

**Senate File 369 - Introduced**

SENATE FILE 369  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1075)

**A BILL FOR**

1 An Act prohibiting the treatment 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 2019, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 2A. "*Animal mistreatment*" means an act  
4 described as animal abuse as provided in section 717B.2,  
5 animal neglect as provided in section 717B.3, animal torture  
6 as provided in section 717B.3A, animal abandonment as provided  
7 in section 717B.3B, animal endangerment as provided in section  
8 717B.3C, or injury to or interference with a police service dog  
9 as provided in section 717B.9.

10 NEW SUBSECTION. 3A. "*Commercial establishment*" means the  
11 same as defined in section 162.2.

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

20 b. "*Convicted*" includes the conviction of a juvenile  
21 prosecuted as an adult. "*Convicted*" also includes a conviction  
22 for an attempt or conspiracy to commit an offense.

23 c. "*Convicted*" does not mean a plea, sentence, adjudication,  
24 deferred sentence, or deferred judgment which has been reversed  
25 or otherwise set aside.

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

30 NEW SUBSECTION. 8A. "*Serious injury*" means an injury that  
31 creates a substantial risk of death or that causes protracted  
32 disfigurement, protracted impairment of health, or protracted  
33 loss or impairment of the function of a limb or organ.

34 Sec. 2. Section 717B.1, subsection 9, Code 2019, is amended  
35 to read as follows:

1 9. "*Threatened animal*" means an animal that ~~is abused as~~  
2 ~~provided in section 717B.2,~~ neglected as provided in section  
3 ~~717B.3, or tortured as provided in section 717B.3A~~ suffers from  
4 animal mistreatment.

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

7 **717B.2 Animal abuse — penalties.**

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

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

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

21 ~~2. a. A person acting to carry out an order issued by a~~  
22 ~~court.~~

23 ~~3. b. A licensed veterinarian practicing veterinary~~  
24 ~~medicine as provided in chapter 169.~~

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

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

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

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

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

35 ~~9. h. A person reasonably acting to protect a person from~~

1 injury or death caused by an unconfined animal.

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

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

11 k. A commercial establishment, provided that the commercial  
12 establishment's conduct complies with applicable standard of  
13 care requirements in [section 162.10A](#).

14 3. A person who commits animal abuse that does not cause  
15 serious injury or death to an animal is guilty of a serious  
16 misdemeanor.

17 4. A person who commits animal abuse that causes serious  
18 injury or death to an animal is guilty of an aggravated  
19 misdemeanor.

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

31 Sec. 4. Section 717B.3, Code 2019, is amended to read as  
32 follows:

33 **717B.3 Animal mistreatment — animal neglect — penalties.**

34 1. A person who ~~impounds or~~ commits animal neglect when  
35 the person owns or has custody of an animal, confines, in any

1 ~~place, an that animal, is guilty of animal neglect if the~~  
2 ~~person does any of the following:~~

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

6 ~~a. Access to food in an amount and quality sufficient to~~  
7 ~~satisfy the animal's basic nutrition level.~~

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

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

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

24 ~~e. Grooming, to the extent reasonably necessary to prevent~~  
25 ~~adverse health effects or suffering.~~

26 ~~f. Veterinary care deemed necessary by a reasonably~~  
27 ~~prudent person to relieve an animal's distress from any of the~~  
28 ~~following:~~

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

31 ~~(2) An injury or illness suffered by the animal causing the~~  
32 ~~animal to suffer prolonged pain and suffering.~~

33 2. This section does not apply to a research facility, as  
34 defined in section 162.2, provided that the research facility  
35 performs functions within the scope of accepted practices and

1 disciplines associated with the research facility.

2 3. A person who ~~negligently or intentionally~~ commits the  
3 ~~offense of~~ animal neglect that does not cause injury or death  
4 to an animal is guilty of a simple misdemeanor. ~~A person who~~  
5 ~~intentionally commits the offense of animal neglect which~~  
6 ~~results in serious injury to or the death of an animal is~~  
7 ~~guilty of a serious misdemeanor.~~

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

11 5. A person who commits animal neglect which causes serious  
12 injury or death to an animal is guilty of an aggravated  
13 misdemeanor.

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

25 Sec. 5. Section 717B.3A, Code 2019, is amended to read as  
26 follows:

27 **717B.3A Animal mistreatment — animal torture — penalties.**

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

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

- 1     *a.* A person acting to carry out an order issued by a court.  
2     *b.* A licensed veterinarian practicing veterinary medicine as  
3 provided in [chapter 169](#).  
4     *c.* A person carrying out a practice that is consistent with  
5 animal husbandry practices.  
6     *d.* A person acting in order to carry out another provision  
7 of law which allows the conduct.  
8     *e.* A person taking, hunting, trapping, or fishing for a wild  
9 animal as provided in [chapter 481A](#).  
10    *f.* A person acting to protect the person's property from a  
11 wild animal as defined in [section 481A.1](#).  
12    *g.* A person acting to protect a person from injury or death  
13 caused by a wild animal as defined in [section 481A.1](#).  
14    *h.* A person reasonably acting to protect the person's  
15 property from damage caused by an unconfined animal.  
16    *i.* A person reasonably acting to protect a person from  
17 injury or death caused by an unconfined animal.  
18    *j.* A local authority reasonably acting to destroy an animal,  
19 if at the time of the destruction, the owner of the animal is  
20 absent or unable to care for the animal, and the animal is  
21 permanently distressed by disease or injury to a degree that  
22 would result in severe and prolonged suffering.  
23    *k.* A research facility, as defined in [section 162.2](#),  
24 provided that the research facility performs functions within  
25 the scope of accepted practices and disciplines associated with  
26 the research facility.  
27    *l.* A commercial establishment, provided that the commercial  
28 establishment's conduct complies with applicable standard of  
29 care requirements in section 162.10A.  
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 if the person  
22 has previously been convicted of committing animal abuse  
23 pursuant to section 717B.2, animal neglect pursuant to section  
24 717B.3, animal torture pursuant to this section, animal  
25 abandonment pursuant to section 717B.3B, animal endangerment  
26 pursuant to section 717B.3C, injury to or interference with  
27 a police service dog pursuant to section 717B.9, bestiality  
28 pursuant to section 717C.1, or an act involving a contest event  
29 prohibited in section 717D.2.~~

~~30 **Sec. 6. NEW SECTION. 717B.3B Animal mistreatment — animal  
31 abandonment — penalties.**~~

~~32 1. A person commits animal abandonment by knowingly or  
33 recklessly relinquishing custody of an animal at a location in  
34 which the person does not hold a legal or equitable interest if  
35 the person does not do any of the following:~~

1     *a.* Legally transfer the animal to another person.

2     *b.* Make reasonable arrangements for the transfer of custody  
3 of the animal to a person who agrees to assume custody of the  
4 animal.

5     *c.* Make other reasonable arrangements for the care of the  
6 animal in a manner that would not constitute animal neglect  
7 under section 717B.3.

8     2. A person who commits animal abandonment that does not  
9 cause injury or death to an animal is guilty of a simple  
10 misdemeanor.

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

14    4. A person who commits animal abandonment that causes  
15 serious injury or death to an animal is guilty of an aggravated  
16 misdemeanor.

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

28    Sec. 7. NEW SECTION. 717B.3C Animal mistreatment — animal  
29 endangerment — penalties.

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

35    2. A person who commits animal endangerment that does

1 not cause injury or death to an animal is guilty of a simple  
2 misdemeanor.

3 3. A person who commits animal endangerment 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 endangerment 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 endangerment that causes serious injury to an animal  
11 is guilty of a class "D" felony if the person has previously  
12 been convicted of committing animal endangerment pursuant to  
13 this section, animal abuse pursuant to section 717B.2, animal  
14 neglect pursuant to section 717B.3, animal torture pursuant  
15 to section 717B.3A, animal abandonment pursuant to section  
16 717B.3B, 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. 8. NEW SECTION. 717B.3D Animal mistreatment — court  
21 order — evaluation and treatment.

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

29 a. A juvenile.

30 b. An adult committing animal abuse pursuant to section  
31 717B.2, animal neglect punishable as an aggravated misdemeanor  
32 or class "D" felony pursuant to section 717B.3, animal torture  
33 pursuant to section 717B.3A, animal abandonment pursuant to  
34 section 717B.3B, or animal endangerment pursuant to section  
35 717B.3C.

1 2. The costs of undergoing a psychological or psychiatric  
2 evaluation and undergoing any treatment ordered by the court  
3 shall be borne by the convicted person, unless the person is  
4 a juvenile.

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

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

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

11 1. At the time of a person's sentencing for committing a  
12 public offense constituting animal mistreatment, a court may  
13 prohibit the person from owning or obtaining custody of an  
14 animal or residing in the same dwelling where an animal is  
15 kept. The period of the prohibition shall be not less than  
16 three years.

17 2. Notwithstanding subsection 1, the court shall enter such  
18 an order if the convicted person has committed animal abuse  
19 pursuant to section 717B.2, animal neglect punishable as an  
20 aggravated misdemeanor or class "D" felony pursuant to section  
21 717B.3, animal torture pursuant to section 717B.3A, animal  
22 abandonment pursuant to section 717B.3B, or animal endangerment  
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 may rescue an animal from a

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

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

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

23 Sec. 11. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
24 3, shall not apply to this Act.

25 Sec. 12. REPEAL. Section 717B.8, Code 2019, is repealed.

26 EXPLANATION

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

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

1 481A.42).

2 CODE CHAPTER 717B OFFENSES (ANIMAL MISTREATMENT) — NON-CODE  
 3 CHAPTER 717B OFFENSES. The bill amends three offenses which  
 4 are part of Code chapter 717B. These include animal abuse  
 5 (Code section 717B.2), animal neglect (Code section 717B.3),  
 6 and animal torture (Code section 717B.3A). The bill creates  
 7 two new criminal offenses in Code chapter 717B including  
 8 animal abandonment (new Code section 717B.3B) and animal  
 9 endangerment (new Code section 717B.3C). It also refers to two  
 10 other offenses provided in the Code chapter which include the  
 11 abandonment of a cat or dog which is repealed (Code section  
 12 717B.8) and injury or interference with a police service dog  
 13 which has not been amended (Code section 717B.9). All of  
 14 these offenses are classified as animal mistreatment. Each  
 15 of the offenses other than interfering with a police service  
 16 dog includes an enhanced penalty that applies to a convicted  
 17 person who has previously committed any of the named offenses  
 18 classified as animal mistreatment; or committed a non-Code  
 19 chapter offense including bestiality (Code section 717C.1) or  
 20 an offense involving an animal contest (Code section 717D.4).

21 TYPES OF PRIMARY OFFENSES — ABUSE. Animal abuse involves  
 22 intentionally injuring an animal by violence or poisoning.  
 23 The bill expands the intent element by adding acting either  
 24 knowingly or recklessly. It removes a provision that exempts  
 25 a person who acts with the consent of the animal's owner. It  
 26 adds a provision exempting a commercial establishment engaged  
 27 in the breeding or transfer of nonagricultural animals,  
 28 so long as the commercial establishment's conduct complies  
 29 with applicable standard of care requirements (Code section  
 30 162.10A). The bill reduces the penalty from an aggravated to a  
 31 serious misdemeanor for committing animal abuse that does not  
 32 cause an animal serious injury or death and retains the penalty  
 33 of aggravated misdemeanor for committing animal abuse that  
 34 causes an animal serious injury or death. It provides that the  
 35 aggravated misdemeanor may be enhanced to a class "D" felony

1 if the person was previously convicted of one of the named  
2 offenses classified as animal mistreatment.

3       TYPES OF OFFENSES — NEGLECT. Animal neglect involves  
4 failing to provide an animal with adequate food, water, or  
5 shelter, or torturing the animal. The bill rewrites these  
6 requirements by requiring that an animal be furnished with  
7 adequate supplies of nutritional food, access to potable water,  
8 adequate sanitary conditions, ventilated shelter sufficient  
9 to provide the animal with protection from extreme weather  
10 conditions, and necessary veterinary care. The bill eliminates  
11 the torture prohibition. It retains the criminal penalty which  
12 is a simple misdemeanor. However, the penalty is increased to  
13 a serious misdemeanor if the animal suffers an injury and to an  
14 aggravated misdemeanor if the animal suffers a serious injury  
15 or death. In a case where the animal suffers a serious injury  
16 or death, the aggravated misdemeanor may be enhanced to a class  
17 "D" felony if the person was previously convicted of one of the  
18 named offenses.

19       TYPES OF OFFENSES — TORTURE. Animal torture involves  
20 inflicting upon an animal severe physical pain with depraved  
21 or sadistic intent to cause prolonged suffering or death. The  
22 bill requires that the act constitute an intentional, knowing,  
23 or reckless infliction of prolonged or repeated physical pain  
24 that results in suffering and serious injury or death. It adds  
25 a provision exempting a commercial establishment engaged in the  
26 breeding or transfer of nonagricultural animals, so long as the  
27 commercial establishment's conduct complies with applicable  
28 standard of care requirements (Code section 162.10A). It  
29 replaces the current penalties for animal torture. A person  
30 is no longer guilty of an aggravated misdemeanor for the first  
31 offense and a class "D" felony for a subsequent offense.  
32 Instead, a person is guilty of a class "D" felony, which is  
33 enhanced to a class "C" felony if the person was previously  
34 convicted of one of the named offenses. It also eliminates  
35 a requirement that a person convicted of animal torture must

1 submit to psychological evaluation and treatment.

2       TYPES OF OFFENSES — ABANDONMENT. The bill creates a new  
3 offense, animal abandonment, which involves knowingly or  
4 recklessly relinquishing custody of an animal at a location in  
5 which the person does not hold a legal or equitable interest.  
6 There are exceptions in cases of transferring ownership or  
7 custody or making arrangements for the care of the animal. The  
8 criminal penalty is a simple misdemeanor. However, the penalty  
9 is increased to a serious misdemeanor if the animal suffers an  
10 injury and to an aggravated misdemeanor if the animal suffers  
11 a serious injury or death. In a case where the animal suffers  
12 a serious injury or death, the aggravated misdemeanor may be  
13 enhanced to a class "D" felony if the person was previously  
14 convicted of one of the named offenses.

15       TYPES OF OFFENSES — ENDANGERMENT. The bill provides  
16 that animal endangerment involves confining an animal in a  
17 stationary motor vehicle in a manner that exposes the animal to  
18 a prolonged period of extreme interior temperature or a long  
19 period without adequate ventilation. The criminal penalty is  
20 a simple misdemeanor. However, the penalty is increased to a  
21 serious misdemeanor if the animal suffers an injury and to an  
22 aggravated misdemeanor if the animal suffers a serious injury  
23 or death. In a case where the animal suffers a serious injury  
24 or death, the aggravated misdemeanor may be enhanced to a class  
25 "D" felony if the person was previously convicted of one of the  
26 named offenses.

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

1 "C" felony, confinement for no more than 10 years and a fine of  
2 at least \$1,000 but not more than \$10,000.

3 COURT ORDERS. At the time of conviction for committing any  
4 of the offenses classified as animal mistreatment, a person  
5 may be subject to a court order requiring a psychological  
6 or psychiatric evaluation and treatment. The person may  
7 also be subject to a court order prohibiting the person from  
8 owning, possessing, or living with an animal. In each case,  
9 the court's decision to issue an order is discretionary  
10 except under certain conditions. A court order requiring an  
11 evaluation and treatment is mandatory for juveniles. That  
12 order and the order prohibiting contact with animals is also  
13 mandatory for some offenses. For a discretionary court order,  
14 the period of prohibition is for not less than three years.  
15 For a mandatory court order, the period of prohibition is not  
16 less than 10 years.

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