

SENATE FILE 66
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 6)

Passed Senate, Date ^{P. 255} 2/6/95 Passed House, Date 4/13/95
Vote: Ayes 47 Nays 1 Vote: Ayes 96 Nays 1

Re-passed Senate Approved April 27, 1995
Ayes 48 Nays 0 (P. 1231)

A BILL FOR

1 An Act relating to cruelty to police service dogs and providing
2 for enhanced penalties.

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

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S.F. 66

1 Section 1. Section 717B.9, subsections 1 and 2, Code 1995,
2 are amended to read as follows:

3 1. A person who knowingly, and willfully or maliciously
4 torments, strikes, administers a nonpoisonous desensitizing
5 substance to, or otherwise interferes with a police service
6 dog, without inflicting serious injury on the dog, commits a
7 ~~simple~~ serious misdemeanor.

8 2. A person who knowingly, and willfully or maliciously
9 does any of the following commits a class "D" felony:

10 a. ~~tortures~~, Tortures a police service dog.

11 b. ~~injures~~ Injures, so as to disfigure or disable, a
12 police service dog.

13 c. Sets a booby trap device for purposes of injuring, so
14 as to disfigure or disable, or killing a police service dog.

15 d. Pays or agrees to pay a bounty for purposes of injury,
16 so as to disfigure or disable, or killing a police service
17 dog.

18 e. ~~kills~~, or Kills a police service dog.

19 f. ~~administers~~ Administers poison to a police service dog,
20 ~~commits-a-serious-misdemeanor.~~

21 EXPLANATION

22 This bill raises the penalties applicable to acts defined
23 as cruelty to police service dogs. The knowing and willful or
24 malicious tormenting or striking of a police service dog, as
25 well as the administration of nonpoisonous desensitizing
26 substances to or other interference with a police service dog,
27 is elevated from a simple to a serious misdemeanor. The
28 knowing and willful or malicious torture, disfiguring,
29 disabling, killing, or poisoning of a police service dog is
30 elevated from a serious misdemeanor to a class "D" felony.
31 The penalty for a serious misdemeanor is a fine of at least
32 \$250 but not more than \$1,500 or both fine and imprisonment of
33 up to one year in jail. The maximum penalty for a class "D"
34 felony is confinement of up to five years in the penitentiary
35 and a fine of not less than \$500 and not more than \$7,500.

SENATE FILE 66

H-3786

1 Amend Senate File 66, as passed by the Senate as
2 follows:

3 1. Page 1, line 1, by striking the figures and
4 word "1 and 2" and inserting the following: "1, 2,
5 and 3".

6 2. Page 1, by inserting after line 20 the
7 following:

8 "3. As used in this section, "police service dog"
9 means a dog used by a peace officer or correctional
10 officer in the performance of the officer's duties,
11 whether or not the dog is on duty."

By COMMITTEE ON JUDICIARY

HURLEY of Fayette, Chairperson

H-3786 FILED APRIL 6, 1995 (p.1557)
adopted 4-13-95

HOUSE AMENDMENT TO
SENATE FILE 66

S-3425

1 Amend Senate File 66, as passed by the Senate as
2 follows:

3 1. Page 1, line 1, by striking the figures and
4 word "1 and 2" and inserting the following: "1, 2,
5 and 3".

6 2. Page 1, by inserting after line 20 the
7 following:

8 "3. As used in this section, "police service dog"
9 means a dog used by a peace officer or correctional
10 officer in the performance of the officer's duties,
11 whether or not the dog is on duty."

RECEIVED FROM THE HOUSE

S-3425 FILED APRIL 13, 1995
Senate concurred 4/17/95
(p. 1281)

Fraiese - Chair
Hansen
Giannetto
Drake
Maddox

SSB 6
Judiciary

Succeeded By
SF/HE
SENATE FILE 66

BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY CHAIRPERSON
GIANNETTO)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to cruelty to police service dogs and providing
2 for enhanced penalties.

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

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10 MARGINS L

20 Section 1. Section 717B.9, subsections 1, 2, and 4, Code 1995,
30 are amended to read as follows:

40 1. A person who knowingly, and
50 willfully or maliciously
60 torments, strikes, administers a
70 nonpoisonous desensitizing
80 substance to, or otherwise interferes
90 with a police service

100 dog, without inflicting serious injury
110 on the dog, commits a
120 ~~simple~~ serious misdemeanor.

130 2. A person who knowingly, and
140 willfully or maliciously
150 does any of the following commits a class "D" felony:

160 a. tortures, Tortures a police service dog.

170 b. injures Injures, so as to disfigure or
180 disable, a police service dog.

190 c. Sets a booby trap device for purposes of injuring, so
200 as to disfigure or disable, or killing a police service dog.

210 d. Pays or agrees to pay a bounty for purposes of injury,
220 so as to disfigure or disable, or killing a police service dog.

230 e. kills, or Kills a police service dog.

240 f. administers Administers poison to a police service
250 ~~dog, commits a serious~~
260 ~~misdemeanor.~~

270 4. This section does not apply to a
280 peace officer or
290 veterinarian who terminates the life of
300 such a dog for the
310 purpose of relieving the dog of undue
320 pain or suffering, ~~or to~~
330 ~~a person who justifiably acts in defense~~
340 ~~of self or another.~~

350 MARGINS C

360 EXPLANATION

370 MARGINS L

380 This bill raises the penalties applicable to acts
390 defined as cruelty to police service dogs and removes language
400 relating to justifiable acts in defense of self or others.
410 The knowing and willful or malicious tormenting or striking of
420 a police service dog, as well as the administration of
430 nonpoisonous desensitizing substances to or other interference
440 with a police service dog, is elevated from a simple to a
450 serious misdemeanor. The knowing and willful or malicious
460 torture, disfiguring, disabling, killing, or poisoning of a
470 police service dog is elevated from a serious misdemeanor
480 to a class "D" felony. The penalty for a
490 serious misdemeanor is a fine of at least \$250 but not
500 more than \$1,500
510 or both fine and
520 imprisonment of up to one year in
530 jail. The maximum penalty for a class "D" felony is
540 confinement of up to five years in the penitentiary and a fine
550 of not less than \$500 and not more than \$7,500.
560 MARGINS F F
570 LSB 1443XC 76
580 lh/sc/14

performance of the officer's duties, whether or not the dog is on duty.

SENATE FILE 66

AN ACT

RELATING TO CRUELTY TO POLICE SERVICE DOGS AND PROVIDING FOR ENHANCED PENALTIES.

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

Section 1. Section 717B.9, subsections 1, 2, and 3, Code 1995, are amended to read as follows:

1. A person who knowingly, and willfully or maliciously torments, strikes, administers a nonpoisonous desensitizing substance to, or otherwise interferes with a police service dog, without inflicting serious injury on the dog, commits a ~~simple~~ serious misdemeanor.

2. A person who knowingly, and willfully or maliciously does any of the following commits a class "D" felony:

- a. ~~tortures,~~ Tortures a police service dog.
- b. ~~injures~~ Injures, so as to disfigure or disable, a police service dog.
- c. Sets a booby trap device for purposes of injuring, so as to disfigure or disable, or killing a police service dog.
- d. Pays or agrees to pay a bounty for purposes of injury, so as to disfigure or disable, or killing a police service dog.
- e. ~~kills,~~ or Kills a police service dog.
- f. ~~administers~~ Administers poison to a police service dog, ~~commits-a-serious-misdemeanor.~~

3. As used in this section, "police service dog" means a dog used by a peace officer or correctional officer in the

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 66, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 27, 1995

TERRY E. BRANSTAD
Governor