

House File 2257 - Introduced

HOUSE FILE 2257
BY ANDERSON

A BILL FOR

1 An Act relating to animal cruelty, and making penalties
2 applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 717B.1, subsection 1, paragraph b, Code
2 2009, is amended by striking the paragraph.

3 Sec. 2. Section 717B.2, subsection 5, Code 2009, is amended
4 to read as follows:

5 5. A person taking, hunting, trapping, or fishing for a
6 wild animal as provided in chapter 481A, provided that the
7 person acts in a manner consistent with customary practices for
8 taking, hunting, trapping, or fishing that type of wild animal.

9 Sec. 3. Section 717B.3A, subsection 2, paragraph e, Code
10 2009, is amended to read as follows:

11 e. A person taking, hunting, trapping, or fishing for a
12 wild animal as provided in chapter 481A, provided that the
13 person acts in a manner consistent with customary practices for
14 taking, hunting, trapping, or fishing that type of wild animal.

15 EXPLANATION

16 BACKGROUND. Code chapter 717B provides animal cruelty
17 statutes which apply to all animals other than (1) livestock;
18 (2) game, fur-bearing animals, fish, reptiles, or amphibians;
19 and (3) nongame species declared to be a nuisance (Code section
20 717B.1).

21 ANIMAL CRUELTY OFFENSES. For those animals that are
22 covered, there are three types of animal cruelty offenses.
23 The first is neglect, which occurs when a person impounds or
24 confines an animal and fails to provide it with necessities
25 such as food or water or who tortures or kills an animal
26 by causing it unjustified pain (Code section 717B.3). The
27 second is abuse which occurs when a person intentionally
28 injures, maims, disfigures, or destroys an animal owned by
29 another person (Code section 717B.2). The third is torture
30 which occurs when any person inflicts upon an animal severe
31 physical pain with a depraved or sadistic intent to cause
32 prolonged suffering or death (Code section 717B.3A). The
33 offenses involving abuse or torture include specific exemptions
34 for taking, hunting, trapping, or fishing for a wild animal
35 regulated by the department of natural resources under Code

1 chapter 481A.

2 BILL'S PROVISIONS. This bill provides that the animal
3 cruelty statutes apply to game, fur-bearing animals, fish,
4 reptiles, or amphibians. It also modifies the exceptions for
5 abuse and torture by persons taking, hunting, trapping, or
6 fishing. The exception would only apply if the person acts in
7 a manner consistent with customary practices.

8 APPLICABLE PENALTIES. A person who negligently or
9 intentionally commits the offense of animal neglect is
10 guilty of a simple misdemeanor. A person who intentionally
11 commits the offense of animal neglect which results in serious
12 injury to or the death of an animal is guilty of a serious
13 misdemeanor. A person who commits animal abuse is guilty of an
14 aggravated misdemeanor. A person who commits animal torture is
15 guilty of an aggravated misdemeanor. However, for the second
16 or subsequent conviction the person is guilty of a class "D"
17 felony.

18 A simple misdemeanor is punishable by confinement for no
19 more than 30 days or a fine of at least \$65 but not more than
20 \$625 or by both. A serious misdemeanor is punishable by
21 confinement for no more than one year and a fine of at least
22 \$315 but not more than \$1,875. An aggravated misdemeanor is
23 punishable by confinement for no more than two years and a fine
24 of at least \$625 but not more than \$6,250. A class "D" felony
25 is punishable by confinement for no more than five years and a
26 fine of at least \$750 but not more than \$7,500.