

~~growth of the regular program district cost each year multiplied by a district's budget enrollment. The thirty-eight dollar increase for the school budget year beginning July 1, 1999, shall increase in subsequent years by each year's state percent of growth.~~ School districts shall annually report the amount expended for a gifted and talented program to the department of education. The proportion of a school district's budget which corresponds to the thirty-eight dollar increase in allowable growth for the school budget year beginning July 1, 1999, added to the amount in subsection 1, shall be utilized exclusively for a school district's ~~talented and gifted~~ and talented program.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 27, 2000

CHAPTER 1152

ANIMAL TORTURE

H.F. 723

AN ACT prohibiting the mistreatment of animals and providing for penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 232.8, subsection 1, paragraph c, Code 1999, is amended to read as follows:

c. Violations by a child, age sixteen or older, which subject the child to the provisions of section 124.401, subsection 1, paragraph "e" or "f", or violations of section 723A.2 which involve a violation of chapter 724, or violation of chapter 724 which constitutes a felony, or violations which constitute a forcible felony are excluded from the jurisdiction of the juvenile court and shall be prosecuted as otherwise provided by law unless the court transfers jurisdiction of the child to the juvenile court upon motion and for good cause. A child over whom jurisdiction has not been transferred to the juvenile court, and who is convicted of a violation excluded from the jurisdiction of the juvenile court under this paragraph, shall be sentenced pursuant to section 124.401B, 902.9, or 903.1. Notwithstanding any other provision of the Code to the contrary, the court may accept from a child a plea of guilty, or may instruct the jury on a lesser included offense to the offense excluded from the jurisdiction of the juvenile court under this section, in the same manner as regarding an adult. However, the juvenile court shall have exclusive original jurisdiction in a proceeding concerning an offense of livestock torture as provided in section 717.3 or¹ animal torture as provided in section 717B.3A alleged to have been committed by a child under the age of seventeen.

Sec. 2. Section 232.8, subsection 3, Code 1999, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. This subsection does not apply in a proceeding concerning an offense of livestock torture as provided in section 717.3 or² animal torture as provided in section 717B.3A alleged to have been committed by a child under the age of seventeen.

¹ See chapter 1232, §57 herein

² See chapter 1232, §58 herein

Sec. 3. NEW SECTION. 717B.3A ANIMAL TORTURE.

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

2. This section shall not apply to any of the following:

- a. A person acting to carry out an order issued by a court.
- b. A licensed veterinarian practicing veterinary medicine as provided in chapter 169.
- c. A person carrying out a practice that is consistent with animal husbandry practices.
- d. A person acting in order to carry out another provision of law which allows the conduct.
- e. A person taking, hunting, trapping, or fishing for a wild animal as provided in chapter 481A.
- f. A person acting to protect the person's property from a wild animal as defined in section 481A.1.
- g. A person acting to protect a person from injury or death caused by a wild animal as defined in section 481A.1.
- h. A person reasonably acting to protect the person's property from damage caused by an unconfined animal.
- i. A person reasonably acting to protect a person from injury or death caused by an unconfined animal.
- j. A local authority reasonably acting to destroy an animal, if at the time of the destruction, the owner of the animal is absent or unable to care for the animal, and the animal is permanently distressed by disease or injury to a degree that would result in severe and prolonged suffering.

k. An institution, as defined in section 145B.1, or a research facility, as defined in section 162.2, provided that the institution or research facility performs functions within the scope of accepted practices and disciplines associated with the institution or research facility.

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

(1) For the first conviction, the person is guilty of an aggravated misdemeanor. The sentencing order shall provide that the person submit to psychological evaluation and treatment according to terms required by the court. The costs of the evaluation and treatment shall be paid by the person. In addition, the sentencing order shall provide that the person complete a community work requirement, which may include a work requirement performed at an animal shelter or pound, as defined in section 162.2, according to terms required by the court.

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

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