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Johain

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Agriculture

HOUSE FILE 511
BY CORMACK, DAVIS, REYNOLDS,
MYERS, KREIMAN, and HANSEN

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

A BILL FOR

1 An Act prohibiting the mistreatment of animals and providing for
2 penalties.

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

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HF 511

1 Section 1. Section 717.1, Code 1999, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 0A. "Animal" means the same as defined in
4 section 717A.1.

5 NEW SUBSECTION. 1A. "Licensed mental health counselor"
6 means a person licensed to practice mental health counseling
7 under chapters 147 and 154D.

8 NEW SUBSECTION. 7. "Warden" means animal warden as
9 defined in section 162.2.

10 Sec. 2. Section 717.1A, unnumbered paragraph 1, Code 1999,
11 is amended to read as follows:

12 A person is guilty of livestock abuse if the person
13 intentionally injures, maims, disfigures, or destroys
14 ~~livestock owned-by-another-person,-in-any-manner,-including,-~~
15 ~~but-not-limited-to,-intentionally-doing-any-of-the-following:-~~
16 ~~administering-drugs-or-poisons-to-the-livestock,-or-disabling~~
17 ~~the-livestock-by-using-a-firearm-or-trap~~ by any means that
18 causes pain or suffering in a manner inconsistent with
19 customary animal husbandry practices. ~~A-person-guilty-of~~
20 ~~livestock-abuse-commits-an-aggravated-misdemeanor.~~ This
21 section shall not apply to any of the following:

22 Sec. 3. Section 717.1A, subsection 1, Code 1999, is
23 amended by striking the subsection.

24 Sec. 4. Section 717.2, subsection 1, paragraph c, Code
25 1999, is amended by striking the paragraph.

26 Sec. 5. Section 717.2, subsection 2, Code 1999, is amended
27 by striking the subsection.

28 Sec. 6. NEW SECTION. 717.3 REPORTING REQUIRED.

29 "1. A person shall immediately report an incident involving
30 a violation of section 717B.2 or 717B.3 to a law enforcement
31 officer, if all of the following apply:

32 a. The person is any of the following:

33 (1) A warden.

34 (2) A veterinarian licensed pursuant to chapter 169.

35 (3) An employee of the department of agriculture and land

1 stewardship who regularly inspects the premises of
2 agricultural operations.

3 (4) An employee of the division of child and family
4 services of the department of human services or a person who
5 provides child welfare services as provided in section 235.1.

6 b. The person witnesses or has other credible evidence of
7 any of the following:

8 (1) A violation of section 717B.2 or 717B.3.

9 (2) Conditions or incidents that have caused livestock
10 prolonged suffering in a manner inconsistent with customary
11 animal husbandry practices.

12 2. If there is reasonable grounds to believe that there is
13 a violation of section 717B.2 or 717B.3, a law enforcement
14 officer shall conduct an investigation and report any
15 violation to the county attorney.

16 Sec. 7. NEW SECTION. 717.4 PENALTIES.

17 1. a. Any person who commits livestock abuse as provided
18 in section 717.1A, is guilty of a class "D" felony.

19 b. The following penalties shall apply to any person who
20 commits livestock neglect as provided in section 717.2:

21 (1) Except as provided in subparagraph (2), a person who
22 negligently or intentionally commits livestock neglect is
23 guilty of a simple misdemeanor.

24 (2) A person who intentionally commits the offense of
25 livestock neglect which results in serious injury to or the
26 death of livestock is guilty of an aggravated misdemeanor for
27 the first offense and a class "D" felony for the second and
28 subsequent offenses. A person is not guilty of more than one
29 offense of livestock neglect, punishable as provided in this
30 subparagraph, when care or sustenance is not provided to
31 multiple head of livestock during any period of uninterrupted
32 neglect.

33 2. If a person is guilty of a class "D" felony as provided
34 in this section, the sentencing order shall provide for all of
35 the following:

1 a. The person shall participate in counseling according to
2 the terms ordered by the court. The counseling shall be
3 provided by a licensed mental health counselor appointed or
4 approved by the court. The costs of counseling shall be paid
5 by the person and may be taxed as court costs. If the court
6 determines that the person is unable to make payment, the
7 court may order that the costs be paid in full or in part from
8 the county treasury.

9 b. The person shall not own, keep, or care for livestock
10 or any animal for a suspensory period as provided in this
11 paragraph. The suspensory period shall be for not less than
12 five years and not more than ten years as ordered by the
13 court. If the person is not incarcerated, the suspensory
14 period shall begin on the date of sentencing. If the person
15 is incarcerated, the suspensory period shall begin on the date
16 that the person's incarceration ends. A person who violates a
17 suspensory period condition is guilty of a serious
18 misdemeanor.

19 c. The person shall pay reasonable costs of the
20 investigation and prosecution of the case as ordered by the
21 court. The person shall also pay expenses incurred in
22 maintaining the livestock as ordered by the court, unless the
23 expenses have been paid pursuant to section 717.5.

24 Sec. 8. NEW SECTION. 717.6 FORFEITURE.

25 If a person is guilty of a class "D" felony as provided in
26 section 717.4, all livestock or any animal owned by the person
27 shall be forfeited to the state, to the extent that the
28 livestock or animal has not been disposed of as provided in
29 section 717.5 or 717B.5. The livestock or any animal shall be
30 seized and forfeited in the same manner as provided in chapter
31 809A. Livestock or animals which are destroyed shall be
32 destroyed only by a humane method, including euthanasia as
33 defined in section 162.2.

34 Sec. 9. Section 717B.1, Code 1999, is amended by adding
35 the following new subsections:

1 NEW SUBSECTION. 3A. "Licensed mental health counselor"
2 means a person licensed to practice mental health counseling
3 under chapters 147 and 154D.

4 NEW SUBSECTION. 3B. "Livestock" means the same as defined
5 in section 717.1.

6 NEW SUBSECTION. 6. "Warden" means the same as animal
7 warden as defined in section 162.2.

8 Sec. 10. Section 717B.2, unnumbered paragraph 1, Code
9 1999, is amended to read as follows:

10 A person is guilty of animal abuse if the person
11 intentionally injures, maims, disfigures, or destroys an
12 animal ~~owned-by-another-person by any means, in any a manner,~~
13 ~~including-intentionally-poisoning-the-animal~~ inconsistent with
14 customary animal husbandry practices. ~~A-person-guilty-of~~
15 ~~animal-abuse-is-guilty-of-an-aggravated-misdemeanor.~~ This
16 section shall not apply to any of the following:

17 | Sec. 11. Section 717B.2, subsection 1, Code 1999, is
18 amended by striking the subsection.

19 | Sec. 12. Section 717B.3, subsection 1, Code 1999, is
20 amended to read as follows:

21 | 1. A person who impounds or confines, in any place, an
22 animal is guilty of animal neglect, if the person does any of
23 the following: fails to supply the animal during confinement
24 with a sufficient quantity of food or water; fails to provide
25 a confined dog or cat with adequate shelter; or ~~tortures,~~
26 ~~deprives of the animal necessary sustenance,~~ ~~mutilates,~~ ~~beats,~~
27 ~~or-kills-an-animal-by-any-means-which-causes-unjustified-pain,~~
28 ~~distress,~~ ~~or-suffering.~~

29 | Sec. 13. Section 717B.3, subsection 3, Code 1999, is
30 amended by striking the subsection.

31 | Sec. 14. NEW SECTION. 717B.3A REPORTING REQUIRED.

32 | 1. A person shall immediately report an incident or
33 condition involving a violation of section 717B.2 or 717B.3 to
34 a law enforcement officer, if all of the following apply:

35 a. The person is any of the following:

1 (1) A warden.

2 (2) A veterinarian licensed pursuant to chapter 169.

3 (3) An employee of the department of agriculture and land
4 stewardship who regularly inspects commercial establishments
5 as provided in chapter 162.

6 (4) An employee of the division of child and family
7 services of the department of human services or a person who
8 provides child welfare services as provided in section 235.1.

9 b. The person witnesses or has other credible evidence of
10 any of the following:

11 (1) A violation of section 717B.2 or 717B.3.

12 (2) Conditions or incidents that have caused animals
13 prolonged suffering.

14 2. If there is reasonable grounds to believe that there is
15 a violation of this section, a law enforcement officer shall
16 conduct an investigation and report any violation to the
17 county attorney.

18 Sec. 15. NEW SECTION. 717B.4A PENALTIES.

19 1. a. Any person who commits animal abuse as provided in
20 section 717B.2 is guilty of a class "D" felony.

21 b. The following penalties shall apply to any person who
22 commits animal neglect as provided in section 717B.3:

23 (1) Except as provided in subparagraph (2) a person who
24 negligently or intentionally commits animal neglect is guilty
25 of a simple misdemeanor.

26 (2) A person who intentionally commits animal neglect
27 which results in serious injury to or the death of an animal
28 is guilty of an aggravated misdemeanor for the first offense
29 and a class "D" felony for the second and subsequent offenses.

30 2. If a person is guilty of an aggravated misdemeanor or
31 class "D" felony, as provided in this section, the sentencing
32 order shall provide for all of the following:

33 a. The person shall participate in counseling according to
34 the terms ordered by the court. The counseling shall be
35 provided by a licensed mental health counselor appointed or

1 approved by the court. The costs of counseling shall be paid
2 by the person and may be taxed as court costs. If the court
3 determines that the person is unable to make payment, the
4 court may order that the costs be paid in full or in part from
5 the county treasury.

6 b. The person shall not own, keep, or care for an animal
7 or any livestock for a suspensory period as provided in this
8 paragraph. The suspensory period shall be for not less than
9 five years and not more than ten years as ordered by the
10 court. If the person is not incarcerated, the suspensory
11 period shall begin on the date of sentencing. If the person
12 is incarcerated, the suspensory period shall begin on the date
13 that the person's incarceration ends. A person who violates a
14 suspensory period condition is guilty of a serious
15 misdemeanor.

16 c. The person shall pay reasonable costs of the
17 investigation and prosecution of the case as ordered by the
18 court. The person shall also pay expenses incurred in
19 maintaining the animal as ordered by the court, unless the
20 expenses have been paid pursuant to section 717B.5.

21 Sec. 16. NEW SECTION. 717B.5A FORFEITURE.

22 If a person is guilty of a class "D" felony as provided in
23 section 717B.4A, all animals or livestock owned by the person
24 shall be forfeited to the state, to the extent that the
25 animals or livestock have not been disposed of as provided in
26 section 717.5 or 717B.5. The animals or livestock shall be
27 seized and forfeited in the same manner as provided in chapter
28 809A. Animals or livestock which are destroyed shall be
29 destroyed only by a humane method, including euthanasia as
30 defined in section 162.2.

31 EXPLANATION

32 Code chapters 717 and 717B provide for the mistreatment of
33 animals. The Code chapters are similar. Code chapter 717
34 applies to livestock and Code chapter 717B applies to other
35 animals. The chapters prohibit abuse which applies to a

1 person other than the owner and neglect which applies to the
2 owner.

3 Under current law, a person guilty of livestock abuse or
4 animal abuse commits an aggravated misdemeanor. A person who
5 commits livestock or animal neglect is guilty of a simple
6 misdemeanor. A person who intentionally commits livestock
7 neglect or animal neglect which results in serious injury to
8 or the death of livestock or an animal is guilty of a serious
9 misdemeanor.

10 This bill provides that any person is guilty of animal
11 abuse if the person injures, maims, disfigures, or destroys an
12 animal in a manner inconsistent with customary animal
13 husbandry practices. The bill eliminates a similar
14 prohibition under Code sections referring to animal neglect.

15 This bill requires a number of persons to report an
16 incident or condition which violates Code chapters 717 and
17 717B to a law enforcement officer. The persons include animal
18 wardens, veterinarians, employees of the department of
19 agriculture and land stewardship, employees of the department
20 of human services, and persons who provide child welfare
21 services. If a law enforcement officer has reasonable grounds
22 to believe that a violation exists, the officer must conduct
23 an investigation and report any violation to the county
24 attorney.

25 This bill provides that a person who commits animal abuse
26 or livestock abuse is guilty of a class "D" felony. The bill
27 provides that a person who commits animal neglect or livestock
28 neglect is still guilty of a simple misdemeanor. A person who
29 intentionally commits animal neglect or livestock neglect
30 which results in serious injury to or the death of an animal
31 is guilty of an aggravated misdemeanor for the first offense
32 and a class "D" felony for the second and subsequent offenses.
33 In addition, the person must participate in counseling
34 according to the terms ordered by the court. The person is
35 prohibited from owning or keeping an animal or any livestock

1 for a suspensory period of five years. The person must pay
2 reasonable costs of the investigation and prosecution of the
3 case. The person shall also pay expenses incurred in
4 maintaining the animal or livestock. The bill provides for
5 the forfeiture of the animal or livestock.

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