

JAN 29 1998  
JUDICIARY

HOUSE FILE 2114  
BY CORMACK

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to injury to animals maintained at animal  
2 facilities committed by unauthorized persons, by providing for  
3 a penalty and a minimum sentence.

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

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HF 2114

1 Section 1. Section 717A.1, subsection 4, paragraph a, Code  
2 1997, is amended to read as follows:

3 a. A person who violates subsection 2, paragraph "a", is  
4 guilty of a the following offenses:

5 (1) For an injury which does not cause the death of an  
6 animal or for damage to property the following shall apply:

7 (a) A class "C" felony if the injury to an animal or  
8 damage to property exceeds fifty thousand dollars~~-a~~.

9 (b) A class "D" felony if the injury to an animal or  
10 damage to property exceeds five hundred dollars but does not  
11 exceed fifty thousand dollars~~-an~~.

12 (c) An aggravated misdemeanor if the injury to an animal  
13 or damage to property exceeds one hundred dollars but does not  
14 exceed five hundred dollars~~-a~~.

15 (d) A serious misdemeanor if the injury to an animal or  
16 damage to property exceeds fifty dollars but does not exceed  
17 one hundred dollars~~-or-a~~.

18 (e) A simple misdemeanor if the injury to an animal or  
19 damage to property does not exceed fifty dollars.

20 (2) For an injury which causes the death of an animal, the  
21 following shall apply:

22 (a) A class "C" felony if damages caused by the offense  
23 exceed fifty thousand dollars.

24 (b) A class "D" felony if damages caused by the offense do  
25 not exceed fifty thousand dollars.

26 A person who causes the death of more than one animal shall  
27 be subject to a minimum incarceration as provided in section  
28 902.8.

29 Sec. 2. NEW SECTION. 902.8A MINIMUM SENTENCE -- OFFENSES  
30 RELATING TO ANIMAL FACILITIES.

31 A person who willfully causes the death of more than one  
32 animal maintained at an animal facility as provided in section  
33 717A.1 shall serve a minimum of ninety days of the sentence  
34 imposed by law. A person sentenced pursuant to this section  
35 shall not be eligible for release until the person has served

1 the minimum sentence of confinement imposed by this section.

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EXPLANATION

This bill amends Code section 717A.1 which prohibits a person from willfully destroying property of an animal facility or injuring an animal maintained at an animal facility without the consent of the owner of the facility or animal. An animal facility includes a number of locations where animals are kept, including a farm, livestock market, research facility, veterinary clinic, pound, animal shelter, pet shop, boarding kennel, or commercial kennel. A person who violates the prohibition is guilty of an offense ranging from a class "C" felony to a simple misdemeanor based on the amount of damage sustained to property or injury inflicted to animals. The break between a class "D" felony and a aggravated misdemeanor is \$500. This bill provides that if the injury causes an animal's death, the offense is at least a class "D" felony regardless of the value of the damage. In addition, the bill provides a minimum sentence of 90 days incarceration for a person who willfully causes the death of more than one animal at the facility.