

**Senate File 2021 - Introduced**

SENATE FILE 2021

BY McCOY

**A BILL FOR**

1 An Act relating to the criminal offense of animal torture and  
2 making penalties applicable.

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

1 Section 1. Section 717B.3A, subsection 3, paragraph a, Code  
2 2014, is amended to read as follows:

3 ~~a. The following shall apply to a person who commits animal  
4 torture:~~

5 ~~(1) For the first conviction, the person is guilty of an  
6 aggravated misdemeanor. The sentencing order shall provide  
7 that the person submit to psychological evaluation and  
8 treatment according to terms required by the court. The costs  
9 of the evaluation and treatment shall be paid by the person.  
10 In addition, the sentencing order shall provide that the person  
11 complete a community work requirement, which may include a work  
12 requirement performed at an animal shelter or pound, as defined  
13 in section 162.2, according to terms required by the court.~~

14 ~~(2) For a second or subsequent conviction, the A person  
15 who commits animal torture is guilty of a class "D" felony.  
16 The sentencing order shall provide that the person submit  
17 to psychological evaluation and treatment according to  
18 terms required by the court. The costs of the psychological  
19 evaluation and treatment shall be paid by the person.~~

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with  
22 the explanation's substance by the members of the general assembly.

23 BILL'S PROVISIONS — INCREASE IN CRIMINAL PENALTY FOR ANIMAL  
24 TORTURE. This bill increases the criminal penalty for the  
25 offense of animal torture from an aggravated misdemeanor to a  
26 class "D" felony beginning with the first offense. It also  
27 eliminates a requirement that a first-time offender complete a  
28 community work requirement which may be performed at an animal  
29 shelter.

30 CRIMINAL PENALTIES. An aggravated misdemeanor is punishable  
31 by confinement for no more than two years and a fine of at  
32 least \$625 but not more than \$6,250. A class "D" felony is  
33 punishable by confinement for no more than five years and a  
34 fine of at least \$750 but not more than \$7,500.

35 BACKGROUND. The bill amends Code chapter 717B which

1 provides for offenses relating to the mistreatment of animals  
2 other than livestock, any game, fur-bearing animal, fish,  
3 reptile, or amphibian not owned, confined, or controlled by a  
4 person, or any nongame species declared to be a nuisance. Code  
5 section 717B.3A provides for the offense of animal torture. A  
6 person commits the offense by inflicting severe physical pain  
7 with a depraved or sadistic intent to cause prolonged suffering  
8 or death. The law provides for a number of exceptions,  
9 including exceptions based on actions consistent with animal  
10 husbandry practices; veterinary practice; hunting, trapping, or  
11 fishing; self-defense or protection of property; or research.  
12 The severity of the criminal penalty depends on whether it is  
13 a first or subsequent offense. For the first offense, the  
14 person is guilty of an aggravated misdemeanor. In addition,  
15 the person must complete a community work requirement. For a  
16 second or subsequent offense, a person is guilty of a class  
17 "D" felony. However, there is no community work requirement.  
18 In both instances, the sentencing order must provide that  
19 the person submit to psychological evaluation and treatment.  
20 The law also provides that the juvenile court has exclusive  
21 original jurisdiction in a proceeding concerning a child work  
22 requirement. The juvenile court cannot waive jurisdiction in a  
23 proceeding concerning an offense alleged to have been committed  
24 by a child under the age of 17.