

FEB 20 1998

Agriculture

2/24/98 Do Pass  
S-3/17/98 Agriculture  
S-3/19/98 Do Pass

S-3/17/98 UNFINISHED BUSINESS CALENDAR

HOUSE FILE

2382

BY GREIG

(P.732)  
Passed House, Date 3/17/98  
Vote: Ayes 99 Nays 0  
Approved May 20, 1998

(P.1336)  
Passed Senate, Date 4/16/98  
Vote: Ayes 47 Nays 0

A BILL FOR

1 An Act relating to the identification of animals and providing  
2 penalties.

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

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HF 2382

UNFINISHED BUSINESS CALENDAR

1 Section 1. Section 169A.1, Code 1997, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 0A. "Animal" means a creature belonging  
4 to the bovine, caprine, equine, ovine, or porcine species;  
5 ostriches, rheas, or emus; farm deer as defined in section  
6 481A.1; or poultry.

7 NEW SUBSECTION. 1A. "Computer" means the same as defined  
8 in section 22.3A.

9 NEW SUBSECTION. 2A. "Identification device" means a  
10 device which when installed is designed to store information  
11 regarding an animal or the animal's owner in an electronic  
12 format which may be accessed by a computer for purposes of  
13 reading or manipulating the information.

14 NEW SUBSECTION. 2B. "Install" means to place an  
15 identification device onto or beneath the hide or skin of an  
16 animal, including but not limited to fixing the device into  
17 the ear of an animal or implanting the device beneath the skin  
18 of the animal.

19 Sec. 2. Section 169A.10, Code 1997, is amended to read as  
20 follows:

21 169A.10 EVIDENCE OF OWNERSHIP -- INVESTIGATIONS.

22 1. In a suit at law or equity or in any criminal  
23 proceedings in which the title to ~~livestock~~ an animal is an  
24 issue, a the following shall be admissible as evidence:

25 a. A certified copy recorded of a record as provided for  
26 in section 169A.6 or 169A.9. The certified copy shall be  
27 prima facie evidence of the ownership of ~~the~~ livestock by the  
28 person in whose name the brand is recorded.

29 b. Information stored in an identification device which  
30 identifies the owner of an animal. The information shall be  
31 prima facie evidence of the ownership of the animal, if all of  
32 the following apply:

33 (1) The identification device meets applicable design  
34 standards adopted by the international standard organization,  
35 or which may be adopted by the department.

1 (2) The identification device is installed according to  
2 manufacturer's requirements.

3 (3) The information is not in conflict with a certified  
4 copy of a record as provided for in section 169A.6 or 169A.9.

5 c. The results of a sheriff's investigation as provided in  
6 this section.

7 2. A dispute involving the custody or ownership of  
8 livestock an animal branded or subject to electronic  
9 identification under this chapter shall be investigated, on  
10 request, by the sheriff of the county where the livestock  
11 animal is located. The sheriff may call upon the services of  
12 an authorized person, approved by the secretary, in reading  
13 the brands on animals. The cost of the services shall be paid  
14 by the person requesting the investigation. The results of  
15 the sheriff's investigation shall-be is a public record and-is  
16 admissible-as-evidence.

17 Sec. 3. Section 169A.14, Code 1997, is amended to read as  
18 follows:

19 169A.14 TAMPERING WITH-BRAND.

20 1. Any A person who shall brand, not do any of the  
21 following to an animal:

22 a. Brand, attempt to brand, or cause to be branded the  
23 animals-of-another, or who shall-efface livestock, without  
24 authorization from the owner.

25 b. Efface, deface, or obliterate or attempt to efface,  
26 deface, or obliterate any a brand upon-any-animal-or-animals  
27 of-another, or who shall-brand, without authorization from the  
28 owner of the livestock.

29 c. Brand, attempt to brand, or cause to be branded the a  
30 recorded brand of-another on any-animal-shall-be livestock,  
31 without authorization of the owner of the brand.

32 d. Install an electronic device or remove or damage an  
33 installed electronic device, without authorization from the  
34 owner of an animal.

35 2. A person violating this section is guilty of a

1 fraudulent practice as provided in chapter 714.

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EXPLANATION

3 This bill amends Code chapter 169A which provides for the  
4 regulation of brands. A brand which is properly recorded with  
5 the department of agriculture and land stewardship is prima  
6 facie evidence of the livestock's ownership. Livestock is  
7 defined to mean horses, cattle, sheep, mules, or asses.

8 This bill amends Code section 169A.10 to provide that  
9 information accessed from an electronic identification device  
10 which when fixed onto or implanted beneath the skin or hide of  
11 an animal is prima facie evidence of the identity of the  
12 animal and the owner. An "animal" is defined to mean a  
13 creature belonging to the bovine, caprine, equine, ovine, or  
14 porcine species; ostriches, rheas, or emus; farm deer; or  
15 poultry. The bill requires that the device meet certain  
16 design standards and be installed in a manner consistent with  
17 the manufacturer's requirements. The bill also provides that  
18 if information from the device is not consistent with a brand  
19 record, the brand record controls.

20 The bill provides for investigations involving the custody  
21 and ownership of animals subject to an electronic  
22 identification by the sheriff in the same manner as provided  
23 for brands. The results of the investigation are also  
24 admissible as evidence.

25 The bill also amends provisions which prohibit a person  
26 from tampering with a brand. Code section 169A.14 provides  
27 that a person who tampers with a brand is guilty of a  
28 fraudulent practice. This bill provides that a person who  
29 installs an electronic device or removes or damages an  
30 installed electronic device, without authorization from the  
31 owner of an animal, is also guilty of a fraudulent practice.  
32 The penalty for committing a fraudulent practice depends upon  
33 the amount of money involved in the offense, ranging from a  
34 simple misdemeanor to a class "C" felony.

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## HOUSE FILE 2382

S-5396

1 Amend House File 2382, as passed by the House, as  
 2 follows:  
 3 1. Page 1, by inserting after line 18, the  
 4 following:  
 5 "NEW SUBSECTION. 2C. "Law enforcement officer"  
 6 means the same as defined in section 717B.1, including  
 7 a sheriff conducting an investigation as provided in  
 8 section 169A.10."  
 9 2. Page 2, by inserting after line 16 the  
 10 following:  
 11 "3. Upon request a law enforcement officer shall  
 12 investigate a case in which a person is alleged to  
 13 have intentionally or maliciously abused an animal by  
 14 injury, maiming, torture, mutilation, destruction, or  
 15 neglect to the point of causing death or permanent  
 16 injury. For purposes of this subsection, an animal is  
 17 any domesticated animal other than an animal defined  
 18 in section 169A.1. A person who abuses an animal as  
 19 provided in this subsection is subject to punishment  
 20 and probation as provided in section 714.21."  
 21 3. Page 3, by inserting after line 1, the  
 22 following:  
 23 "Sec. \_\_\_\_ . Section 714.21, Code 1997, is amended  
 24 to read as follows:  
 25 714.21 PENALTY.  
 26 1. Violation of A person violating any of the  
 27 provisions of section 714.17, 714.18 or 714.20 shall  
 28 be is guilty of a serious misdemeanor.  
 29 2. A person abusing an animal as provided in  
 30 section 169A.10, subsection 3, is guilty of a class  
 31 "D" felony. A person subject to this penalty is not  
 32 subject to the penalty provided in section 717B.2.  
 33 The person shall undergo a psychological evaluation  
 34 and complete any counseling recommended by the court  
 35 at the person's own expense. In addition to the class  
 36 "D" felony penalty, the person shall not own, keep, or  
 37 care for an animal for a probationary period as  
 38 provided in this subsection. The probationary period  
 39 shall be for not less than five years and not more  
 40 than ten years as ordered by the court. If the person  
 41 is not incarcerated, the probationary period shall  
 42 begin on the date of sentencing. If the person is  
 43 incarcerated, the probationary period shall begin on  
 44 the date that the person's incarceration ends. A  
 45 person who violates a probationary period condition is  
 46 guilty of a serious misdemeanor."  
 By MERLIN E. BARTZ PATRICIA HARPER  
 KITTY REHBERG TOM VILSACK  
 WALLY E. HORN JOHN W. JENSEN  
 MARY A. LUNDBY

S-5396 FILED MARCH 26, 1998  
 DEFERRED

WLD  
 4/16/98 (P. 1335)

HOUSE FILE 2382

S-5413

- 1 Amend the amendment, S-5396, to House File 2382, as
- 2 passed by the House, as follows:
- 3 1. Page 1, line 14, by striking the word "or" and
- 4 inserting the following: "and".

*Order 4/16/98 (R1336)*

By EUGENE S. FRAISE

S-5413 FILED MARCH 30, 1998

HOUSE FILE 2382

AN ACT  
RELATING TO THE IDENTIFICATION OF ANIMALS AND PROVIDING  
PENALTIES.

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

Section 1. Section 169A.1, Code 1997, is amended by adding the following new subsections:

NEW SUBSECTION. 0A. "Animal" means a creature belonging to the bovine, caprine, equine, ovine, or porcine species; ostriches, rheas, or emus; farm deer as defined in section 481A.1; or poultry.

NEW SUBSECTION. 1A. "Computer" means the same as defined in section 22.3A.

NEW SUBSECTION. 2A. "Identification device" means a device which when installed is designed to store information regarding an animal or the animal's owner in an electronic format which may be accessed by a computer for purposes of reading or manipulating the information.

NEW SUBSECTION. 2B. "Install" means to place an identification device onto or beneath the hide or skin of an animal, including but not limited to fixing the device into the ear of an animal or implanting the device beneath the skin of the animal.

Sec. 2. Section 169A.10, Code 1997, is amended to read as follows:

169A.10 EVIDENCE OF OWNERSHIP -- INVESTIGATIONS.

1. In a suit at law or equity or in any criminal proceedings in which the title to livestock an animal is an issue, a the following shall be admissible as evidence:

a. A certified copy recorded of a record as provided for in section 169A.6 or 169A.9. The certified copy shall be prima facie evidence of the ownership of the livestock by the

person in whose name the brand is recorded.

b. Information stored in an identification device which identifies the owner of an animal. The information shall be prima facie evidence of the ownership of the animal, if all of the following apply:

(1) The identification device meets applicable design standards adopted by the international standard organization, or which may be adopted by the department.

(2) The identification device is installed according to manufacturer's requirements.

(3) The information is not in conflict with a certified copy of a record as provided for in section 169A.6 or 169A.9.

c. The results of a sheriff's investigation as provided in this section.

2. A dispute involving the custody or ownership of livestock an animal branded or subject to electronic identification under this chapter shall be investigated, on request, by the sheriff of the county where the livestock animal is located. The sheriff may call upon the services of an authorized person, approved by the secretary, in reading the brands on animals. The cost of the services shall be paid by the person requesting the investigation. The results of the sheriff's investigation ~~shall be~~ is a public record ~~and is~~ admissible-as-evidence.

Sec. 3. Section 169A.14, Code 1997, is amended to read as follows:

169A.14 TAMPERING WITH-BRAND.

1. Any A person who shall brand, not do any of the following to an animal:

a. Brand, attempt to brand, or cause to be branded the animals-of-another,-or-who-shall-efface livestock, without authorization from the owner.

b. Efface, deface, or obliterate or attempt to efface, deface, or obliterate any a brand upon-any-animal-or-animals of-another,-or-who-shall-brand, without authorization from the

owner of the livestock.

c. Brand, attempt to brand, or cause to be branded the a recorded brand of-another on any-animal-shall-be livestock, without authorization of the owner of the brand.

d. Install an electronic device or remove or damage an installed electronic device, without authorization from the owner of an animal.

2. A person violating this section is guilty of a fraudulent practice as provided in chapter 714.

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RON J. CORBETT  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2382, Seventy-seventh General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved May 20, 1998

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TERRY E. BRANSTAD  
Governor