdrive~~ overdrives, ~~overload~~ overloads, ~~drive~~ drives when overloaded, ~~beat or kill any such~~ beats, or kills an animal by any means which shall cause unjustified pain, distress, or suffering, whether intentionally or negligently, ~~shall be~~ is guilty of a simple misdemeanor.

Sec. 4. NEW SECTION. 717.6 DISPOSITION OF NEGLECTED AND ABUSED ANIMALS.

If a person is found guilty of a violation of this chapter, the disposition of the neglected or abused animal shall be determined by the court.

Sec. 5. Section 188.50, Code 1985, is repealed."

H-5234 FILED MARCH 4, 1986

BY COMMITTEE ON LOCAL GOVERNMENT

*Adopted as amended by
5244 + 5492 3/21 (p. 953)*

HOUSE FILE 2120

H-5244

1 Amend amendment H-5234 to House File 2120 as
2 follows:

- 3 1. Page 1, line 25, by striking the figure
4 "717.5" and inserting the following: "188.49".
5 2. Page 1, line 37, by striking the word
6 "multilates" and inserting the following:
7 "mutilates".

H-5244 FILED MARCH 5, 1986 BY COREY of Louisa
(Adopted 3/21 (p. 952))

HOUSE FILE 2120

H-5492

1 Amend the House amendment H-5234 to House File 2120
2 as follows:

- 3 1. Page 1, by striking line 34 and inserting the
4 following: "and water, or who fails to provide a dog
5 or cat with adequate shelter, or who shall-torture".

H-5492 FILED MARCH 20, 1986 BY SPEAR of Lee
TABOR of Jackson
(Adopted 3/21 (p. 953))

h. 629 3/26 L. P. 3/28 (p. 930)

HOUSE FILE 2120

BY COREY

(Amended and Passed by the House March 21, 1986)

Passed House, Date 3-21-86 (p. 953) Passed Senate, Date 4-3-86 (p. 1035)

Vote: Ayes 77 Nays 15 Vote: Ayes 45 Nays 0

Approved April 21, 1986 (p. 1606)

A BILL FOR

- 1 An Act relating to the care of neglected or estray animals.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2120

S-5526

1 Amend House File 2120 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Sec. ____ . NEW SECTION. 99D.27 REGISTRATION OF
6 RACING DOGS.

7 A dog shall not be raced in this state unless it is
8 first registered with the commission. The commission
9 shall adopt rules relating to the registration of
10 racing dogs. These rules shall include a requirement
11 that the owner of a dog seeking to register the dog
12 shall file an affidavit stating whether the owner has
13 any knowledge or reason to believe that the dog has
14 been trained with the use of live animals, other than
15 the dogs being trained. The commission shall deny
16 registration upon a finding that a dog has been
17 trained with the use of live animals, other than the
18 dogs being trained.

19 Sec. 2. Section 99D.24, subsection 1, Code 1985,
20 is amended by adding the following new lettered
21 paragraphs:

22 NEW LETTERED PARAGRAPH. d. Training racing dogs
23 in this state and uses live animals, other than the
24 dogs being trained, in the course of that training.

25 NEW LETTERED PARAGRAPH. e. Knowingly permitting a
26 racing dog to race in the state if the dog was trained
27 with the use of live animals, other than the dogs
28 being trained."

S-5526 Filed April 2, 1986

BY DIELEMAN

W/D 4/3 (p. 1033)

1 Section 1. Section 188.49, Code 1985, is amended to read
2 as follows:

3 188.49 NEGLECTED ANIMALS -- DISABLED ANIMALS KILLED.

4 1. Any A person may take charge of any an animal when the
5 owner fails to properly take care and provide for it, and may
6 furnish the same animal with proper care, either on the
7 person's own premises or on the premises of the owner, ~~and~~
8 ~~shall have.~~ The person has a lien on the animal for the same
9 care, and the reasonable value of such the care may be
10 collected by the person from the said owner.

11 2. A peace officer or officer of a society for the
12 prevention of cruelty to animals, may humanely destroy a
13 disabled animal that is neglected or estray.

14 3. As used in this section "animal" means a domestic
15 animal or fowl.

16 Sec. 2. Section 331.653, subsection 21, Code Supplement
17 1985, is amended to read as follows:

18 21. Destroy ~~any-unfit-and~~ a neglected or estray disabled
19 estray animal as provided in section ~~188:50~~ 188.49.

20 Sec. 3. Section 717.2, Code 1985, is amended to read as
21 follows:

22 717.2 CRUELTY TO ANIMALS.

23 Any A person who ~~shall-impound-or-confine-or-cause-to-be~~
24 ~~impounded-or-confined~~ impounds or confines, in any place, any
25 a domestic animal, or fowl, or any dog or cat, and ~~fail~~ fails
26 to supply such the animal during confinement with a sufficient
27 quantity of food, and water, or who fails to provide a dog or
28 cat with adequate shelter, or who shall-torture, torment,
29 deprive tortures, torments, deprives of necessary sustenance,
30 mutilate, overdrive, overload, drive mutilates, overdrives,
31 overloads, drives when overloaded, beat, or kill-any-such
32 beats, or kills an animal by any means which shall cause
33 unjustified pain, distress, or suffering, whether
34 intentionally or negligently, shall-be is guilty of a simple
35 misdemeanor.

1 Sec. 4. NEW SECTION. 717.6 DISPOSITION OF NEGLECTED AND
2 ABUSED ANIMALS.

3 If a person is found guilty of a violation of this chapter,
4 the disposition of the neglected or abused animal shall be
5 determined by the court.

6 Sec. 5. Section 188.50, Code 1985, is repealed.

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HOUSE FILE 2120

AN ACT
RELATING TO THE CARE OF NEGLECTED OR ESTRAY ANIMALS.

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

Section 1. Section 188.49, Code 1985, is amended to read as follows:

188.49 NEGLECTED ANIMALS -- DISABLED ANIMALS KILLED.

1. Any ~~A~~ person may take charge of any ~~an~~ animal when the owner fails to properly take care and provide for it, and may furnish the ~~same~~ animal with proper care, either on the person's own premises or on the premises of the owner, ~~and shall have.~~ The person has a lien on the animal for the same care, and the reasonable value of such the care may be collected by the person from the said owner.

2. A peace officer or officer of a society for the prevention of cruelty to animals, may humanely destroy a disabled animal that is neglected or estray.

3. As used in this section "animal" means a domestic animal or fowl.

Sec. 2. Section 331.653, subsection 21, Code Supplement 1985, is amended to read as follows:

21. Destroy ~~any-unfit-and a neglected or estray~~ disabled estray animal as provided in section ~~308-50~~ 188.49.

Sec. 3. Section 717.2, Code 1985, is amended to read as follows:

717.2 CRUELTY TO ANIMALS.

Any ~~A~~ person who ~~shall impound or confine or cause to be impounded or confined~~ impounds or confines, in any place, any a domestic animal, or fowl, or any dog or cat, and ~~that fails~~ to supply ~~such the~~ animal during confinement with a sufficient quantity of food, and water, or who fails to provide a dog or cat with adequate shelter, or who ~~shall torture, torment, deprive of necessary sustenance, mutilate, overdrive, overexhaust, drive, mutilate, overdrive,~~

~~overloads, drives when overloaded, beats, or kill any such beats, or kills an~~ animal by any means which ~~shall~~ cause unjustified pain, distress, or suffering, whether intentionally or negligently, ~~shall be~~ is guilty of a simple misdemeanor.

Sec. 4. NEW SECTION. 717.6 DISPOSITION OF NEGLECTED AND ABUSED ANIMALS.

If a person is found guilty of a violation of this chapter, the disposition of the neglected or abused animal shall be determined by the court.

Sec. 5. Section 188.50, Code 1985, is repealed.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2120, Seventy-first General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved *April 21*, 1986

TERRY E. BRANSTAD
Governor

H.F. 2120