

Senate File 3 - Introduced

SENATE FILE 3
BY BISIGNANO

A BILL FOR

1 An Act prohibiting the mistreatment of certain 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 land
16 stewardship and under federal law as enforced by the United
17 States department of agriculture. The conclusion must at least
18 be based on clinical indications that if true could reasonably
19 constitute elements of animal abuse in the first degree as
20 described in section 717B.2, subsection 1, animal neglect in
21 the first degree as described in section 717B.2B, subsection 1,
22 or animal torture as described in section 717B.3A, subsection
23 1.

24 c. Notwithstanding section 169.3, for purposes of this
25 section, "animal" means the same as defined in section 717B.1.

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

28 a. The name and description of the animal.

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

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

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

35 e. Any other information required by the local law

1 enforcement agency that may be of value in conducting a
2 criminal investigation.

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

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

27 Sec. 2. Section 717B.1, Code 2019, is amended by adding the
28 following new subsections:

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

1 has been acquitted by reason of insanity.

2 *b.* "Convicted" includes the conviction of a juvenile
3 prosecuted as an adult. "Convicted" also includes a conviction
4 for an attempt or conspiracy to commit an offense.

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

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

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

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

20 Sec. 3. Section 717B.1, subsection 9, Code 2019, is amended
21 to read as follows:

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

29 Sec. 4. Section 717B.2, Code 2019, is amended to read as
30 follows:

31 **717B.2 Animal abuse in the first degree — penalties.**

32 1. A person is guilty of animal abuse if the person
33 intentionally injures, maims, disfigures, or destroys an animal
34 owned by another person, in any manner, including intentionally
35 poisoning the animal commits animal abuse in the first degree

1 when the person knowingly or recklessly causes serious injury
2 or death to an animal by force, violence, or poisoning. A
3 ~~person guilty of animal abuse is guilty of an aggravated~~
4 ~~misdemeanor.~~

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

7 ~~1. A person acting with the consent of the person owning~~
8 ~~the animal, unless the action constitutes animal neglect as~~
9 ~~provided in [section 717B.3](#).~~

10 ~~2. a. A person acting to carry out an order issued by a~~
11 ~~court.~~

12 ~~3. b. A licensed veterinarian practicing veterinary~~
13 ~~medicine as provided in [chapter 169](#).~~

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

16 ~~5. d. A person taking, hunting, trapping, or fishing for a~~
17 ~~wild animal as provided in [chapter 481A](#).~~

18 ~~6. e. A person acting to protect the person's property from~~
19 ~~a wild animal as defined in [section 481A.1](#).~~

20 ~~7. f. A person acting to protect a person from injury or~~
21 ~~death caused by a wild animal as defined in [section 481A.1](#).~~

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

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

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

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

35 3. A person who commits animal abuse in the first degree is

1 guilty of an aggravated misdemeanor.

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

5 a. The offense was committed by an adult when a juvenile was
6 physically present.

7 b. The person has previously been convicted of any of the
8 following:

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

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

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

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

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

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

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

1 *a.* The offense was committed by an adult when a juvenile was
2 physically present.

3 *b.* The person has previously been convicted of any of the
4 following:

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

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

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

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

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

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

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

31 *c.* Sanitary conditions free from excessive animal waste or
32 the overcrowding of animals.

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

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

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

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

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

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

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

17 a. The offense was committed by an adult when a juvenile was
18 physically present.

19 b. The person has previously been convicted of any of the
20 following:

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

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

1 Sec. 7. Section 717B.3, Code 2019, is amended to read as
2 follows:

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

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

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

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

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

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

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

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

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

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

35 3. A person who ~~negligently or intentionally~~ commits the

1 ~~offense of animal neglect in the second degree is guilty of~~
2 ~~a simple serious misdemeanor. A person who intentionally~~
3 ~~commits the offense of animal neglect which results in serious~~
4 ~~injury to or the death of an animal is guilty of a serious~~
5 ~~misdemeanor.~~

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

9 a. The offense was committed by an adult when a juvenile was
10 physically present.

11 b. The person has previously been convicted of any of the
12 following:

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

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

28 Sec. 8. Section 717B.3A, Code 2019, is amended to read as
29 follows:

30 **717B.3A Animal torture — penalties.**

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

1 serious injury or death.

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

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

5 b. A licensed veterinarian practicing veterinary medicine as
6 provided in chapter 169.

7 c. A person carrying out a practice that is consistent with
8 animal husbandry practices.

9 d. A person acting in order to carry out another provision
10 of law which allows the conduct.

11 e. A person taking, hunting, trapping, or fishing for a wild
12 animal as provided in chapter 481A.

13 f. A person acting to protect the person's property from a
14 wild animal as defined in section 481A.1.

15 g. A person acting to protect a person from injury or death
16 caused by a wild animal as defined in section 481A.1.

17 h. A person reasonably acting to protect the person's
18 property from damage caused by an unconfined animal.

19 i. A person reasonably acting to protect a person from
20 injury or death caused by an unconfined animal.

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

26 k. A research facility, as defined in section 162.2,
27 provided that the research facility performs functions within
28 the scope of accepted practices and disciplines associated with
29 the research facility.

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

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

~~1 of the evaluation and treatment shall be paid by the person.
2 In addition, the sentencing order shall provide that the person
3 complete a community work requirement, which may include a work
4 requirement performed at an animal shelter or pound, as defined
5 in section 162.2, according to terms required by the court.~~

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

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

~~18 4. A person who commits animal torture is guilty of a class
19 "D" felony.~~

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

~~23 a. The offense was committed by an adult when a juvenile was
24 physically present.~~

~~25 b. The person has previously been convicted of any of the
26 following:~~

~~27 (1) Animal abuse pursuant to section 717B.2 or 717B.2A,
28 animal neglect pursuant to section 717B.2B or 717B.3, animal
29 torture pursuant to this section, animal abandonment pursuant
30 to section 717B.3B, animal endangerment pursuant to section
31 717B.3C, injury or interference with a police service dog
32 pursuant to section 717B.9, bestiality pursuant to section
33 717C.1, or committing an act involving a contest event
34 prohibited in section 717D.2.~~

~~35 (2) An offense under any other state's statute~~

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

7 Sec. 9. NEW SECTION. **717B.3B Animal abandonment —**
8 **penalties.**

9 1. A person commits animal abandonment when the person does
10 all of the following:

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

14 b. Fails to do any of the following:

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

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

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

22 2. A person who commits animal abandonment is guilty of a
23 simple misdemeanor.

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

27 a. The offense was committed by an adult when a juvenile was
28 physically present.

29 b. The person has previously been convicted of any of the
30 following:

31 (1) Animal abuse pursuant to section 717B.2 or 717B.2A,
32 animal neglect pursuant to section 717B.2B or 717B.3, animal
33 torture pursuant to section 717B.3A, animal abandonment
34 pursuant to this section, animal endangerment pursuant to
35 section 717B.3C, injury or interference with a police service

1 dog pursuant to section 717B.9, bestiality pursuant to
2 section 717C.1, or committing an act involving a contest event
3 prohibited in section 717D.2.

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

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

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

18 2. A person who commits animal endangerment is guilty of a
19 simple misdemeanor.

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

23 a. The offense was committed by an adult when a juvenile was
24 physically present.

25 b. The person has previously been convicted of any of the
26 following:

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

35 (2) An offense under any other state's statute

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

7 Sec. 11. NEW SECTION. 717B.3D Animal mistreatment — court
8 order — evaluation and treatment.

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

16 a. A juvenile.

17 b. An adult committing animal abuse pursuant to section
18 717B.2 or 717B.2A, animal neglect in the first degree pursuant
19 to section 717B.2B, animal neglect in the second degree
20 punishable as an aggravated misdemeanor pursuant to section
21 717B.3, or animal torture pursuant to section 717B.3A.

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

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

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

30 Sec. 12. NEW SECTION. 717B.3E Animal mistreatment —
31 sentencing order — prohibitions.

32 1. At the time of a person's sentencing for a public offense
33 committed under this chapter, a court may prohibit the person
34 from owning or obtaining custody of an animal belonging to
35 the same taxonomic genus as the animal that the defendant is

1 convicted of mistreating, or residing in the same dwelling
2 where such animal is kept. The period of the prohibition shall
3 be not less than one but not more than five years.

4 2. Notwithstanding subsection 1, the court shall enter such
5 an order if the convicted person has committed animal abuse
6 pursuant to section 717B.2 or 717B.2A, animal neglect in the
7 first degree pursuant to section 717B.2B, animal neglect in the
8 second degree punishable as an aggravated misdemeanor pursuant
9 to section 717B.3, or animal torture pursuant to section
10 717B.3A. The period of such prohibition shall be as follows:

11 a. For an aggravated misdemeanor, from one to five years.

12 b. For a class "D" felony, from five to fifteen years.

13 c. For a class "C" felony, for life.

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

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

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

23 Sec. 13. Section 717B.5, subsection 1, Code 2019, is amended
24 to read as follows:

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

1 consistent with the laws of this state and the United States,
2 including Article I, section 8, of the Constitution of the
3 State of Iowa, or the fourth amendment to the Constitution of
4 the United States.

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

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

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

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

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

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

1 2. a. A local law enforcement agency shall file a child
2 endangerment alert report with the department of human services
3 if all of the following apply:

4 (1) A law enforcement officer employed by the law
5 enforcement agency conducts an investigation of a suspected
6 offense of animal abuse as described in section 717B.2 or
7 717B.2A, animal neglect as described in section 717B.2B or
8 717B.3, or animal torture as described in section 717B.3A.

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

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

14 c. The report shall be a confidential record in the same
15 manner as a peace officer's investigative report under section
16 22.7, subsection 5.

17 Sec. 16. IMPLEMENTATION OF ACT. Section 25B.2, subsection
18 3, shall not apply to this Act.

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

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 GENERAL. This bill amends Code chapter 717B prohibiting
24 the mistreatment of certain animals, including dogs and cats,
25 but excluding other animals such as livestock (Code chapter
26 717); game, fur-bearing animals, fish, reptiles, or amphibians
27 (Code chapter 481A), unless such animal is owned, confined,
28 or controlled by a person; or a nongame animal declared to be
29 a nuisance by the natural resource commission (Code section
30 481A.42).

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

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

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

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

1 may be enhanced to a class "C" felony.

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

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

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

33 COURT ORDERS. At the time of conviction for committing
34 any of the offenses, a person may be subject to a court order
35 requiring a psychological or psychiatric evaluation and

1 treatment. The person may also be subject to a court order
2 prohibiting the person from owning, possessing, or living with
3 an animal of the same genus as the mistreated animal. In each
4 case, the court's decision to issue an order is discretionary
5 except under certain conditions. A court order requiring an
6 evaluation and treatment is mandatory for juveniles. That
7 order and the order prohibiting contact with animals is
8 also mandatory if the offense is punishable as an aggravated
9 misdemeanor or felony. For a discretionary court order,
10 the period of prohibition is from one to five years. For a
11 mandatory court order, the period of prohibition is as follows:
12 (1) one to five years for an aggravated misdemeanor, (2) 5 to
13 15 years for a class "D" felony, and (3) life for a class "C"
14 felony.

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

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

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

1 witnessed the offense being committed.

2 STATE MANDATE. The bill may include a state mandate as
3 defined in Code section 25B.3. The bill makes inapplicable
4 Code section 25B.2, subsection 3, which would relieve a
5 political subdivision from complying with a state mandate if
6 funding for the cost of the state mandate is not provided or
7 specified. Therefore, political subdivisions are required to
8 comply with any state mandate included in the bill.