

Senate Study Bill 3170 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON ZUMBACH)

A BILL FOR

1 An Act relating to the mistreatment of animals, including
2 livestock, and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

MISTREATMENT OF LIVESTOCK

1
2
3 Section 1. Section 717.1, subsection 4, Code 2020, is
4 amended to read as follows:

5 4. "Livestock" means an any of the following:

6 a. An animal belonging to the bovine, caprine, equine,
7 ovine, or porcine species; ostriches, rheas, or emus; farm
8 deer as defined in section 170.1; or turkeys, chickens, or
9 other poultry.

10 b. An animal that is owned by a person who is entitled to
11 report income on a schedule F as part of a form 1040 or form
12 1041 tax return filed with the United States internal revenue
13 service.

DIVISION II

RELATED CHANGES

14
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16 Sec. 2. Section 15E.202, subsection 2, Code 2020, is amended
17 to read as follows:

18 2. *"Agricultural commodity"* means any unprocessed
19 agricultural product, including livestock as defined in section
20 ~~717.1~~ 159.1A, agricultural crops, and forestry products grown,
21 raised, produced, or fed in this state for sale in commercial
22 channels.

23 Sec. 3. NEW SECTION. 159.1A Chapter definition.

24 As used in this chapter, *"livestock"* means an animal
25 belonging to the bovine, caprine, equine, ovine, or porcine
26 species; ostriches, rheas, or emus; farm deer as defined in
27 section 170.1; or turkeys, chickens, or other poultry.

28 Sec. 4. Section 159.5, subsection 13, Code 2020, is amended
29 to read as follows:

30 13. Establish and administer programs for the inspection
31 and control of disease among livestock ~~as defined in section~~
32 ~~717.1~~.

33 Sec. 5. Section 162.1, subsection 2, Code 2020, is amended
34 to read as follows:

35 2. This chapter does not apply to livestock as defined in

1 section ~~717.1~~ 159.1A or any other agricultural animal used in
2 agricultural production as provided in [chapter 717A](#).

3 Sec. 6. Section 163.3A, subsection 1, Code 2020, is amended
4 to read as follows:

5 1. The department may provide veterinary emergency
6 preparedness and response services necessary to prevent
7 or control a serious threat to the public health, public
8 safety, or the state's economy caused by the transmission of
9 disease among livestock as defined in section ~~717.1~~ 159.1A
10 or agricultural animals as defined in [section 717A.1](#). The
11 services may include measures necessary to ensure that all such
12 animals carrying disease are properly identified, segregated,
13 treated, or destroyed as provided in this Code.

14 Sec. 7. Section 172E.1, subsection 2, Code 2020, is amended
15 to read as follows:

16 2. "*Livestock*" means the same as defined in section ~~717.1~~
17 159.1A.

18 Sec. 8. Section 236.3, subsection 1, paragraph g, Code 2020,
19 is amended to read as follows:

20 g. Name or description of any pet or companion animal owned,
21 possessed, leased, kept, or held by the petitioner, respondent,
22 or minor child of the petitioner or respondent whose welfare
23 may be affected by the controversy. However, this paragraph
24 shall not apply to livestock as defined in section ~~717.1~~
25 159.1A, held solely or primarily for commercial purposes.

26 Sec. 9. Section 236.4, subsection 4, Code 2020, is amended
27 to read as follows:

28 4. The court may include in the temporary order issued
29 pursuant to [this section](#) a grant to the petitioner of the
30 exclusive care, possession, or control of any pets or companion
31 animals owned, possessed, leased, kept, or held by the
32 petitioner, respondent, or minor child of the petitioner or
33 respondent whose welfare may be affected by the controversy.
34 The court may forbid the respondent from approaching, taking,
35 transferring, encumbering, concealing, molesting, attacking,

1 striking, threatening, harming, or otherwise disposing of the
2 pet or companion animal. This subsection shall not apply to
3 livestock as defined in section ~~717.1~~ 159.1A, held solely or
4 primarily for commercial purposes.

5 Sec. 10. Section 236.5, subsection 1, paragraph b,
6 subparagraph (7), Code 2020, is amended to read as follows:

7 (7) A grant to the petitioner of the exclusive care,
8 possession, or control of any pets or companion animals owned,
9 possessed, leased, kept, or held by the petitioner, respondent,
10 or minor child of the petitioner or respondent whose welfare
11 may be affected by the controversy. The court may forbid the
12 respondent from approaching, taking, transferring, encumbering,
13 concealing, molesting, attacking, striking, threatening,
14 harming, or otherwise disposing of the pet or companion animal.
15 This subparagraph shall not apply to livestock as defined in
16 section ~~717.1~~ 159.1A, held solely or primarily for commercial
17 purposes.

18 Sec. 11. Section 484B.1, subsection 7, Code 2020, is amended
19 to read as follows:

20 7. "Livestock" means the same as defined in section ~~717.1~~
21 159.1A.

22 Sec. 12. Section 501A.102, subsection 14, Code 2020, is
23 amended to read as follows:

24 14. "Livestock" means the same as defined in section ~~717.1~~
25 159.1A.

26 Sec. 13. Section 562.1A, subsection 3, Code 2020, is amended
27 to read as follows:

28 3. "Livestock" means the same as defined in section ~~717.1~~
29 159.1A.

30 EXPLANATION

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

33 This bill amends a number of Code chapters providing for
34 livestock, including Code chapter 717 which creates criminal
35 offenses for the mistreatment of livestock and civil actions

1 brought in district court to rescue or care for livestock
2 placed in danger. Code section 717.1 defines "livestock" as
3 an animal belonging to a number of different species including
4 bovine (e.g., cattle), caprine (goats), equine (e.g., horses),
5 ovine (sheep), porcine (swine); ratites (ostriches, rheas,
6 and emus); farm deer; and poultry. The bill provides that
7 "livestock" expressly includes turkeys and chickens. It also
8 provides that "livestock" includes an animal owned by a person
9 who is eligible to report income on a schedule F as part of a
10 federal tax return. Code chapter 717B provides for criminal
11 offenses relating to the mistreatment of animals other than
12 livestock and civil actions brought in district court to rescue
13 and care for those animals. The expanded definition applies to
14 offenses created under Code chapter 717D involving livestock
15 participating in a contest event such as dog fighting.

16 The bill amends a number of other Code sections providing
17 for livestock by referring to the definition in Code section
18 717.1. The bill amends Code chapter 159 (the department of
19 agriculture and land stewardship's general chapter) to define
20 livestock as an animal belonging to the bovine, caprine,
21 equine, ovine, or porcine species; ostriches, rheas, or
22 emus; farm deer; or turkeys, chickens, or other poultry.
23 The bill provides that the definition of livestock as used
24 in that Code chapter applies to the use of the term in the
25 other Code chapters, including Code chapter 15E (economic
26 development activities), Code chapter 162 (care of animals in
27 commercial establishments), Code chapter 163 (the control of
28 animal diseases), Code chapter 172E (dairy cattle sold for
29 slaughter), Code chapter 236 (offenses involving domestic
30 abuse), Code chapter 484B (hunting preserves), Code chapter
31 501A (cooperative associations), and Code chapter 562 (lease
32 arrangements).

33 A person who commits a form of animal mistreatment is
34 subject to criminal penalties including livestock neglect
35 punishable as a simple misdemeanor and livestock abuse

1 punishable as an aggravated misdemeanor. A person who commits
2 an offense involving a contest event is guilty of an aggravated
3 misdemeanor or class "D" felony. A simple misdemeanor is
4 punishable by confinement for no more than 30 days or a fine of
5 at least \$65 but not more than \$625 or by both. An aggravated
6 misdemeanor is punishable by confinement for no more than two
7 years and a fine of at least \$625 but not more than \$6,250. A
8 class "D" felony is punishable by confinement for no more than
9 five years and a fine of at least \$750 but not more than \$7,500.