

FILED MAR 04 '04

SENATE FILE 2249
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3086)

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

A BILL FOR

1 An Act regulating contest events involving animals, and providing
2 a penalty and effective date.

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

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SF 2249
JUDICIARY

1 Section 1. Section 99B.11, subsection 2, paragraph c, Code
2 2003, is amended to read as follows:

3 c. Contests or exhibitions of cooking, horticulture,
4 livestock, poultry, fish or other animals, artwork, hobbywork
5 or craftwork, except those prohibited by chapter 717A or
6 section 725.11.

7 Sec. 2. Section 709A.1, subsection 2, paragraph c, Code
8 2003, is amended to read as follows:

9 c. Any premises the use of which constitutes a violation
10 of sections chapter 717A, or section 725.5, 725.10, or 725.11.

11 Sec. 3. Section 717D.1, subsection 2, Code Supplement
12 2003, is amended by striking the subsection.

13 Sec. 4. Section 717D.1, subsections 3, 4, 5, 10, and 11,
14 Code Supplement 2003, are amended to read as follows:

15 3. "Contest device" means equipment designed to enhance a
16 contest an animal's entertainment value during training or a
17 contest event, including a device to improve the contest
18 animal's competitiveness. A contest device includes but is
19 not limited to an implement designed to be attached in place
20 of a natural spur of a cock or other fighting bird in order to
21 enhance the bird's fighting ability, and which is commonly
22 referred to as a spur or gaff.

23 4. "Contest event" means a function organized for the
24 entertainment or profit of spectators where a-contest an
25 animal is injured, tormented, or killed, if-the-contest-animal
26 is including but not limited to a bull involved in a bullfight
27 or bull baiting, a bear involved in bear baiting, a chicken
28 involved in cock fighting, or a dog involved in dog fighting.

29 5. "Establishment" means the location where a contest
30 event occurs or is to occur, regardless of whether a-contest
31 an animal is present at the establishment or the contest
32 animal is witnessed by means of an electronic signal
33 transmitted to the location.

34 10. "Trainer" means a person who trains a-contest an
35 animal for purposes of engaging in a contest event, regardless

1 of where the contest event is located. A trainer includes a
2 person who uses a contest device.

3 11. "Transporter" means a person who moves a-contest an
4 animal for delivery to a training location or a contest event
5 location.

6 Sec. 5. Section 717D.2, Code 2003, is amended by adding
7 the following new subsections:

8 NEW SUBSECTION. 2A. Possess or own an animal engaged or
9 to be engaged in a contest event conducted in this state or
10 another state.

11 NEW SUBSECTION. 2B. Be a party to a commercial
12 transaction for the transfer of an animal engaged or to be
13 engaged in a contest event conducted in this state or another
14 state, including but not limited to a transaction by purchase
15 or sale, barter, trade, or an offer involving such a
16 transaction.

17 NEW SUBSECTION. 3A. Possess, own, or manufacture a
18 contest device.

19 NEW SUBSECTION. 3B. Be a party to a commercial
20 transaction for the transfer of a contest device, including
21 but not limited to a transaction by purchase or sale, barter,
22 trade, or an offer involving such a transaction.

23 Sec. 6. Section 717D.2, subsections 3 and 4, Code 2003,
24 are amended to read as follows:

25 3. Act as a trainer of a-contest an animal engaged or to
26 be engaged in a contest event conducted in this state or
27 another state. For purposes of this subsection, a person who
28 aids, abets, or assists in the training of a-contest an animal
29 engaged or to be engaged in a contest event shall be deemed to
30 act as a trainer.

31 4. Act as a transporter moving a-contest an animal engaged
32 or to be engaged in a contest event in this state.

33 Sec. 7. Section 717D.4, Code 2003, is amended to read as
34 follows:

35 717D.4 PENALTIES.

1 1. A Except as provided in subsection 2, a person who
2 violates a provision of this chapter is guilty of a serious
3 class "D" felony.

4 2. A person who violates section 717D.2 by acting as a
5 spectator of a contest event conducted in this state is guilty
6 of an aggravated misdemeanor.

7 Sec. 8. Section 717D.5, Code 2003, is amended to read as
8 follows:

9 717D.5 CONFISCATION AND DISPOSITION OF ANIMALS.

10 1. A local authority may confiscate a-contest an animal
11 that is trained-with-a-contest-device-or-is-part-of-a-contest
12 event involved in a violation of section 717D.2. The-contest
13 An animal that is livestock shall be considered neglected and
14 may be rescued and disposed of as neglected-livestock-or-other
15 provided in section 717.5. An animal pursuant-to which is not
16 livestock shall be considered threatened and rescued and
17 disposed of as provided in section ~~717.5~~ or 717B.4.

18 2. If the-contest an animal that is involved in a
19 violation of section 717D.2 is not rescued and disposed of
20 pursuant to section 717.5 or 717B.4, it shall be forfeited to
21 the state and subject to disposition as ordered by the court.
22 In addition, the court shall order the owner of the contest
23 animal to pay an amount which shall not be more than the
24 expenses incurred in maintaining or disposing of the contest
25 animal. The court may also order that the person pay
26 reasonable attorney fees and expenses related to the
27 investigation of the case that shall be taxed as other court
28 costs. If more than one person has a divisible interest in
29 the contest animal, the amount required to be paid shall be
30 prorated based on the percentage of interest in the contest
31 animal owned by each person. The moneys shall be paid to the
32 local authority incurring the expense. The amount shall be
33 subtracted from proceeds which are received from the sale of
34 the contest animal ordered by the court.

35 Sec. 9. Section 725.11, Code 2003, is repealed.

1 is guilty of an aggravated misdemeanor. A serious misdemeanor
2 is punishable by confinement for no more than one year and a
3 fine of at least \$250 but not more than \$1,500. A class "D"
4 felony is punishable by confinement for no more than five
5 years and a fine of at least \$750 but not more than \$7,500.
6 An aggravated misdemeanor is punishable by confinement for no
7 more than two years and a fine of at least \$500 but not more
8 than \$5,000.

9 The bill repeals Code section 725.11, which is an old
10 provision which also prohibits animal fighting and other
11 contests in which animals may be injured or killed.

12 The bill takes effect upon enactment.

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SENATE FILE 2249

H-8335

1 Amend Senate File 2249, as passed by the Senate, as
2 follows:

3 1. Page 1, line 15, by inserting after the word
4 "designed" the following: "and used".

5 2. Page 2, by striking lines 17 and 18.

6 3. Page 3, by striking lines 1 through 6 and
7 inserting the following:

8 "A person who violates a provision of this chapter
9 is guilty of ~~a serious~~ an aggravated misdemeanor."

10 4. By renumbering as necessary.

By COMMITTEE ON PUBLIC SAFETY
BAUDLER of Adair, Chairperson

H-8335 FILED MARCH 29, 2004

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**Fiscal Services Division
Legislative Services Agency
Fiscal Note**

SF 2249 – Animal Safety (LSB 6123 SV)

Analyst: Beth Lenstra (Phone: (515) 281-6301 (beth.lenstra@legis.state.ia.us))

Fiscal Note Version – New

Requested by Senator David Miller

Description

Senate File 2249 regulates contests involving animals. The Bill prohibits additional activities related to animal contests: possession or ownership of an animal engaged or to be engaged in a contest event; buying or selling an animal used for that purpose; or possessing, owning, manufacturing, or transferring a contest device used to enhance fighting. Senate File 2249 enhances the existing penalty from a serious misdemeanor to a Class D felony for violations of the Chapter, except for spectators. A person who engages in animal fights as a spectator is guilty of an aggravated misdemeanor.

Assumptions

1. According to the Justice Data Warehouse, there have been no convictions in recent years for violations related to animal fights or contests.
2. The Bill clarifies existing law and expands the number of prohibited acts in relation to animal contests. This may increase enforcement and prosecution activity. However, the impact cannot be determined due to insufficient information.
3. State cost for a serious misdemeanor conviction ranges from \$100 to \$4,700.
4. State cost for an aggravated misdemeanor conviction ranges from \$1,100 to \$4,700.
5. State cost for a Class D felony conviction ranges from \$2,000 to \$8,000.
6. The cost for a conviction of a serious or aggravated misdemeanor and a Class D felony will be incurred over multiple fiscal years as the offender serves time in the correctional system.

Correctional Impact

The correctional impact is not anticipated to be significant due to the low number of convictions.

Fiscal Impact

The fiscal impact of SF 2249 cannot be determined due to insufficient information, but is not anticipated to be significant.

The State's increased cost for one conviction is:

- From a serious misdemeanor to a Class D felony conviction, the range is \$1,900 to \$3,000.
- From a serious to an aggravated misdemeanor conviction, the cost is \$1,000.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Judicial Branch
Office of the State Public Defender

Dennis C Prouty

March 10, 2004

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

Miller
Fruise
Kettering

Succeeded By SSB# 3086a
①/HF 2249 Judiciary

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON REDFERN)

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

A BILL FOR

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2 a penalty and effective date.

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1 Section 1. Section 99B.11, subsection 2, paragraph c, Code
2 2003, is amended to read as follows:

3 c. Contests or exhibitions of cooking, horticulture,
4 livestock, poultry, fish or other animals, artwork, hobbywork
5 or craftwork, except those prohibited by chapter 717A or
6 section 725.11.

7 Sec. 2. Section 709A.1, subsection 2, paragraph c, Code
8 2003, is amended to read as follows:

9 c. Any premises the use of which constitutes a violation
10 of sections chapter 717A, or section 725.5, 725.10, or 725.11.

11 Sec. 3. Section 717D.1, subsection 2, Code Supplement
12 2003, is amended by striking the subsection.

13 Sec. 4. Section 717D.1, subsections 3, 4, 5, 10, and 11,
14 Code Supplement 2003, are amended to read as follows:

15 3. "Contest device" means equipment designed to enhance a
16 ~~contest~~ an animal's entertainment value during training or a
17 contest event, including a device to improve the contest
18 animal's competitiveness. A contest device includes but is
19 not limited to an implement designed to be attached in place
20 of a natural spur of a cock or other fighting bird in order to
21 enhance the bird's fighting ability, and which is commonly
22 referred to as a spur or gaff.

23 4. "Contest event" means a function organized for the
24 entertainment or profit of spectators where ~~a-contest~~ an
25 animal is injured, tormented, or killed, ~~if-the-contest-animal~~
26 is including but not limited to a bull involved in a bullfight
27 or bull baiting, a bear involved in bear baiting, a chicken
28 involved in cock fighting, or a dog involved in dog fighting.

29 5. "Establishment" means the location where a contest
30 event occurs or is to occur, regardless of whether ~~a-contest~~
31 an animal is present at the establishment or the contest
32 animal is witnessed by means of an electronic signal
33 transmitted to the location.

34 10. "Trainer" means a person who trains ~~a-contest~~ an
35 animal for purposes of engaging in a contest event, regardless

1 of where the contest event is located. A trainer includes a
2 person who uses a contest device.

3 11. "Transporter" means a person who moves a-contest an
4 animal for delivery to a training location or a contest event
5 location.

6 Sec. 5. Section 717D.2, Code 2003, is amended by adding
7 the following new subsections:

8 NEW SUBSECTION. 2A. Possess or own an animal engaged or
9 to be engaged in a contest event conducted in this state or
10 another state.

11 NEW SUBSECTION. 2B. Be a party to a commercial
12 transaction for the transfer of an animal engaged or to be
13 engaged in a contest event conducted in this state or another
14 state, including but not limited to a transaction by purchase
15 or sale, barter, trade, or an offer involving such a
16 transaction.

17 NEW SUBSECTION. 3A. Possess, own, or manufacture a
18 contest device.

19 NEW SUBSECTION. 3B. Be a party to a commercial
20 transaction for the transfer of a contest device, including
21 but not limited to a transaction by purchase or sale, barter,
22 trade, or an offer involving such a transaction.

23 Sec. 6. Section 717D.2, subsections 3 and 4, Code 2003,
24 are amended to read as follows:

25 3. Act as a trainer of a-contest an animal engaged or to
26 be engaged in a contest event conducted in this state or
27 another state. For purposes of this subsection, a person who
28 aids, abets, or assists in the training of a-contest an animal
29 engaged or to be engaged in a contest event shall be deemed to
30 act as a trainer.

31 4. Act as a transporter moving a-contest an animal engaged
32 or to be engaged in a contest event in this state.

33 Sec. 7. Section 717D.4, Code 2003, is amended to read as
34 follows:

35 717D.4 PENALTIES.

1 A person who violates a provision of this chapter is guilty
2 of a ~~serious-misdemeanor~~ class "D" felony.

3 Sec. 8. Section 717D.5, Code 2003, is amended to read as
4 follows:

5 717D.5 CONFISCATION AND DISPOSITION OF ANIMALS.

6 1. A local authority may confiscate a ~~contest~~ an animal
7 that is ~~trained-with-a-contest-device-or-is-part-of-a-contest~~
8 event involved in a violation of section 717D.2. ~~The-contest~~
9 An animal that is livestock shall be considered neglected and
10 may be rescued and disposed of as neglected-livestock-or-other
11 provided in section 717.5. An animal pursuant-to which is not
12 livestock shall be considered threatened and rescued and
13 disposed of as provided in section ~~717.5-or~~ 717B.4.

14 2. If ~~the-contest~~ an animal that is involved in a
15 violation of section 717D.2 is not rescued and disposed of
16 pursuant to section 717.5 or 717B.4, it shall be forfeited to
17 the state and subject to disposition as ordered by the court.
18 In addition, the court shall order the owner of the ~~contest~~
19 animal to pay an amount which shall not be more than the
20 expenses incurred in maintaining or disposing of the ~~contest~~
21 animal. The court may also order that the person pay
22 reasonable attorney fees and expenses related to the
23 investigation of the case that shall be taxed as other court
24 costs. If more than one person has a divisible interest in
25 the ~~contest~~ animal, the amount required to be paid shall be
26 prorated based on the percentage of interest in the ~~contest~~
27 animal owned by each person. The moneys shall be paid to the
28 local authority incurring the expense. The amount shall be
29 subtracted from proceeds which are received from the sale of
30 the ~~contest~~ animal ordered by the court.

31 Sec. 9. Section 725.11, Code 2003, is repealed.

32 Sec. 10. EFFECTIVE DATE. This Act, being deemed of
33 immediate importance, takes effect upon enactment.

34 EXPLANATION

35 During the 2002 legislative session, the general assembly

1 enacted Senate File 2268 (2002 Acts, chapter 1130), which in
 2 part created new Code chapter 717D, which prohibits activities
 3 associated with an animal contest. A contest event is a
 4 function organized for the entertainment or profit of
 5 spectators where an animal is injured, tormented, or killed.
 6 The event must involve a "contest animal", which is defined in
 7 Code section 717D.1 to mean a bull involved in bullfighting or
 8 bull baiting, a bear involved in bear baiting, a chicken
 9 involved in cock fighting, or a dog involved in dog fighting.

10 This bill protects all animals engaged in contest events,
 11 but retains a laundry list of exceptions provided in Code
 12 section 717D.3. Thus a contest event does not include races,
 13 fairs, rodeos, 4-H functions, hunting or fishing parties,
 14 field meets or trials, or the raising or selling of game. It
 15 also does not apply to actions by courts, local authorities,
 16 research facilities, licensed veterinarians, persons using
 17 animal husbandry practices, or persons protecting their life
 18 or property.

19 In addition to offenses provided in Code section 717D.2
 20 (prohibiting persons from owning or operating establishments
 21 where contest events occur, promoting or being a spectator at
 22 a contest event, training a contest animal, or transporting a
 23 contest animal), the bill prohibits a number of other
 24 activities. The bill prohibits a person from possessing or
 25 owning an animal engaged or to be engaged in a contest event;
 26 buying or selling an animal used for that purpose; or
 27 possessing, owning, manufacturing, or transferring a contest
 28 device used to enhance fighting.

29 The bill increases the penalty for a violation of the Code
 30 chapter from a serious misdemeanor to a class "D" felony. A
 31 serious misdemeanor is punishable by confinement for no more
 32 than one year and a fine of at least \$250 but not more than
 33 \$1,500. A class "D" felony is punishable by confinement for
 34 no more than five years and a fine of at least \$750 but not
 35 more than \$7,500.

1 The bill repeals Code section 725.11, which is an old
2 provision which also prohibits animal fighting and other
3 contests in which animals may be injured or killed.

4 The bill takes effect upon enactment.

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SENATE FILE 2249

AN ACT

REGULATING CONTEST EVENTS INVOLVING ANIMALS, AND PROVIDING A
PENALTY AND EFFECTIVE DATE.

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

Section 1. Section 99B.11, subsection 2, paragraph c, Code 2003, is amended to read as follows:

c. Contests or exhibitions of cooking, horticulture, livestock, poultry, fish or other animals, artwork, hobbywork or craftwork, except those prohibited by chapter 717A or section 725.11.

Sec. 2. Section 709A.1, subsection 2, paragraph c, Code 2003, is amended to read as follows:

c. Any premises the use of which constitutes a violation of sections chapter 717A, or section 725.5, 725.10, or 725.11.

Sec. 3. Section 717D.1, subsection 2, Code Supplement 2003, is amended by striking the subsection.

Sec. 4. Section 717D.1, subsections 3, 4, 5, 10, and 11, Code Supplement 2003, are amended to read as follows:

3. "Contest device" means equipment designed to enhance a contest an animal's entertainment value during training or a contest event, including a device to improve the contest animal's competitiveness. A contest device includes but is not limited to an implement designed to be attached in place of a natural spur of a cock or other fighting bird in order to enhance the bird's fighting ability, and which is commonly referred to as a spur or gaff.

4. "Contest event" means a function organized for the entertainment or profit of spectators where a-contest an animal is injured, tormented, or killed, if-the-contest-animal

~~is~~ including but not limited to a bull involved in a bullfight or bull baiting, a bear involved in bear baiting, a chicken involved in cock fighting, or a dog involved in dog fighting.

5. "Establishment" means the location where a contest event occurs or is to occur, regardless of whether a-contest an animal is present at the establishment or the contest animal is witnessed by means of an electronic signal transmitted to the location.

10. "Trainer" means a person who trains a-contest an animal for purposes of engaging in a contest event, regardless of where the contest event is located. A trainer includes a person who uses a contest device.

11. "Transporter" means a person who moves a-contest an animal for delivery to a training location or a contest event location.

Sec. 5. Section 717D.2, Code 2003, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. Possess or own an animal engaged or to be engaged in a contest event conducted in this state or another state.

NEW SUBSECTION. 2B. Be a party to a commercial transaction for the transfer of an animal engaged or to be engaged in a contest event conducted in this state or another state, including but not limited to a transaction by purchase or sale, barter, trade, or an offer involving such a transaction.

NEW SUBSECTION. 3A. Possess, own, or manufacture a contest device.

NEW SUBSECTION. 3B. Be a party to a commercial transaction for the transfer of a contest device, including but not limited to a transaction by purchase or sale, barter, trade, or an offer involving such a transaction.

Sec. 6. Section 717D.2, subsections 3 and 4, Code 2003, are amended to read as follows:

3. Act as a trainer of a-contest an animal engaged or to be engaged in a contest event conducted in this state or

another state. For purposes of this subsection, a person who aids, abets, or assists in the training of ~~a-contest~~ an animal engaged or to be engaged in a contest event shall be deemed to act as a trainer.

4. Act as a transporter moving a-contest an animal engaged or to be engaged in a contest event in this state.

Sec. 7. Section 717D.4, Code 2003, is amended to read as follows:

717D.4 PENALTIES.

1. A Except as provided in subsection 2, a person who violates a provision of this chapter is guilty of a serious class "D" felony.

2. A person who violates section 717D.2 by acting as a spectator of a contest event conducted in this state is guilty of an aggravated misdemeanor.

Sec. 8. Section 717D.5, Code 2003, is amended to read as follows:

717D.5 CONFISCATION AND DISPOSITION OF ANIMALS.

1. A local authority may confiscate a-contest an animal that is trained-with-a-contest-device-or-is-part-of-a-contest event involved in a violation of section 717D.2. The-contest An animal that is livestock shall be considered neglected and may be rescued and disposed of as neglected-livestock-or-other provided in section 717.5. An animal pursuant-to which is not livestock shall be considered threatened and rescued and disposed of as provided in section 717-5-or 717B.4.

2. If the-contest an animal that is involved in a violation of section 717D.2 is not rescued and disposed of pursuant to section 717.5 or 717B.4, it shall be forfeited to the state and subject to disposition as ordered by the court. In addition, the court shall order the owner of the contest animal to pay an amount which shall not be more than the expenses incurred in maintaining or disposing of the contest animal. The court may also order that the person pay reasonable attorney fees and expenses related to the investigation of the case that shall be taxed as other court

costs. If more than one person has a divisible interest in the contest animal, the amount required to be paid shall be prorated based on the percentage of interest in the contest animal owned by each person. The moneys shall be paid to the local authority incurring the expense. The amount shall be subtracted from proceeds which are received from the sale of the contest animal ordered by the court.

Sec. 9. Section 725.11, Code 2003, is repealed.

Sec. 10. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

JEFFREY M. LAMBERTI
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2249, Eightieth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2004

THOMAS J. VILSACK
Governor