

**Senate Study Bill 1075 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON ZAUN)

**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. 2B. "*Animal warden*" means a person  
11 employed, contracted, or appointed by a local authority to  
12 assist in the enforcement of chapter 162, this chapter, or any  
13 other law or ordinance relating to the licensing of animals,  
14 control of animals, or the seizure and impoundment of animals.

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

23 b. "*Convicted*" includes the conviction of a juvenile  
24 prosecuted as an adult. "*Convicted*" also includes a conviction  
25 for an attempt or conspiracy to commit an offense.

26 c. "*Convicted*" does not mean a plea, sentence, adjudication,  
27 deferred sentence, or deferred judgment which has been reversed  
28 or otherwise set aside.

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

33 NEW SUBSECTION. 8A. "*Serious injury*" means an injury that  
34 creates a substantial risk of death or that causes protracted  
35 disfigurement, protracted impairment of health, or protracted

1 loss or impairment of the function of a limb or organ.

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

4 9. "*Threatened animal*" means an animal that ~~is abused as~~  
5 ~~provided in section 717B.2,~~ neglected as provided in section  
6 ~~717B.3, or tortured as provided in section 717B.3A~~ suffers from  
7 animal mistreatment.

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

10 **717B.2 Animal abuse — penalties.**

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

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

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

24 ~~2. a.~~ A person acting to carry out an order issued by a  
25 court.

26 ~~3. b.~~ A licensed veterinarian practicing veterinary  
27 medicine as provided in chapter 169.

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

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

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

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

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

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

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

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

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

29     ~~(1) For the first conviction, the person is guilty of an~~  
30 ~~aggravated misdemeanor. The sentencing order shall provide~~  
31 ~~that the person submit to psychological evaluation and~~  
32 ~~treatment according to terms required by the court. The costs~~  
33 ~~of the evaluation and treatment shall be paid by the person.~~  
34 ~~In addition, the sentencing order shall provide that the person~~  
35 ~~complete a community work requirement, which may include a work~~

1 ~~requirement performed at an animal shelter or pound, as defined~~  
2 ~~in [section 162.2](#), according to terms required by the court.~~

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

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

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

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

27 **Sec. 6. NEW SECTION. 717B.3B Animal mistreatment — animal**  
28 **abandonment — penalties.**

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

33 a. Legally transfer the animal to another person.

34 b. Make reasonable arrangements for the transfer of custody  
35 of the animal to a person who agrees to assume custody of the



1 animal.

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

5     2. A person who commits animal abandonment that does not  
6 cause injury or death to an animal is guilty of a simple  
7 misdemeanor.

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

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

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

25     Sec. 7. NEW SECTION. 717B.3C Animal mistreatment — animal  
26 endangerment — penalties.

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

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

35     3. A person who commits animal endangerment that causes

1 injury other than serious injury or death to an animal is  
2 guilty of a serious misdemeanor.

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

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

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

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

26 a. A juvenile.

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

33 2. The costs of undergoing a psychological or psychiatric  
34 evaluation and undergoing any treatment ordered by the court  
35 shall be borne by the convicted person, unless the person is

1 a juvenile.

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

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

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

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

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

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

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

28 5. Any violation of the court order described in this  
29 section is a public offense and shall be punished as a simple  
30 misdemeanor.

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

32 1. A law enforcement officer or animal warden may rescue  
33 an animal from a stationary motor vehicle, including through  
34 the use of forced entrance, if the law enforcement officer  
35 or animal warden reasonably believes that the animal may

1 be suffering distress due to exposure to extreme interior  
2 temperature or a lack of adequate ventilation. The law  
3 enforcement officer's or animal warden's action is justified  
4 regardless of whether the law enforcement officer or animal  
5 warden observed indications of distress or whether the person  
6 could be charged with or convicted of committing a public  
7 offense.

8 2. The law enforcement officer or animal warden shall  
9 provide written notice of the rescue to the animal's  
10 responsible party. This requirement is satisfied by placing  
11 the notice in a conspicuous place located within the motor  
12 vehicle. The notice must state where the rescued animal may  
13 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 PRIMARY AND NONPRIMARY CODE CHAPTER 717B OFFENSES (ANIMAL  
3 MISTREATMENT) — NON-CODE CHAPTER 717B OFFENSES. The bill  
4 amends three primary offenses which are part of Code chapter  
5 717B. These include animal abuse (Code section 717B.2),  
6 animal neglect (Code section 717B.3), and animal torture (Code  
7 section 717B.3A). The bill creates two new nonprimary criminal  
8 offenses in Code chapter 717B including animal abandonment  
9 (new Code section 717B.3B) and animal endangerment (new  
10 Code section 717B.3C). The bill also refers to two other  
11 nonprimary offenses provided in the Code chapter which include  
12 the abandonment of a cat or dog (Code section 717B.8) and  
13 injury or interference with a police service dog (Code section  
14 717B.9). All of these primary and nonprimary offenses are  
15 classified as animal mistreatment. Under the bill, each of  
16 the primary offenses includes an enhanced penalty that applies  
17 to a convicted person who has previously committed any of the  
18 named primary or nonprimary offenses classified as animal  
19 mistreatment; or committed a non-Code chapter offense including  
20 bestiality (Code section 717C.1) or an offense involving an  
21 animal contest (Code section 717D.4).

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

35 TYPES OF PRIMARY OFFENSES — NEGLECT. Animal neglect

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

16 TYPES OF PRIMARY OFFENSES — TORTURE. Animal torture  
17 involves inflicting upon an animal severe physical pain with  
18 depraved or sadistic intent to cause prolonged suffering  
19 or death. The bill requires that the act constitute an  
20 intentional, knowing, or reckless infliction of prolonged or  
21 repeated physical pain that results in suffering and serious  
22 injury or death. The bill replaces the current penalties for  
23 animal torture. A person is no longer guilty of an aggravated  
24 misdemeanor for the first offense and a class "D" felony for  
25 a subsequent offense. Instead, a person is guilty of a class  
26 "D" felony, which is enhanced to a class "C" felony if the  
27 person was previously convicted of one of the named offenses  
28 classified as animal mistreatment. The bill also eliminates  
29 a requirement that a person convicted of animal torture must  
30 submit to psychological evaluation and treatment.

31 TYPES OF NONPRIMARY OFFENSES — ABANDONMENT. Animal  
32 abandonment involves knowingly or recklessly relinquishing  
33 custody of an animal at a location in which the person does  
34 not hold a legal or equitable interest. There are exceptions  
35 in cases of transferring ownership or custody or making

1 arrangements for the care of the animal. The criminal penalty  
2 is a simple misdemeanor. However, the penalty is increased to  
3 a serious misdemeanor if the animal suffers an injury and to an  
4 aggravated misdemeanor if the animal suffers a serious injury  
5 or death. In a case where the animal suffers a serious injury  
6 or death, the aggravated misdemeanor may be enhanced to a class  
7 "D" felony if the person was previously convicted of one of the  
8 named offenses classified as animal mistreatment.

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

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

32 COURT ORDERS. At the time of conviction for committing  
33 any of the primary or nonprimary offenses classified as  
34 animal mistreatment, a person may be subject to a court  
35 order 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. In each case, the court's decision to issue an  
4 order is discretionary except under certain conditions. A  
5 court order requiring an evaluation and treatment is mandatory  
6 for juveniles. That order and the order prohibiting contact  
7 with animals is also mandatory if the offense is punishable as  
8 an aggravated misdemeanor or felony. For a discretionary court  
9 order, the period of prohibition is for not less than three  
10 years. For a mandatory court order, the period of prohibition  
11 is not less than 10 years.

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