

Senate File 2289 - Introduced

SENATE FILE 2289
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2138)

A BILL FOR

1 An Act prohibiting the mistreatment of animals other
2 than livestock and wild animals, providing reporting
3 requirements, providing for criminal offenses, and including
4 penalties.

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

1 Section 1. NEW SECTION. 169.21 Animal cruelty report.

2 1. a. A person who practices veterinary medicine under a
3 valid license or temporary permit and who concludes that an
4 animal is being subjected to animal cruelty shall complete an
5 animal cruelty report and submit the report to a local law
6 enforcement agency having jurisdiction to investigate the
7 matter. The local law enforcement agency shall file the report
8 as provided in section 717B.10.

9 b. The board may adopt rules detailing any grounds or
10 procedures for making a conclusion that an animal is being
11 subjected to animal cruelty. However, the board is precluded
12 from concluding that an animal is being subjected to animal
13 cruelty if the animal is provided care in a manner that would
14 meet the standard of care for that species of animal under
15 state law as enforced by the department of agriculture and
16 land stewardship and under federal law as enforced by the
17 United States department of agriculture. The conclusion must
18 at least be based on clinical indications that if true could
19 reasonably constitute elements of animal abuse in the first
20 degree as described in section 717B.2, subsection 1, animal
21 neglect in the first degree as described in section 717B.2B,
22 subsection 1, or animal torture as described in section
23 717B.3A. Notwithstanding section 169.3, for purposes of this
24 section, "animal" means the same as defined in section 717B.1.

25 2. A report shall include, to every extent known by the
26 person completing the report, all of the following:

27 a. The name and description of the animal.

28 b. The address and contact information of the owner or other
29 person responsible for the care of the animal.

30 c. A description of the nature and extent of the indications
31 of animal cruelty.

32 d. Any evidence indicating that the animal has been
33 subjected to animal cruelty previously.

34 e. Any other information required by the local law
35 enforcement agency that may be of value in conducting a

1 criminal investigation.

2 3. The board may prepare and distribute a form for use
3 by a person completing and submitting a report under this
4 section and by a local law enforcement agency filing the
5 report under section 717B.10. The form shall replace the
6 information required to be completed in subsection 2. However,
7 the report must at least require the completion of information
8 necessary for a law enforcement officer to interview the person
9 submitting the report and conduct an investigation regarding
10 the commission of a public offense described in subsection
11 1. The board may consult the department of public safety when
12 preparing the form and may publish the form on the internet
13 site of the department of agriculture and land stewardship or
14 the department of public safety.

15 4. A person participating in good faith in reporting,
16 cooperating with, or assisting a local law enforcement agency
17 in evaluating a case of animal cruelty has immunity from
18 criminal or civil liability or administrative disciplinary
19 action, which might otherwise be incurred or imposed based upon
20 the act of making the report or giving the assistance. The
21 person has the same immunity with respect to participating in
22 good faith in a judicial proceeding resulting from the report,
23 cooperation, or assistance or relating to the subject matter of
24 the report, cooperation, or assistance.

25 Sec. 2. Section 717B.1, Code 2016, is amended by adding the
26 following new subsections:

27 NEW SUBSECTION. 3A. a. "*Convicted*" means found guilty of,
28 pleads guilty to, or is sentenced or adjudicated delinquent
29 for an act which is an indictable offense in this state or in
30 another state, including but not limited to a juvenile who has
31 been adjudicated delinquent, whether or not the juvenile court
32 records have been sealed under section 232.150, and a person
33 who has received a deferred sentence or a deferred judgment or
34 has been acquitted by reason of insanity.

35 b. "*Convicted*" includes the conviction of a juvenile

1 prosecuted as an adult. "Convicted" also includes a conviction
2 for an attempt or conspiracy to commit an offense.

3 c. "Convicted" does not mean a plea, sentence, adjudication,
4 deferred sentence, or deferred judgment which has been reversed
5 or otherwise set aside.

6 NEW SUBSECTION. 4A. "Injury" means an impairment to an
7 animal's health or functions, including physical damage or harm
8 to an animal's muscle, tissue, organs, bones, hide, or skin,
9 that causes the animal to suffer pain.

10 NEW SUBSECTION. 6A. "Local law enforcement agency" means
11 an entity established as part of a local authority to serve as
12 a police force responsible for the prevention and detection of
13 crime and enforcement of the criminal laws of this state.

14 NEW SUBSECTION. 8A. "Serious injury" means an injury that
15 creates a substantial risk of death or that causes protracted
16 disfigurement, protracted impairment of health, or protracted
17 loss or impairment of the function of a limb or organ.

18 Sec. 3. Section 717B.1, subsection 9, Code 2016, is amended
19 to read as follows:

20 9. "Threatened animal" means an animal that ~~is abused as~~
21 provided suffers mistreatment due to animal abuse as described
22 in section 717B.2 or 717B.2A, neglected animal neglect as
23 provided described in section 717B.2B or 717B.3, or tortured
24 animal torture as provided described in section 717B.3A,
25 animal abandonment as described in section 717B.3B, or animal
26 endangerment as described in section 717B.3C.

27 Sec. 4. Section 717B.2, Code 2016, is amended to read as
28 follows:

29 **717B.2 Animal abuse in the first degree — penalties.**

30 1. A person is ~~guilty of animal abuse if the person~~
31 intentionally injures, maims, disfigures, or destroys an animal
32 owned by another person, in any manner, including intentionally
33 poisoning the animal commits animal abuse in the first degree
34 when the person knowingly or recklessly causes serious injury
35 or death to an animal by force, violence, or poisoning. A

1 ~~person guilty of animal abuse is guilty of an aggravated~~
2 ~~misdemeanor.~~

3 2. This section shall not apply to conduct engaged in by any
4 of the following:

5 ~~1. A person acting with the consent of the person owning~~
6 ~~the animal, unless the action constitutes animal neglect as~~
7 ~~provided in section 717B.3.~~

8 ~~2. a.~~ A person acting to carry out an order issued by a
9 court.

10 ~~3. b.~~ A licensed veterinarian practicing veterinary
11 medicine as provided in chapter 169.

12 ~~4. c.~~ A person acting in order to carry out another
13 provision of law which allows the conduct.

14 ~~5. d.~~ A person taking, hunting, trapping, or fishing for a
15 wild animal as provided in chapter 481A.

16 ~~6. e.~~ A person acting to protect the person's property from
17 a wild animal as defined in section 481A.1.

18 ~~7. f.~~ A person acting to protect a person from injury or
19 death caused by a wild animal as defined in section 481A.1.

20 ~~8. g.~~ A person reasonably acting to protect the person's
21 property from damage caused by an unconfined animal.

22 ~~9. h.~~ A person reasonably acting to protect a person from
23 injury or death caused by an unconfined animal.

24 ~~10. i.~~ A local authority reasonably acting to destroy an
25 animal, if at the time of the destruction, the owner of the
26 animal is absent or unable to care for the animal, and the
27 animal is permanently distressed by disease or injury to a
28 degree that would result in severe and prolonged suffering.

29 ~~11. j.~~ A research facility, as defined in section 162.2,
30 provided that the research facility performs functions within
31 the scope of accepted practices and disciplines associated with
32 the research facility.

33 3. A person who commits animal abuse in the first degree is
34 guilty of an aggravated misdemeanor.

35 4. Notwithstanding subsection 3, a person who commits

1 animal abuse in the first degree is guilty of a class "D"
2 felony under any of the following circumstances:

3 a. The offense was committed by an adult when a juvenile was
4 physically present.

5 b. The person has previously been convicted of any of the
6 following:

7 (1) Animal abuse pursuant to this section or section
8 717B.2A, animal neglect pursuant to section 717B.2B or 717B.3,
9 animal torture pursuant to section 717B.3A, animal abandonment
10 pursuant to section 717B.3B, animal endangerment pursuant
11 to section 717B.3C, injury or interference with a police
12 service dog pursuant to section 717B.9, bestiality pursuant to
13 section 717C.1, or committing an act involving a contest event
14 prohibited in section 717D.4.

15 (2) An offense under any other state's statute
16 substantially corresponding to an offense described in
17 subparagraph (1). The court shall judicially notice
18 the statute of another state which defines such offense
19 substantially equivalent to an offense described in
20 subparagraph (1) and can therefore be considered a
21 corresponding statute.

22 **Sec. 5. NEW SECTION. 717B.2A Animal abuse in the second**
23 **degree — penalties.**

24 1. A person commits animal abuse in the second degree when
25 the person knowingly or recklessly causes injury or death to an
26 animal by force, violence, or poisoning.

27 2. This section shall not apply to conduct engaged in by a
28 person described in section 717B.2, subsection 2.

29 3. A person who commits animal abuse in the second degree is
30 guilty of a serious misdemeanor.

31 4. Notwithstanding subsection 3, a person who commits
32 animal abuse in the second degree is guilty of an aggravated
33 misdemeanor under any of the following circumstances:

34 a. The offense was committed by an adult when a juvenile was
35 physically present.

1 *b.* The person has previously been convicted of any of the
2 following:

3 (1) Animal abuse pursuant to section 717B.2 or this section,
4 animal neglect pursuant to section 717B.2B or 717B.3, animal
5 torture pursuant to section 717B.3A, animal abandonment
6 pursuant to section 717B.3B, animal endangerment pursuant
7 to section 717B.3C, injury or interference with a police
8 service dog pursuant to section 717B.9, bestiality pursuant to
9 section 717C.1, or committing an act involving a contest event
10 prohibited in section 717D.4.

11 (2) An offense under any other state's statute
12 substantially corresponding to an offense described in
13 subparagraph (1). The court shall judicially notice
14 the statute of another state which defines such offense
15 substantially equivalent to an offense described in
16 subparagraph (1) and can therefore be considered a
17 corresponding statute.

18 Sec. 6. NEW SECTION. **717B.2B Animal neglect in the first**
19 **degree — penalties.**

20 1. A person commits animal neglect in the first degree
21 when the person owns or has custody of an animal, confines
22 that animal, and causes the animal to suffer serious injury or
23 death, by failing to reasonably provide any of the following:

24 *a.* Access to food in an amount and quality sufficient to
25 satisfy the animal's basic nutrition level.

26 *b.* Access to a supply of potable water in an amount
27 sufficient to satisfy the animal's basic hydration level.

28 Access to snow or ice does not satisfy this requirement.

29 *c.* Sanitary conditions free from excessive animal waste or
30 the overcrowding of animals.

31 *d.* Adequate shelter sufficient to provide the animal with
32 protection from extreme weather conditions, including but not
33 limited to sun, wind, rain, snow, ice, or standing water.

34 *e.* Veterinary care deemed necessary by a reasonably prudent
35 person to relieve an animal's distress from a condition caused

1 by failing to provide for the animal's welfare as described in
2 paragraphs "a" through "d".

3 2. This section does not apply to any of the following:

4 a. A person acting to carry out another provision of law
5 which allows the conduct.

6 b. A research facility, as defined in section 162.2,
7 provided that the research facility performs functions within
8 the scope of accepted practices and disciplines associated with
9 the research facility.

10 3. A person who commits animal neglect in the first degree
11 is guilty of an aggravated misdemeanor.

12 4. Notwithstanding subsection 3, a person who commits
13 animal neglect in the first degree is guilty of a class "D"
14 felony under any of the following circumstances:

15 a. The offense was committed by an adult when a juvenile was
16 physically present.

17 b. The person has previously been convicted of any of the
18 following:

19 (1) Animal abuse pursuant to section 717B.2 or 717B.2A,
20 animal neglect pursuant to this section or section 717B.3,
21 animal torture pursuant to section 717B.3A, animal abandonment
22 pursuant to section 717B.3B, animal endangerment pursuant
23 to section 717B.3C, injury or interference with a police
24 service dog pursuant to section 717B.9, bestiality pursuant to
25 section 717C.1, or committing an act involving a contest event
26 prohibited in section 717D.4.

27 (2) An offense under any other state's statute
28 substantially corresponding to an offense described in
29 subparagraph (1). The court shall judicially notice
30 the statute of another state which defines such offense
31 substantially equivalent to an offense described in
32 subparagraph (1) and can therefore be considered a
33 corresponding statute.

34 Sec. 7. Section 717B.3, Code 2016, is amended to read as
35 follows:

1 **717B.3 Animal neglect in the second degree — penalties.**

2 1. A person ~~who impounds or~~ commits animal neglect in the
3 second degree when the person owns or has custody of an animal,
4 ~~confines, in any place, an~~ that animal, is guilty of animal
5 ~~neglect if the person does~~ and fails to reasonably provide the
6 animal with any of the following:

7 a. ~~Fails to supply the animal during confinement with a~~
8 ~~sufficient quantity of food or water.~~ Access to food in an
9 amount and quality sufficient to satisfy the animal's basic
10 nutrition level.

11 b. ~~Fails to provide a confined dog or cat with adequate~~
12 ~~shelter.~~ Access to a supply of potable water in an amount
13 sufficient to satisfy the animal's basic hydration level.
14 Access to snow or ice does not satisfy this requirement.

15 c. ~~Tortures, deprives of necessary sustenance, mutilates,~~
16 ~~beats, or kills an animal by any means which causes unjustified~~
17 ~~pain, distress, or suffering.~~ Sanitary conditions free from
18 excessive animal waste or the overcrowding of animals.

19 d. Adequate shelter sufficient to provide the animal with
20 protection from extreme weather conditions, including but not
21 limited to sun, wind, rain, snow, ice, or standing water.

22 e. Veterinary care deemed necessary by a reasonably prudent
23 person to relieve an animal's distress from a condition caused
24 by failing to provide for the animal's welfare as described in
25 paragraphs "a" through "d".

26 2. ~~This section~~ does not apply to a any of the following:

27 a. A person acting to carry out another provision of law
28 which allows the conduct.

29 b. A research facility, as defined in section 162.2,
30 provided that the research facility performs functions within
31 the scope of accepted practices and disciplines associated with
32 the research facility.

33 3. A person who ~~negligently or intentionally~~ commits the
34 ~~offense of~~ animal neglect in the second degree is guilty of
35 a ~~simple~~ serious misdemeanor. ~~A person who intentionally~~

1 ~~commits the offense of animal neglect which results in serious~~
2 ~~injury to or the death of an animal is guilty of a serious~~
3 ~~misdemeanor.~~

4 4. Notwithstanding subsection 3, a person who commits
5 animal neglect in the second degree is guilty of an aggravated
6 misdemeanor under any of the following circumstances:

7 a. The offense was committed by an adult when a juvenile was
8 physically present.

9 b. The person has previously been convicted of any of the
10 following:

11 (1) Animal abuse pursuant to section 717B.2 or 717B.2A,
12 animal neglect pursuant to section 717B.2B or this section,
13 animal torture pursuant to section 717B.3A, animal abandonment
14 pursuant to section 717B.3B, animal endangerment pursuant
15 to section 717B.3C, injury or interference with a police
16 service dog pursuant to section 717B.9, bestiality pursuant to
17 section 717C.1, or committing an act involving a contest event
18 prohibited in section 717D.4.

19 (2) An offense under any other state's statute
20 substantially corresponding to an offense described in
21 subparagraph (1). The court shall judicially notice
22 the statute of another state which defines such offense
23 substantially equivalent to an offense described in
24 subparagraph (1) and can therefore be considered a
25 corresponding statute.

26 Sec. 8. Section 717B.3A, Code 2016, is amended to read as
27 follows:

28 **717B.3A Animal torture — penalties.**

29 1. A person is guilty of animal torture, ~~regardless of~~
30 ~~whether the person is the owner of the animal, if~~ when the
31 person inflicts upon the animal severe and prolonged or
32 repeated physical pain with a depraved or sadistic intent to
33 cause that results in the animal's prolonged suffering and
34 serious injury or death.

35 2. **This section** shall not apply to conduct engaged in by any

1 of the following:

2 *a.* A person acting to carry out an order issued by a court.

3 *b.* A licensed veterinarian practicing veterinary medicine as
4 provided in [chapter 169](#).

5 *c.* A person carrying out a practice that is consistent with
6 animal husbandry practices.

7 *d.* A person acting in order to carry out another provision
8 of law which allows the conduct.

9 *e.* A person taking, hunting, trapping, or fishing for a wild
10 animal as provided in [chapter 481A](#).

11 *f.* A person acting to protect the person's property from a
12 wild animal as defined in [section 481A.1](#).

13 *g.* A person acting to protect a person from injury or death
14 caused by a wild animal as defined in [section 481A.1](#).

15 *h.* A person reasonably acting to protect the person's
16 property from damage caused by an unconfined animal.

17 *i.* A person reasonably acting to protect a person from
18 injury or death caused by an unconfined animal.

19 *j.* A local authority reasonably acting to destroy an animal,
20 if at the time of the destruction, the owner of the animal is
21 absent or unable to care for the animal, and the animal is
22 permanently distressed by disease or injury to a degree that
23 would result in severe and prolonged suffering.

24 *k.* A research facility, as defined in [section 162.2](#),
25 provided that the research facility performs functions within
26 the scope of accepted practices and disciplines associated with
27 the research facility.

28 3. ~~*a.* The following shall apply to a person who commits
29 animal torture:~~

30 ~~(1) For the first conviction, the person is guilty of an
31 aggravated misdemeanor. The sentencing order shall provide
32 that the person submit to psychological evaluation and
33 treatment according to terms required by the court. The costs
34 of the evaluation and treatment shall be paid by the person.
35 In addition, the sentencing order shall provide that the person~~

1 ~~complete a community work requirement, which may include a work~~
2 ~~requirement performed at an animal shelter or pound, as defined~~
3 ~~in section 162.2, according to terms required by the court.~~

4 ~~(2) For a second or subsequent conviction, the person is~~
5 ~~guilty of a class "D" felony. The sentencing order shall~~
6 ~~provide that the person submit to psychological evaluation and~~
7 ~~treatment according to terms required by the court. The costs~~
8 ~~of the psychological evaluation and treatment shall be paid by~~
9 ~~the person.~~

10 ~~b.~~ The juvenile court shall have exclusive original
11 jurisdiction in a proceeding concerning a child who is alleged
12 to have committed animal torture, in the manner provided in
13 section 232.8. The juvenile court shall not waive jurisdiction
14 in a proceeding concerning an offense alleged to have been
15 committed by a child under the age of seventeen.

16 4. A person who commits animal torture is guilty of a class
17 "D" felony.

18 5. Notwithstanding subsection 4, a person who commits
19 animal torture is guilty of a class "C" felony under any of the
20 following circumstances:

21 a. The offense was committed by an adult when a juvenile was
22 physically present.

23 b. The person has previously been convicted of any of the
24 following:

25 (1) Animal abuse pursuant to section 717B.2 or 717B.2A,
26 animal neglect pursuant to section 717B.2B or 717B.3, animal
27 torture pursuant to this section, animal abandonment pursuant
28 to section 717B.3B, animal endangerment pursuant to section
29 717B.3C, injury or interference with a police service dog
30 pursuant to section 717B.9, bestiality pursuant to section
31 717C.1, or committing an act involving a contest event
32 prohibited in section 717D.4.

33 (2) An offense under any other state's statute
34 substantially corresponding to an offense described in
35 subparagraph (1). The court shall judicially notice

1 the statute of another state which defines such offense
2 substantially equivalent to an offense described in
3 subparagraph (1) and can therefore be considered a
4 corresponding statute.

5 Sec. 9. NEW SECTION. 717B.3B **Animal abandonment —**
6 **penalties.**

7 1. A person commits animal abandonment when the person does
8 all of the following:

9 a. Knowingly or recklessly relinquishes custody of an animal
10 at a location in which the person does not hold a legal or
11 equitable interest.

12 b. Fails to do any of the following:

13 (1) Legally transfer the animal to another person.

14 (2) Make reasonable arrangements for the transfer of
15 custody of the animal to a person who agrees to assume custody
16 of the animal.

17 (3) Make other reasonable arrangements for the care of the
18 animal in a manner that would not constitute animal neglect in
19 the first degree under section 717B.2B, subsection 1.

20 2. A person who commits animal abandonment is guilty of a
21 simple misdemeanor.

22 3. Notwithstanding subsection 2, a person who commits
23 animal abandonment is guilty of a serious misdemeanor under any
24 of the following circumstances:

25 a. The offense was committed by an adult when a juvenile was
26 physically present.

27 b. The person has previously been convicted of any of the
28 following:

29 (1) Animal abuse pursuant to section 717B.2 or 717B.2A,
30 animal neglect pursuant to section 717B.2B or 717B.3, animal
31 torture pursuant to section 717B.3A, animal abandonment
32 pursuant to this section, animal endangerment pursuant to
33 section 717B.3C, injury or interference with a police service
34 dog pursuant to section 717B.9, bestiality pursuant to
35 section 717C.1, or committing an act involving a contest event

1 prohibited in section 717D.4.

2 (2) An offense under any other state's statute
3 substantially corresponding to an offense described in
4 subparagraph (1). The court shall judicially notice
5 the statute of another state which defines such offense
6 substantially equivalent to an offense described in
7 subparagraph (1) and can therefore be considered a
8 corresponding statute.

9 Sec. 10. NEW SECTION. 717B.3C Animal endangerment —
10 penalties.

11 1. A person commits animal endangerment when the person
12 confines an animal in a stationary motor vehicle in a manner
13 that endangers the health or life of the animal by exposing the
14 animal to a prolonged period of extreme interior temperature or
15 a long period without adequate ventilation.

16 2. A person who commits animal endangerment is guilty of a
17 simple misdemeanor.

18 3. Notwithstanding subsection 2, a person who commits
19 animal endangerment is guilty of a serious misdemeanor under
20 any of the following circumstances:

21 a. The offense was committed by an adult when a juvenile was
22 physically present.

23 b. The person has previously been convicted of any of the
24 following:

25 (1) Animal abuse pursuant to section 717B.2 or 717B.2A,
26 animal neglect pursuant to section 717B.2B or 717B.3, animal
27 torture pursuant to section 717B.3A, animal abandonment
28 pursuant to this section, animal endangerment pursuant to
29 this section, injury or interference with a police service
30 dog pursuant to section 717B.9, bestiality pursuant to
31 section 717C.1, or committing an act involving a contest event
32 prohibited in section 717D.4.

33 (2) An offense under any other state's statute
34 substantially corresponding to an offense described in
35 subparagraph (1). The court shall judicially notice

1 the statute of another state which defines such offense
2 substantially equivalent to an offense described in
3 subparagraph (1) and can therefore be considered a
4 corresponding statute.

5 **Sec. 11. NEW SECTION. 717B.3D Animal mistreatment — court**
6 **order — evaluation and treatment.**

7 1. At the time of a person's conviction for a public
8 offense committed under this chapter, a court may enter an
9 order requiring the person to undergo a psychological or
10 psychiatric evaluation and to undergo any treatment that the
11 court determines to be appropriate after due consideration of
12 the evaluation. However, the court shall enter such an order
13 if the convicted person is any of the following:

14 *a.* A juvenile.

15 *b.* An adult committing animal abuse pursuant to section
16 717B.2 or 717B.2A, animal neglect in the first degree pursuant
17 to section 717B.2B, animal neglect in the second degree
18 punishable as an aggravated misdemeanor pursuant to section
19 717B.3, or animal torture pursuant to section 717B.3A.

20 2. The costs of undergoing a psychological or psychiatric
21 evaluation and undergoing any treatment ordered by the court
22 shall be borne by the convicted person, unless the person is
23 a juvenile.

24 3. An order made under this section is in addition to any
25 other order or sentence of the court.

26 4. Any violation of the court order shall be punished as
27 contempt of court pursuant to chapter 665.

28 **Sec. 12. NEW SECTION. 717B.3E Animal mistreatment —**
29 **sentencing order — prohibitions.**

30 1. Upon the time of a person's sentencing for a public
31 offense committed under this chapter, a court may prohibit the
32 person from owning or obtaining custody of an animal belonging
33 to the same taxonomic genus as the animal that the defendant
34 is convicted of mistreating, or residing in the same dwelling
35 where such animal is kept. The period of the prohibition shall

1 be not less than one but not more than five years.

2 2. Notwithstanding subsection 1, the court shall enter such
3 an order if the convicted person has committed animal abuse
4 pursuant to section 717B.2 or 717B.2A, animal neglect in the
5 first degree pursuant to section 717B.2B, animal neglect in the
6 second degree punishable as an aggravated misdemeanor pursuant
7 to section 717B.3, or animal torture pursuant to section
8 717B.3A. The period of such prohibition shall be as follows:

- 9 a. For an aggravated misdemeanor, from one to five years.
10 b. For a class "D" felony, from five to fifteen years.
11 c. For a class "C" felony, for life.

12 3. The duration of a prohibition described in this
13 section commences on the date that the person is placed on
14 probation, released on parole or work release, or released from
15 incarceration or from placement in a juvenile facility.

16 4. An order made pursuant to this section is in addition to
17 any other order or sentence of the court.

18 5. Any violation of the court order described in this
19 section is a public offense and shall be punished as a simple
20 misdemeanor.

21 Sec. 13. Section 717B.5, subsection 1, Code 2016, is amended
22 to read as follows:

23 1. The rescue must be made by a law enforcement officer
24 having cause to believe that the animal is a threatened animal
25 after consulting with a veterinarian licensed pursuant to
26 chapter 169. An animal cruelty report filed with a local
27 law enforcement agency pursuant to section 717B.10 is not a
28 substitute for consulting with a licensed veterinarian. The
29 law enforcement officer may rescue the animal by entering on
30 public or private property, as provided in [this subsection](#).
31 The law enforcement officer may enter onto property of a person
32 to rescue the animal if the officer obtains a search warrant
33 issued by a court, or enters onto the premises in a manner
34 consistent with the laws of this state and the United States,
35 including Article I, section 8, of the Constitution of the

1 State of Iowa, or the fourth amendment to the Constitution of
2 the United States.

3 Sec. 14. NEW SECTION. 717B.5A **Rescue — motor vehicles.**

4 1. A law enforcement officer may rescue an animal from a
5 stationary motor vehicle, including through the use of forced
6 entrance, if the law enforcement officer reasonably believes
7 that the animal may be suffering distress due to exposure to
8 extreme interior temperature or a lack of adequate ventilation.
9 The law enforcement officer's action is justified regardless
10 of whether the law enforcement officer observed indications
11 of distress or whether the person could be charged with or
12 convicted of committing a public offense.

13 2. The law enforcement officer shall provide written
14 notice of the rescue to the animal's responsible party. This
15 requirement is satisfied by placing the notice in a conspicuous
16 place located within the motor vehicle. The notice must state
17 where the rescued animal may be claimed.

18 3. The local authority shall provide for the maintenance
19 of the rescued animal as if it were a threatened animal under
20 section 717B.5. However, no dispositional proceeding under
21 section 717B.4 is required if within ten days after the date
22 of the animal's rescue the responsible party claims the animal
23 from the local authority. In order to claim the animal, the
24 responsible party must reimburse the local authority for all
25 reasonable costs that accrued from rescuing and maintaining the
26 animal.

27 Sec. 15. NEW SECTION. 717B.10 **Reports.**

28 1. A local law enforcement agency shall accept and file
29 an animal cruelty report submitted by a person as provided in
30 section 169.21. The report may be used as the basis for an
31 investigation or criminal complaint or information under this
32 chapter, or for determining whether to perform a rescue under
33 section 717B.5.

34 2. a. A local law enforcement agency shall file a child
35 endangerment alert report with the department of human services

1 if all of the following apply:

2 (1) A law enforcement officer employed by the law
3 enforcement agency conducts an investigation of a suspected
4 offense of animal abuse as described in section 717B.2 or
5 717B.2A, animal neglect as described in section 717B.2B or
6 717B.3, or animal torture as described in section 717B.3A.

7 (2) The law enforcement officer reasonably believes that a
8 minor child of the subject of the investigation witnessed the
9 commission of the offense.

10 b. The report shall be filed in a manner and according to
11 procedures required by the department of human services.

12 c. The report shall be a confidential record in the same
13 manner as a peace officer's investigative report under section
14 22.7, subsection 5.

15 Sec. 16. IMPLEMENTATION OF ACT. Section 25B.2, subsection
16 3, shall not apply to this Act.

17 Sec. 17. REPEAL. Section 717B.8, Code 2016, is repealed.

18 EXPLANATION

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

21 GENERAL. This bill amends Code chapter 717B prohibiting
22 the mistreatment of certain animals, including dogs and cats,
23 but excluding other animals such as livestock (Code chapter
24 717); game, fur-bearing animals, fish, reptiles, or amphibians
25 (Code chapter 481A), unless such animal is owned, confined,
26 or controlled by a person; or a nongame animal declared to be
27 a nuisance by the natural resource commission (Code section
28 481A.42).

29 There are seven amended or new criminal offenses, including
30 animal abuse in the first or second degree (amended Code
31 section 717B.2 and new Code section 717B.2A), animal neglect
32 in the first or second degree (new Code section 717B.2B
33 and amended Code section 717B.3), animal torture (amended
34 Code section 717B.3A), animal abandonment (new Code section
35 717B.3B), and animal endangerment (new Code section 717B.3C).

1 Each of the amended or new offenses includes an enhanced
2 penalty that applies to a convicted person in either of two
3 situations: (1) the person is an adult who committed the
4 offense in the presence of a juvenile or (2) the person has
5 previously committed any of the offenses previously described;
6 committed injury or interference with a police service dog
7 (Code section 717B.9); committed bestiality (Code section
8 717C.1); committed an offense involving animal fighting (Code
9 section 717D.4); or committed any similar offense in another
10 state.

11 TYPES OF CRIMINAL OFFENSES — ABUSE, NEGLECT, OR TORTURE.

12 Animal abuse involves injuring an animal by violence or
13 poisoning; animal neglect involves failing to provide an animal
14 with adequate food, water, habitable conditions, or necessary
15 veterinary care; and animal torture involves inflicting upon
16 the animal severe and prolonged or repeated physical pain. For
17 animal abuse in the first degree, animal neglect in the first
18 degree, or animal torture, the animal must suffer a serious
19 injury or death. Serious injury involves a substantial risk
20 of death, protracted disfigurement, impairment, or a loss or
21 impairment of a limb. For animal abuse in the second degree,
22 the animal must suffer an injury meaning some impairment to the
23 animal's health or functions, or death. For animal neglect in
24 the second degree, the injury element is not required. For
25 these offenses, the criminal penalties are as follows: (1)
26 animal abuse in the first degree, an aggravated misdemeanor
27 which may be enhanced to a class "D" felony; (2) animal abuse
28 in the second degree, a serious misdemeanor which may be
29 enhanced to an aggravated misdemeanor; (3) animal neglect
30 in the first degree, an aggravated misdemeanor which may be
31 enhanced to a class "D" felony; (4) animal neglect in the
32 second degree, a serious misdemeanor which may be enhanced to
33 an aggravated misdemeanor; and (5) animal torture, a class "D"
34 felony which may be enhanced to a class "C" felony.

35 A number of exceptions apply to the animal abuse and animal

1 torture offenses, including carrying out (1) a court order; (2)
2 a veterinary practice; (3) a good animal husbandry practice;
3 (4) another provision of law; (5) legally hunting, trapping,
4 or fishing; (6) a defense of property or life; (7) conduct
5 by a local authority; and (8) research activities. The bill
6 eliminates a provision in the current abuse Code section that
7 excepts an animal's owner from culpability. The bill also
8 eliminates an element of animal torture that requires proof of
9 sadistic or depraved intent.

10 TYPES OF CRIMINAL OFFENSES — ANIMAL ABANDONMENT AND ANIMAL
11 ENDANGERMENT. For animal abandonment, a person must knowingly
12 or recklessly relinquish custody of an animal, and then fail
13 to provide for its legal transfer or make arrangements for its
14 care. For animal endangerment, a person must confine an animal
15 in a stationary motor vehicle in a manner that endangers the
16 health or life of the animal. For these last two offenses, the
17 criminal penalties are the same: a simple misdemeanor which
18 may be enhanced to a serious misdemeanor.

19 APPLICABLE CRIMINAL PENALTIES. The criminal penalties are
20 as follows: (1) simple misdemeanor, confinement for no more
21 than 30 days or a fine of at least \$65 but not more than \$625 or
22 by both; (2) serious misdemeanor, confinement for no more than
23 one year and a fine of at least \$315 but not more than \$1,875;
24 (3) aggravated misdemeanor, confinement for no more than two
25 years and a fine of at least \$625 but not more than \$6,250; (4)
26 class "D" felony, confinement for no more than five years and a
27 fine of at least \$750 but not more than \$7,500; and (5) class
28 "C" felony, confinement for no more than 10 years and a fine of
29 at least \$1,000 but not more than \$10,000.

30 COURT ORDERS. At the time of conviction for committing
31 any of the offenses, a person may be subject to a court order
32 requiring a psychological or psychiatric evaluation and
33 treatment. The person may also be subject to a court order
34 prohibiting the person from owning, possessing, or living with
35 an animal of the same genus as the mistreated animal. In each

1 case, the court's decision to issue an order is discretionary
2 except under certain conditions. A court order requiring an
3 evaluation and treatment is mandatory for juveniles. That
4 order and the order prohibiting contact with animals is
5 also mandatory if the offense is punishable as an aggravated
6 misdemeanor or felony. For a discretionary court order,
7 the period of prohibition is from one to five years. For a
8 mandatory court order, the period of prohibition is as follows:
9 (1) one to five years for an aggravated misdemeanor, (2) 5 to
10 15 years for a class "D" felony, and (3) life for a class "C"
11 felony.

12 ANIMAL RESCUE — LOCAL LAW ENFORCEMENT OFFICERS. A law
13 enforcement officer (e.g., county sheriff or deputy sheriff)
14 is authorized to rescue an animal from a motor vehicle based
15 upon the officer's reasonable belief that the animal may be
16 suffering distress. The officer must provide a written notice
17 of the rescue. After the rescue, the animal must be maintained
18 as a rescued animal by the local authority until it is claimed
19 or disposed of pursuant to court order.

20 MANDATORY REPORTING — VETERINARIANS TO LOCAL LAW
21 ENFORCEMENT AGENCIES. A veterinarian is required to report
22 cases in which an animal may have suffered a serious injury due
23 to animal abuse, animal neglect, or animal torture. The board
24 of veterinary medicine may prescribe the form of the report.
25 The report must be submitted to the local law enforcement
26 agency having jurisdiction of the matter.

27 MANDATORY REPORTING — LOCAL LAW ENFORCEMENT AGENCIES TO THE
28 DEPARTMENT OF HUMAN SERVICES. A local law enforcement agency
29 must submit a report to the department of human services if a
30 law enforcement officer conducts an investigation involving
31 animal abuse, animal neglect, or animal torture and reasonably
32 believes a minor child of the subject of the investigation
33 witnessed the offense being committed.

34 STATE MANDATE. The bill may include a state mandate as
35 defined in Code section 25B.3. The bill makes inapplicable

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1 Code section 25B.2, subsection 3, which would relieve a
2 political subdivision from complying with a state mandate if
3 funding for the cost of the state mandate is not provided or
4 specified. Therefore, political subdivisions are required to
5 comply with any state mandate included in the bill.