Senate File 23 - Introduced

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

A BILL FOR

1 An Act providing for the killing of dogs which present an
2   immediate public danger and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1459SS 83
5 da/nh/14

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1 1   Section 1. Section 351.27, Code 2009, is amended to read
1 2 as follows:
1 3   351.27 RIGHT TO KILL TAGGED DOG THAT PRESENTS IMMEDIATE
1 4 PUBLIC DANGER.
1 5   1. It shall be lawful for any A person to shall not kill a
1 6 dog, wearing a collar attached with a rabies vaccination tag
1 7 attached, when unless the dog is caught presents an immediate
1 8 public danger.
1 9   2. A dog presents an immediate public danger only during
1 10 the period when it is in the act of chasing, maiming, or
1 11 killing any a domestic animal or fowl, or when such dog is
1 12 attacking or attempting to bite a person.
1 13   3. A person who violates this section is guilty of animal
1 14 abuse, animal neglect, or animal torture as provided in
1 15 chapter 717B.
1 16   Sec. 2. Section 717B.2, Code 2009, is amended by adding
1 17 the following new subsection:
1 18   NEW SUBSECTION. 12. A person killing a dog that presents
1 19 an immediate public danger as provided in section 351.27.
1 20   Sec. 3. Section 717B.3A, subsection 2, Code 2009, is
1 21 amended by adding the following new subsection:
1 22   NEW PARAGRAPH. l. A person killing a dog that presents an
1 23 immediate public danger as provided in section 351.27.
1 24   EXPLANATION
1 25   BACKGROUND. Two Code chapters apply to killing dogs. Code
1 26 chapter 351 allows a person to kill a dog running at large and
1 27 Code chapter 717B prohibits the mistreatment of domestic
1 28 animals including dogs, with a number of exceptions. Code
1 29 section 351.27 authorizes a person to kill a dog which is
1 30 wearing a collar with a vaccination tag attached to it, but
1 31 only when the dog is in the act of chasing or menacing
1 32 livestock or attacking a person.
1 33   BILL'S PROVISIONS. This bill prohibits a person from
1 34 killing a dog wearing a vaccination tag, unless it presents an
1 35 immediate public danger. An immediate public danger exists
2 1 only when the dog is in the act of chasing or menacing
2 2 livestock or attacking a person. The bill expressly provides
2 3 that a person who violates the prohibition is guilty of animal
2 4 abuse, animal neglect, or animal torture as provided in Code
2 5 chapter 717B.
2 6   Code section 717B.2 provides that a person who
2 7 intentionally injures or kills an animal owned by another
2 8 person commits animal abuse and is guilty of an aggravated
2 9 misdemeanor. An aggravated misdemeanor is punishable by
2 10 confinement for no more than two years and a fine of at least
2 11 $625 but not more than $6,250. Code section 717B.3 provides
2 12 that a person who confines an animal and fails to supply it
2 13 with sufficient care or who injures or kills the animal by any
2 14 means which causes unjustified pain commits animal neglect and
2 15 is guilty of a simple misdemeanor. A simple misdemeanor is

2 16 punishable by confinement for no more than 30 days or a fine
2 17 of at least $65 but not more than $625 or by both. However, a
2 18 person who intentionally commits animal neglect is guilty of a
2 19 serious misdemeanor. Code section 717B.3A provides that a
2 20 person who inflicts severe physical pain upon an animal with a
2 21 depraved or sadistic intent to cause prolonged suffering or
2 22 death is guilty of animal torture, regardless of whether the
2 23 person is the owner of the animal. A person who commits
2 24 animal torture is guilty of an aggravated misdemeanor for the
2 25 first offense and a class "D" felony for the second offense.
2 26 A class "D" felony is punishable by confinement for no more
2 27 than five years and a fine of at least $750 but not more than
2 28 $7,500.
2 29 LSB 1459SS 83
2 30 da/nh/14