

House Study Bill 570 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act relating to horses and dogs engaged in police service
2 by providing for acts involving injury or interference, and
3 providing for penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 717.9 Injury or interference with
2 a police service horse.

3 1. A person who knowingly, and willfully or maliciously
4 torments, strikes, administers a nonpoisonous desensitizing
5 substance to, or otherwise interferes with a police service
6 horse, without inflicting serious injury on the police service
7 horse, commits a serious misdemeanor.

8 2. A person who knowingly, and willfully or maliciously does
9 any of the following commits a class "D" felony:

10 a. Tortures a police service horse.

11 b. Injures, so as to disfigure or disable, a police service
12 horse.

13 c. Sets a booby trap device for purposes of injuring, so as
14 to disfigure or disable, or killing a police service horse.

15 d. Pays or agrees to pay a bounty for purposes of injury, so
16 as to disfigure or disable, or kill a police service horse.

17 e. Kills a police service horse.

18 f. Administers poison to a police service horse.

19 3. As used in this section, "*police service horse*" means a
20 horse used by a peace officer or correctional officer in the
21 performance of the officer's duties, whether or not the horse
22 is on duty.

23 4. This section does not apply to any of the following:

24 a. A peace officer or veterinarian who treats a police
25 service horse, if the treatment is for the purpose of
26 rehabilitating the police service horse or relieving the police
27 service horse of undue pain or suffering, and which may include
28 terminating the horse's life.

29 b. A person who justifiably acts in defense of self or
30 another person.

31 Sec. 2. Section 717B.9, subsection 4, Code 2011, is amended
32 by striking the subsection and inserting in lieu thereof the
33 following:

34 4. This section does not apply to any of the following:

35 a. A peace officer or veterinarian who treats a police

1 service dog, if the treatment is for the purpose of
2 rehabilitating the police service dog or relieving the police
3 service dog of undue pain or suffering, and which may include
4 terminating the dog's life.

5 *b.* A person who justifiably acts in defense of self or
6 another person.

7 EXPLANATION

8 This bill creates criminal offenses for acts performed
9 against a police service horse which result in an injury to the
10 horse or some form of interference with its official duties.
11 If enacted, the bill's provisions could be codified in Code
12 chapter 717 which in part prohibits the abuse of livestock,
13 including equine. The bill's provisions defining offenses and
14 penalties closely resemble provisions currently in the Code
15 chapter applicable to animals other than livestock and which
16 specifically prohibits injuring or interfering with a police
17 service dog (Code section 717B.9).

18 Under the bill, a person commits a serious misdemeanor by
19 knowingly, and willfully or maliciously abusing or otherwise
20 interfering with a police service horse, without inflicting
21 serious injury. A serious misdemeanor is punishable by
22 confinement for no more than one year and a fine of at least
23 \$315 but not more than \$1,875.

24 Under the bill, a person commits a class "D" felony by
25 knowingly, and willfully or maliciously torturing, or injuring
26 a police service horse in a manner that causes disfigurement or
27 disability; setting a booby trap device for purposes of causing
28 such injury or death; paying or agreeing to pay a bounty for
29 purposes of causing such injury or death; killing a police
30 service horse; or administering poison to a police service
31 horse. A class "D" felony is punishable by confinement for no
32 more than five years and a fine of at least \$750 but not more
33 than \$7,500.

34 The bill's definition of a police service horse mirrors the
35 definition of a police service dog. Under the bill, a police

1 service horse must be used by a peace officer or correctional
2 officer in the performance of the officer's duties, whether or
3 not the animal is on duty.

4 The bill creates two exceptions, first for a peace officer
5 or veterinarian who treats a police service horse to provide
6 for either rehabilitation or termination, and second for a
7 person who justifiably acts in self-defense or in the defense
8 of another person. The bill also amends the current provision
9 relating to police service dogs to correspond to the treatment
10 exception applicable to police service horses under the bill.