

Senate File 57 - Introduced

SENATE FILE 57

BY SHIPLEY and DAWSON

A BILL FOR

1 An Act relating to the mistreatment of certain animals other
2 than livestock and wildlife, by providing for criminal
3 offenses, including penalties.

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

1 Section 1. Section 717B.2, unnumbered paragraph 1, Code
2 2019, is amended to read as follows:

3 A person ~~is guilty of~~ commits animal abuse if the person
4 intentionally injures, maims, disfigures, or destroys an animal
5 owned by another person, in any manner, including intentionally
6 poisoning the animal. A person ~~guilty of~~ who commits animal
7 abuse is guilty of an aggravated misdemeanor. However, for a
8 person's second or subsequent conviction of animal abuse, the
9 person is guilty of a class "D" felony. This section shall not
10 apply to any of the following:

11 Sec. 2. Section 717B.3, subsection 1, unnumbered paragraph
12 1, Code 2019, is amended to read as follows:

13 A person who impounds or confines, in any place, an animal ~~is~~
14 ~~guilty of~~ commits animal neglect if the person does any of the
15 following:

16 Sec. 3. Section 717B.3, subsection 3, Code 2019, is amended
17 to read as follows:

18 3. A person who negligently or intentionally commits ~~the~~
19 ~~offense of~~ animal neglect is guilty of a simple misdemeanor. A
20 person who intentionally commits ~~the offense of~~ animal neglect
21 which results in a serious injury to or the death of an animal
22 is guilty of ~~a serious~~ an aggravated misdemeanor.

23 Sec. 4. Section 717B.3A, subsection 1, Code 2019, is amended
24 to read as follows:

25 1. A person ~~is guilty of~~ commits animal torture, regardless
26 of whether the person is the owner of the animal, if the person
27 inflicts upon the animal severe physical pain with a depraved
28 or sadistic intent to cause prolonged suffering or death.

29 Sec. 5. Section 717B.3A, subsection 3, paragraph a,
30 subparagraphs (1) and (2), Code 2019, are amended to read as
31 follows:

32 (1) ~~For the first conviction, the~~ The person is guilty of an
33 ~~aggravated misdemeanor~~ class "D" felony.

34 (2) The sentencing order shall provide that the person
35 submit to psychological evaluation and treatment according to

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

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

14 EXPLANATION

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

17 MISTREATMENT OF ANIMALS — INCREASE IN CRIMINAL PENALTIES.
18 Currently, the criminal penalty for a conviction of animal
19 abuse is an aggravated misdemeanor. This bill provides that
20 the criminal penalty for a second or subsequent conviction for
21 that offense is enhanced to a class "D" felony. The current
22 criminal penalty for a conviction of animal negligence is a
23 simple misdemeanor, unless the convicted person's actions
24 resulted in a serious injury to the animal or the animal's
25 death. In the instance in which an animal is inflicted
26 with a serious injury, the bill increases the enhanced
27 criminal penalty from a serious misdemeanor to an aggravated
28 misdemeanor. Currently, the criminal penalty for animal
29 torture is an aggravated misdemeanor for the first conviction
30 which is enhanced to a class "D" felony for a second or
31 subsequent conviction. For each conviction, the court's
32 sentencing order must provide that the guilty person submit
33 to psychological evaluation and treatment, and for the first
34 conviction the order must require the guilty person complete
35 a community work requirement. The bill provides the criminal

1 penalty is a class "D" felony without regard to the number
2 of prior convictions and eliminates the enhanced penalty
3 provision. The bill also makes certain changes in terminology
4 for purposes of consistency and readability.

5 BACKGROUND. Code chapter 717B prohibits the mistreatment of
6 certain animals, including dogs and cats, but excludes three
7 classifications: (1) livestock (Code chapter 717); wildlife
8 under the jurisdiction of the department of natural resources
9 (Code chapter 481), unless such animal is owned, confined,
10 or controlled by a person; and (3) a nongame animal declared
11 by the department to be a nuisance (Code section 481A.42).
12 Animal abuse involves intentionally injuring an animal by
13 violence or poisoning by a person other than the animal's
14 owner (Code section 717B.2). Animal neglect involves the
15 failure to provide an animal with adequate food or water, or
16 failure to provide a dog or cat with adequate shelter. It also
17 involves harming an animal in a manner that causes suffering
18 (Code section 717B.3). Animal torture involves acting with a
19 depraved or sadistic intent to inflict severe and prolonged
20 pain or suffering, or death upon an animal (Code section
21 717B.3A).

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