

Senate File 591 - Introduced

SENATE FILE 591
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SF 57)

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, and including penalties.

4 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 subsection:

3 NEW SUBSECTION. 3A. *“Commercial establishment”* means the
4 same as defined in section 162.2.

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

7 A person ~~is guilty of~~ commits 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. A person ~~guilty of~~ who commits animal
11 abuse is guilty of an aggravated misdemeanor. However, for a
12 person’s second or subsequent conviction of animal abuse, the
13 person is guilty of a class “D” felony. This section shall not
14 apply to any of the following:

15 Sec. 3. Section 717B.2, Code 2019, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 12. A commercial establishment, provided
18 that the commercial establishment’s conduct complies with
19 applicable standard of care requirements in section 162.10A.

20 Sec. 4. Section 717B.3, subsection 1, unnumbered paragraph
21 1, Code 2019, is amended to read as follows:

22 A person who impounds or confines, in any place, an animal ~~is~~
23 ~~guilty of~~ commits animal neglect if the person does any of the
24 following:

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

27 3. A person who negligently or intentionally commits ~~the~~
28 ~~offense of~~ animal neglect is guilty of a simple misdemeanor. A
29 person who intentionally commits ~~the offense of~~ animal neglect
30 which results in a serious injury to or the death of an animal
31 is guilty of ~~a serious~~ an aggravated misdemeanor.

32 Sec. 6. Section 717B.3A, subsection 1, Code 2019, is amended
33 to read as follows:

34 1. A person ~~is guilty of~~ commits animal torture, regardless
35 of whether the person is the owner of the animal, if the person

1 intentionally inflicts upon the animal severe physical pain
2 ~~with a depraved or sadistic intent to cause~~ in a manner that
3 causes the animal's prolonged suffering or death.

4 Sec. 7. Section 717B.3A, subsection 2, Code 2019, is amended
5 by adding the following new paragraph:

6 NEW PARAGRAPH. 1. A commercial establishment, provided that
7 the commercial establishment's conduct complies with applicable
8 standard of care requirements in section 162.10A.

9 Sec. 8. Section 717B.3A, subsection 3, paragraph a,
10 subparagraphs (1) and (2), Code 2019, are amended to read as
11 follows:

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

14 (2) The sentencing order shall provide that the person
15 submit to psychological evaluation and treatment according to
16 terms required by the court. The costs of the evaluation and
17 treatment shall be paid by the person. ~~In addition~~ For the
18 first conviction, the sentencing order shall provide that the
19 person complete a community work requirement, which may include
20 a work requirement performed at an animal shelter or pound, as
21 defined in [section 162.2](#), according to terms required by the
22 court.

23 ~~(2) For a second or subsequent conviction, the person is~~
24 ~~guilty of a class "D" felony. The sentencing order shall~~
25 ~~provide that the person submit to psychological evaluation and~~
26 ~~treatment according to terms required by the court. The costs~~
27 ~~of the psychological evaluation and treatment shall be paid by~~
28 ~~the person.~~

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 MISTREATMENT OF ANIMALS — INCREASE IN CRIMINAL PENALTIES.
33 Currently, the criminal penalty for a conviction of animal
34 abuse is an aggravated misdemeanor. This bill provides that
35 the criminal penalty for a second or subsequent conviction for

1 that offense is enhanced to a class "D" felony. The current
 2 criminal penalty for a conviction of animal neglect is a simple
 3 misdemeanor, unless the convicted person's actions resulted
 4 in a serious injury to the animal or the animal's death. In
 5 the instance in which an animal is inflicted with a serious
 6 injury, the bill increases the enhanced criminal penalty from a
 7 serious misdemeanor to an aggravated misdemeanor. Currently,
 8 the criminal penalty for animal torture is an aggravated
 9 misdemeanor for the first conviction which is enhanced to a
 10 class "D" felony for a second or subsequent conviction. For
 11 each conviction, the court's sentencing order must provide
 12 that the guilty person submit to psychological evaluation and
 13 treatment, and for the first conviction the order must require
 14 the guilty person complete a community work requirement.
 15 The bill provides the criminal penalty is a class "D"
 16 felony without regard to the number of prior convictions and
 17 eliminates the enhanced penalty provision. The bill also makes
 18 certain changes in terminology for purposes of consistency and
 19 readability.

20 ANIMAL TORTURE — ELEMENT TO PROVE CRIME. For animal
 21 torture, the bill requires that a person act intentionally
 22 rather than with a depraved or sadistic intent.

23 ANIMAL ABUSE AND ANIMAL TORTURE — EXCEPTION FOR COMMERCIAL
 24 ESTABLISHMENTS. The bill provides that the offenses classified
 25 as animal abuse and animal torture are not committed by
 26 a commercial establishment regulated by the department of
 27 agriculture and land stewardship (DALSS) if the commercial
 28 establishment's conduct complies with certain standard of care
 29 requirements.

30 BACKGROUND — MISTREATMENT OF CERTAIN ANIMALS. Code chapter
 31 717B prohibits the mistreatment of certain animals, including
 32 dogs and cats, but excludes three classifications: (1)
 33 livestock (Code chapter 717); wildlife under the jurisdiction
 34 of the department of natural resources (Code chapter 481),
 35 unless such animal is owned, confined, or controlled by a

1 person; and (3) a nongame animal declared by the department to
2 be a nuisance (Code section 481A.42).

3 BACKGROUND — COMMERCIAL ESTABLISHMENTS. A commercial
4 establishment includes a person required to be issued some form
5 of authorization by the DALS (Code section 162.2A), including
6 an animal shelter, pound, or research facility (certificate
7 of registration); a pet shop, boarding kennel, or commercial
8 kennel (state license); or a dealer, commercial breeder, or
9 public auction (either a state license or a permit). A permit
10 is issued if the person is licensed under the federal Animal
11 Welfare Act (7 U.S.C. ch. 54) by the United States department
12 of agriculture.

13 APPLICABLE CRIMINAL PENALTIES. The criminal penalties
14 described in the bill are as follows: (1) for a simple
15 misdemeanor, confinement for no more than 30 days or a fine
16 of at least \$65 but not more than \$625 or by both; (2) for a
17 serious misdemeanor, confinement for no more than one year and
18 a fine of at least \$315 but not more than \$1,875; (3) for an
19 aggravated misdemeanor, confinement for no more than two years
20 and a fine of at least \$625 but not more than \$6,250; and (4)
21 for a class "D" felony, confinement for no more than five years
22 and a fine of at least \$750 but not more than \$7,500.