

Senate File 435 - Introduced

SENATE FILE 435

BY SINCLAIR

A BILL FOR

1 An Act providing that a person does not commit animal abuse
2 by acting in a manner consistent with customary animal
3 practices.

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

1 Section 1. Section 717B.2, subsection 2, Code 2021, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *m.* A person who acts in a manner that is
4 consistent with customary animal husbandry practices.

5 EXPLANATION

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

8 This bill amends a provision in Code chapter 717B, which
9 prohibits the mistreatment of animals. One form of animal
10 mistreatment is animal abuse (Code section 717B.2). A
11 person commits this offense when intentionally, knowingly,
12 or recklessly acting to inflict injury, serious injury, or
13 death on an animal by force, violence, or poisoning. The bill
14 provides that the offense does not include an act conducted in
15 a manner that is consistent with customary animal husbandry
16 practices.

17 Besides animal abuse, animal mistreatment includes animal
18 neglect (Code section 717B.3) and animal torture (Code section
19 717B.3A). Certain animals are exempted from these offenses
20 including livestock (Code chapter 717), preserve whitetail
21 game, wildlife which are not confined, and animals considered a
22 nuisance (Code section 717B.1(1)).

23 A number of provisions apply to exempt certain persons
24 from the offense of animal abuse, including conduct by a
25 veterinarian; a person acting in order to carry out another
26 provision of law allowing such conduct; a person taking,
27 hunting, or trapping wildlife; a person acting to defend the
28 person or the person's property; a local authority, such as
29 a county, acting to destroy an animal for humane purposes; a
30 research facility; and a commercial establishment acting to
31 care for an animal in accordance with an applicable standard
32 of care.

33 A person who commits animal abuse is subject to a range
34 of penalties, including a serious misdemeanor, aggravated
35 misdemeanor, or class "D" felony, depending upon the severity

1 of the animal's injury caused by the mistreatment and whether
2 the person previously committed an offense involving the
3 mistreatment of an animal. A serious misdemeanor is punishable
4 by confinement for no more than one year and a fine of at least
5 \$430 but not more than \$2,560. An aggravated misdemeanor is
6 punishable by confinement for no more than two years and a fine
7 of at least \$855 but not more than \$8,540. A class "D" felony
8 is punishable by confinement for no more than five years and a
9 fine of at least \$1,025 but not more than \$10,245.