

**Senate File 2181 - Introduced**

SENATE FILE 2181  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 421)  
(SUCCESSOR TO SF 313)

**A BILL FOR**

1 An Act prohibiting the mistreatment of animals other than  
2 livestock and wild animals, providing for the rescue of  
3 animals by local law enforcement agencies, providing for  
4 criminal offenses and court orders, and including penalties.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 717B.1, Code 2018, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 2A. "*Animal control officer*" means a person  
4 employed, contracted, or appointed by a local authority to  
5 assist in the enforcement of chapter 162, this chapter, or any  
6 other law or ordinance relating to the licensing of animals,  
7 control of animals, or the seizure and impoundment of animals.

8 NEW SUBSECTION. 3A. a. "*Convicted*" means found guilty of,  
9 pleads guilty to, or is sentenced or adjudicated delinquent  
10 for an act which is an indictable offense in this state or in  
11 another state, including but not limited to a juvenile who has  
12 been adjudicated delinquent, whether or not the juvenile court  
13 records have been sealed under section 232.150, and a person  
14 who has received a deferred sentence or a deferred judgment or  
15 has been acquitted by reason of insanity.

16 b. "*Convicted*" includes the conviction of a juvenile  
17 prosecuted as an adult. "*Convicted*" also includes a conviction  
18 for an attempt or conspiracy to commit an offense.

19 c. "*Convicted*" does not mean a plea, sentence, adjudication,  
20 deferred sentence, or deferred judgment which has been reversed  
21 or otherwise set aside.

22 NEW SUBSECTION. 4A. "*Injury*" means an impairment to an  
23 animal's health or functions, including physical damage or harm  
24 to an animal's muscle, tissue, organs, bones, hide, or skin,  
25 that causes the animal to suffer pain.

26 NEW SUBSECTION. 8A. "*Serious injury*" means an injury that  
27 creates a substantial risk of death or that causes protracted  
28 disfigurement, protracted impairment of health, or protracted  
29 loss or impairment of the function of a limb or organ.

30 Sec. 2. Section 717B.1, subsection 9, Code 2018, is amended  
31 to read as follows:

32 9. "*Threatened animal*" means an animal that ~~is abused as~~  
33 provided suffers mistreatment due to animal abuse as described  
34 in section 717B.2, neglected animal neglect as provided  
35 described in section 717B.3, or tortured animal torture as

1 ~~provided described in section 717B.3A, animal abandonment~~  
2 ~~as described in section 717B.3B, or animal endangerment as~~  
3 ~~described in section 717B.3C.~~

4 Sec. 3. Section 717B.2, Code 2018, is amended to read as  
5 follows:

6 **717B.2 Animal abuse — penalties.**

7 ~~1. A person is guilty of animal abuse if the person~~  
8 ~~intentionally injures, maims, disfigures, or destroys an animal~~  
9 ~~owned by another person, in any manner, including intentionally~~  
10 ~~poisoning the animal commits animal abuse when the person~~  
11 ~~knowingly or recklessly causes injury, serious injury, or death~~  
12 ~~to an animal by force, violence, or poisoning. A person guilty~~  
13 ~~of animal abuse is guilty of an aggravated misdemeanor.~~

14 **2. This section shall not apply to conduct engaged in by any**  
15 **of the following:**

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

19 ~~2. a. A person acting to carry out an order issued by a~~  
20 ~~court.~~

21 ~~3. b. A licensed veterinarian practicing veterinary~~  
22 ~~medicine as provided in chapter 169.~~

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

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

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

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

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

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

35 ~~10. i. A local authority reasonably acting reasonably to~~

1 destroy an animal, if at the time of the destruction, the owner  
2 of the animal is absent or unable to care for the animal, and  
3 the animal is permanently distressed by disease or injury to a  
4 degree that would result in severe and prolonged suffering.

5 ~~11.~~ j. A research facility, as defined in [section 162.2](#),  
6 provided that the research facility performs functions within  
7 the scope of accepted practices and disciplines associated with  
8 the research facility.

9 3. A person who commits animal abuse that does not cause  
10 serious injury or death to an animal is guilty of a serious  
11 misdemeanor.

12 4. A person who commits animal abuse that causes serious  
13 injury or death to an animal is guilty of an aggravated  
14 misdemeanor.

15 5. Notwithstanding subsection 4, a person who commits  
16 animal abuse that causes serious injury or death to an animal  
17 is guilty of a class "D" felony if the person has previously  
18 been convicted of committing animal abuse pursuant to this  
19 section, animal neglect pursuant to section 717B.3, animal  
20 torture pursuant to section 717B.3A, animal abandonment  
21 pursuant to section 717B.3B, animal endangerment pursuant  
22 to section 717B.3C, injury to or interference with a police  
23 service dog pursuant to section 717B.9, bestiality pursuant to  
24 section 717C.1, or an act involving a contest event prohibited  
25 in section 717D.2.

26 Sec. 4. Section 717B.3, Code 2018, is amended to read as  
27 follows:

28 **717B.3 Animal neglect — penalties.**

29 1. A person who ~~impounds or~~ commits animal neglect when  
30 the person owns or has custody of an animal, confines, in any  
31 place, an that animal, is guilty of animal neglect if the  
32 person does any of the following:

33 a. ~~Fails and fails to supply the animal during confinement~~  
34 ~~with a sufficient quantity of food or water.~~ reasonably provide  
35 the animal with any of the following:

1 a. Access to food in an amount and quality sufficient to  
2 satisfy the animal's basic nutrition level.

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

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

11 d. Ventilated shelter sufficient to provide adequate  
12 protection from the elements and weather conditions suitable  
13 for the age, species, and physical condition of the animal  
14 so as to maintain the animal in a state of good health. The  
15 shelter must protect the animal from wind, rain, snow, or sun  
16 and have adequate bedding to provide protection against cold  
17 and dampness. A shelter may include a residence, garage, barn,  
18 shed, or doghouse.

19 e. Grooming, to the extent reasonably necessary to prevent  
20 adverse health effects or suffering.

21 f. Veterinary care deemed necessary by a reasonably  
22 prudent person to relieve an animal's distress from any of the  
23 following:

24 (1) A condition caused by failing to provide for the  
25 animal's welfare as described in paragraphs "a" through "f".

26 (2) An injury or illness suffered by the animal causing the  
27 animal to suffer prolonged pain and suffering.

28 2. ~~This section~~ does not apply to a research facility, as  
29 defined in ~~section 162.2~~, provided that the research facility  
30 performs functions within the scope of accepted practices and  
31 disciplines associated with the research facility.

32 3. A person who ~~negligently or intentionally~~ commits the  
33 offense of animal neglect that does not cause injury or death  
34 to an animal is guilty of a simple misdemeanor. ~~A person who~~  
35 ~~intentionally commits the offense of animal neglect which~~

1 ~~results in serious injury to or the death of an animal is~~  
2 ~~guilty of a serious misdemeanor.~~

3 4. A person who commits animal neglect that causes injury  
4 other than serious injury or death to an animal is guilty of a  
5 serious misdemeanor.

6 5. A person who commits animal neglect which causes serious  
7 injury or death to an animal is guilty of an aggravated  
8 misdemeanor.

9 6. Notwithstanding subsection 5, a person who commits  
10 animal neglect which causes serious injury or death to an  
11 animal is guilty of a class "D" felony if the person has been  
12 previously convicted of animal abuse pursuant to section  
13 717B.2, animal neglect pursuant to this section, animal torture  
14 pursuant to section 717B.3A, animal abandonment pursuant to  
15 section 717B.3B, animal endangerment pursuant to section  
16 717B.3C, injury to or interference with a police service dog  
17 pursuant to section 717B.9, bestiality pursuant to section  
18 717C.1, or an act involving a contest event prohibited in  
19 section 717D.2.

20 Sec. 5. Section 717B.3A, Code 2018, is amended to read as  
21 follows:

22 **717B.3A Animal torture — penalties.**

23 1. A person is guilty of animal torture, ~~regardless of~~  
24 ~~whether the person is the owner of the animal, if~~ when the  
25 person inflicts upon the animal severe and prolonged or  
26 repeated physical pain with a depraved or sadistic intent to  
27 cause that results in the animal's prolonged suffering and  
28 serious injury or death.

29 2. **This section** shall not apply to conduct engaged in by any  
30 of the following:

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

32 b. A licensed veterinarian practicing veterinary medicine as  
33 provided in **chapter 169**.

34 c. A person carrying out a practice that is consistent with  
35 animal husbandry practices.

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

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

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

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

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

11     *i.* A person ~~reasonably~~ acting reasonably to protect a person  
12 from injury or death caused by an unconfined animal.

13     *j.* A local authority ~~reasonably~~ acting reasonably to destroy  
14 an animal, if at the time of the destruction, the owner of the  
15 animal is absent or unable to care for the animal, and the  
16 animal is permanently distressed by disease or injury to a  
17 degree that would result in severe and prolonged suffering.

18     *k.* A research facility, as defined in [section 162.2](#),  
19 provided that the research facility performs functions within  
20 the scope of accepted practices and disciplines associated with  
21 the research facility.

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

24     ~~(1) For the first conviction, the person is guilty of an  
25 aggravated misdemeanor. The sentencing order shall provide  
26 that the person submit to psychological evaluation and  
27 treatment according to terms required by the court. The costs  
28 of the evaluation and treatment shall be paid by the person.  
29 In addition, the sentencing order shall provide that the person  
30 complete a community work requirement, which may include a work  
31 requirement performed at an animal shelter or pound, as defined  
32 in [section 162.2](#), according to terms required by the court.~~

33     ~~(2) For a second or subsequent conviction, the person is  
34 guilty of a class "D" felony. The sentencing order shall  
35 provide that the person submit to psychological evaluation and~~

1 ~~treatment according to terms required by the court. The costs~~  
2 ~~of the psychological evaluation and treatment shall be paid by~~  
3 ~~the person.~~

4 ~~b.~~ The juvenile court shall have exclusive original  
5 jurisdiction in a proceeding concerning a child who is alleged  
6 to have committed animal torture, in the manner provided in  
7 section 232.8. The juvenile court shall not waive jurisdiction  
8 in a proceeding concerning an offense alleged to have been  
9 committed by a child under the age of seventeen.

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

12 5. Notwithstanding subsection 4, a person who commits  
13 animal torture is guilty of a class "C" felony if the person  
14 has previously been convicted of committing animal abuse  
15 pursuant to section 717B.2, animal neglect pursuant to section  
16 717B.3, animal torture pursuant to this section, animal  
17 abandonment pursuant to section 717B.3B, animal endangerment  
18 pursuant to section 717B.3C, injury to or interference with  
19 a police service dog pursuant to section 717B.9, bestiality  
20 pursuant to section 717C.1, or an act involving a contest event  
21 prohibited in section 717D.2.

22 Sec. 6. NEW SECTION. 717B.3B Animal abandonment —  
23 penalties.

24 1. A person commits animal abandonment by knowingly or  
25 recklessly relinquishing custody of an animal at a location in  
26 which the person does not hold a legal or equitable interest if  
27 the person does not do any of the following:

28 a. Legally transfer the animal to another person.

29 b. Make reasonable arrangements for the transfer of custody  
30 of the animal to a person who agrees to assume custody of the  
31 animal.

32 c. Make other reasonable arrangements for the care of the  
33 animal in a manner that would not constitute animal neglect  
34 under section 717B.3.

35 2. A person who commits animal abandonment that does not



1 cause injury or death to an animal is guilty of a simple  
2 misdemeanor.

3 3. A person who commits animal abandonment that causes  
4 injury other than serious injury or death to an animal is  
5 guilty of a serious misdemeanor.

6 4. A person who commits animal abandonment that causes  
7 serious injury or death to an animal is guilty of an aggravated  
8 misdemeanor.

9 5. Notwithstanding subsection 4, a person who commits  
10 animal abandonment that causes serious injury or death to  
11 an animal is guilty of a class "D" felony if the person has  
12 previously been convicted of committing animal abandonment  
13 pursuant to this section, animal abuse pursuant to section  
14 717B.2, animal neglect pursuant to section 717B.3, animal  
15 torture pursuant to section 717B.3A, animal endangerment  
16 pursuant to section 717B.3C, injury to or interference with  
17 a police service dog pursuant to section 717B.9, bestiality  
18 pursuant to section 717C.1, or an act involving a contest event  
19 prohibited in section 717D.2.

20 6. This section does not apply to a person who relinquishes  
21 custody of a cat at a location described in subsection 1, if  
22 previously the person had taken custody of the cat at the same  
23 location and provided for its sterilization by a licensed  
24 veterinarian practicing veterinary medicine pursuant to chapter  
25 169.

26 **Sec. 7. NEW SECTION. 717B.3C Animal endangerment —**  
27 **penalties.**

28 1. A person commits animal endangerment when the person  
29 confines an animal in a stationary motor vehicle in a manner  
30 that endangers the health or life of the animal by exposing the  
31 animal to a prolonged period of extreme interior temperature or  
32 a long period without adequate ventilation.

33 2. A person who commits animal endangerment that does  
34 not cause injury or death to an animal is guilty of a simple  
35 misdemeanor.

1 3. A person who commits animal endangerment that causes  
2 injury other than serious injury or death to an animal is  
3 guilty of a serious misdemeanor.

4 4. A person who commits animal endangerment that causes  
5 serious injury or death to an animal is guilty of an aggravated  
6 misdemeanor.

7 5. Notwithstanding subsection 4, a person who commits  
8 animal endangerment that causes serious injury to an animal  
9 is guilty of a class "D" felony if the person has previously  
10 been convicted of committing animal endangerment pursuant to  
11 this section, animal abuse pursuant to section 717B.2, animal  
12 neglect pursuant to section 717B.3, animal torture pursuant  
13 to section 717B.3A, animal abandonment pursuant to section  
14 717B.3B, injury to or interference with a police service dog  
15 pursuant to section 717B.9, bestiality pursuant to section  
16 717C.1, or an act involving a contest event prohibited in  
17 section 717D.2.

18 Sec. 8. NEW SECTION. 717B.3D Animal mistreatment — court  
19 order — evaluation and treatment.

20 1. At the time of a person's conviction for a public  
21 offense committed under this chapter, a court may enter an  
22 order requiring the person to undergo a psychological or  
23 psychiatric evaluation and to undergo any treatment that the  
24 court determines to be appropriate after due consideration of  
25 the evaluation. However, the court shall enter such an order  
26 if the convicted person is any of the following:

27 a. A juvenile.

28 b. An adult committing animal abuse pursuant to section  
29 717B.2, animal neglect punishable as an aggravated misdemeanor  
30 or class "D" felony pursuant to section 717B.3, animal torture  
31 pursuant to section 717B.3A, animal abandonment pursuant to  
32 section 717B.3B, or animal endangerment pursuant to section  
33 717B.3C.

34 2. The costs of undergoing a psychological or psychiatric  
35 evaluation and undergoing any treatment ordered by the court

1 shall be borne by the convicted person, unless the person is  
2 a juvenile.

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

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

7 **Sec. 9. NEW SECTION. 717B.3E Animal mistreatment —**  
8 **sentencing order — prohibitions.**

9 1. At the time of a person's sentencing for a public offense  
10 committed under this chapter, a court may prohibit the person  
11 from owning or obtaining custody of an animal or residing in  
12 the same dwelling where an animal is kept. The period of the  
13 prohibition shall be not less than three years.

14 2. Notwithstanding subsection 1, the court shall enter such  
15 an order if the convicted person has committed animal abuse  
16 punishable as an aggravated misdemeanor or class "D" felony  
17 pursuant to section 717B.2, animal neglect punishable as an  
18 aggravated misdemeanor or class "D" felony pursuant to section  
19 717B.3, animal torture pursuant to section 717B.3A, animal  
20 abandonment punishable as an aggravated misdemeanor or class  
21 "D" felony pursuant to section 717B.3B, or animal endangerment  
22 punishable as an aggravated misdemeanor or class "D" felony  
23 pursuant to section 717B.3C. The period of such prohibition  
24 shall be not less than ten years.

25 3. The duration of a prohibition described in this  
26 section commences on the date that the person is placed on  
27 probation, released on parole or work release, or released from  
28 incarceration or from placement in a juvenile facility.

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

31 5. Any violation of the court order described in this  
32 section is a public offense and shall be punished as a simple  
33 misdemeanor.

34 **Sec. 10. NEW SECTION. 717B.5A Rescue — motor vehicles.**

35 1. A law enforcement officer or animal control officer may

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

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

17 3. The local authority shall provide for the maintenance  
18 of the rescued animal as if it were a threatened animal under  
19 section 717B.5. However, a dispositional proceeding under  
20 section 717B.4 is not required if within ten days after the  
21 date of the animal's rescue the responsible party claims the  
22 animal from the local authority. In order to claim the animal,  
23 the responsible party must reimburse the local authority for  
24 all reasonable costs that accrued from rescuing and maintaining  
25 the animal.

26 Sec. 11. REPEAL. Section 717B.8, Code 2018, is repealed.

27 Sec. 12. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
28 3, shall not apply to this Act.

29

EXPLANATION

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

32 GENERAL. This bill amends Code chapter 717B prohibiting  
33 the mistreatment of certain animals, including dogs and cats,  
34 but excluding other animals such as livestock (Code chapter  
35 717); game, fur-bearing animals, fish, reptiles, or amphibians

1 (Code chapter 481A), unless such animal is owned, confined,  
2 or controlled by a person; or a nongame animal declared to be  
3 a nuisance by the natural resource commission (Code section  
4 481A.42).

5 The bill amends three different criminal offenses in Code  
6 chapter 717B, including animal abuse (Code section 717B.2),  
7 animal neglect (Code section 717B.3), and animal torture (Code  
8 section 717B.3A). The bill creates two new criminal offenses  
9 including animal abandonment (new Code section 717B.3B) and  
10 animal endangerment (new Code section 717B.3C). Under the  
11 bill, each of the offenses includes an enhanced penalty that  
12 applies to a convicted person who has previously committed any  
13 of the named offenses; committed injury or interference with a  
14 police service dog (Code section 717B.9); committed bestiality  
15 (Code section 717C.1); or committed an offense involving an  
16 animal contest (Code section 717D.4).

17 TYPES OF CRIMINAL OFFENSES — ABUSE. Animal abuse involves  
18 intentionally injuring an animal by violence or poisoning. The  
19 bill replaces the intent element with that of acting knowingly  
20 or recklessly. It also removes a provision that exempted  
21 a person who acted with the consent of the animal's owner.  
22 The bill reduces the penalty from an aggravated to a serious  
23 misdemeanor for committing animal abuse that does not cause  
24 an animal serious injury or death and retains the penalty of  
25 aggravated misdemeanor for committing animal abuse that causes  
26 an animal serious injury or death. The bill provides that the  
27 aggravated misdemeanor may be enhanced to a class "D" felony  
28 if the person was previously convicted of one of the named  
29 offenses.

30 TYPES OF CRIMINAL OFFENSES — NEGLECT. Animal neglect  
31 involves failing to provide an animal with adequate food,  
32 water, or shelter, or torturing the animal. The bill rewrites  
33 these requirements by requiring that an animal be furnished  
34 with adequate supplies of nutritional food, access to potable  
35 water, adequate sanitary conditions, ventilated shelter

1 sufficient to provide the animal with protection from extreme  
2 weather conditions, and necessary veterinary care. The bill  
3 eliminates the torture prohibition. The bill retains the  
4 criminal penalty which is a simple misdemeanor. However, the  
5 penalty is increased to a serious misdemeanor if the animal  
6 suffers an injury and to an aggravated misdemeanor if the  
7 animal suffers a serious injury or death. In a case where  
8 the animal suffers a serious injury or death, the aggravated  
9 misdemeanor may be enhanced to a class "D" felony if the person  
10 was previously convicted of one of the named offenses.

11 TYPES OF CRIMINAL OFFENSES — TORTURE. Animal torture  
12 involves inflicting upon an animal severe physical pain with  
13 depraved or sadistic intent to cause prolonged suffering or  
14 death. The bill eliminates the element of intent and requires  
15 that the act involve prolonged or repeated physical pain that  
16 results in prolonged suffering and serious injury or death.  
17 The bill replaces the current penalties for animal torture. A  
18 person is no longer guilty of an aggravated misdemeanor for  
19 the first offense and a class "D" felony for a subsequent  
20 offense. Instead, a person is guilty of a class "D" felony,  
21 which is enhanced to a class "C" felony if the person was  
22 previously convicted of one of the named offenses. The bill  
23 also eliminates a requirement that a person convicted of animal  
24 torture must submit to psychological evaluation and treatment.

25 TYPES OF CRIMINAL OFFENSES — ABANDONMENT. Animal  
26 abandonment involves knowingly or recklessly relinquishing  
27 custody of an animal at a location in which the person does  
28 not hold a legal or equitable interest. There are exceptions  
29 in cases of transferring ownership or custody or making  
30 arrangements for the care of the animal. There is also an  
31 exception for a person who removes a cat from a location  
32 and returns the cat to the same location after it has been  
33 sterilized. The criminal penalty is a simple misdemeanor.  
34 However, the penalty is increased to a serious misdemeanor if  
35 the animal suffers an injury and to an aggravated misdemeanor

1 if the animal suffers a serious injury or death. In a case  
2 where the animal suffers a serious injury or death, the  
3 aggravated misdemeanor may be enhanced to a class "D" felony  
4 if the person was previously convicted of one of the named  
5 offenses.

6 TYPES OF CRIMINAL OFFENSES — ENDANGERMENT. Animal  
7 endangerment involves confining an animal in a stationary motor  
8 vehicle in a manner that exposes the animal to a prolonged  
9 period of extreme interior temperature or a long period  
10 without adequate ventilation. The criminal penalty is a  
11 simple misdemeanor. However, the penalty is increased to a  
12 serious misdemeanor if the animal suffers an injury and to an  
13 aggravated misdemeanor if the animal suffers a serious injury  
14 or death. In a case where the animal suffers a serious injury  
15 or death, the aggravated misdemeanor may be enhanced to a class  
16 "D" felony if the person was previously convicted of one of the  
17 named offenses.

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

29 COURT ORDERS. At the time of conviction for committing  
30 any of the offenses, a person may be subject to a court order  
31 requiring a psychological or psychiatric evaluation and  
32 treatment. The person may also be subject to a court order  
33 prohibiting the person from owning, possessing, or living with  
34 an animal. In each case, the court's decision to issue an  
35 order is discretionary except under certain conditions. A

1 court order requiring an evaluation and treatment is mandatory  
2 for juveniles. That order and the order prohibiting contact  
3 with animals is also mandatory if the offense is punishable as  
4 an aggravated misdemeanor or felony. For a discretionary court  
5 order, the period of prohibition is for not less than three  
6 years. For a mandatory court order, the period of prohibition  
7 is not less than 10 years.

8 ANIMAL RESCUE — LOCAL LAW ENFORCEMENT OFFICERS — AND  
9 LOCAL ANIMAL CONTROL OFFICERS. The bill provides that a law  
10 enforcement officer (e.g., county sheriff or deputy sheriff)  
11 or an animal control officer (a person employed by local  
12 government to enforce the animal control laws) is authorized to  
13 rescue an animal from a motor vehicle based upon a reasonable  
14 belief that the animal may be suffering distress. The officer  
15 must provide a written notice of the rescue. After the rescue,  
16 the animal must be maintained as a rescued animal by the local  
17 authority until it is claimed or disposed of pursuant to court  
18 order.