

CHAPTER 1056

CONTESTS OR EXHIBITIONS INVOLVING ANIMALS

S.F. 2249

AN ACT regulating contest events involving animals, and providing a penalty and effective date.

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

Section 1. Section 99B.11, subsection 2, paragraph c, Code 2003, is amended to read as follows:

c. Contests or exhibitions of cooking, horticulture, livestock, poultry, fish or other animals, artwork, hobbywork or craftwork, except those prohibited by chapter 717A¹ or section 725.11.

Sec. 2. Section 709A.1, subsection 2, paragraph c, Code 2003, is amended to read as follows:

c. Any premises the use of which constitutes a violation of ~~sections~~ chapter 717A, or section 725.5, 725.10,² or 725.11.

Sec. 3. Section 717D.1, subsection 2, Code Supplement 2003, is amended by striking the subsection.

Sec. 4. Section 717D.1, subsections 3, 4, 5, 10, and 11, Code Supplement 2003, are amended to read as follows:

3. "Contest device" means equipment designed to enhance ~~a contest~~ an animal's entertainment value during training or a contest event, including a device to improve the contest animal's competitiveness. A contest device includes but is not limited to an implement designed to be attached in place of a natural spur of a cock or other fighting bird in order to enhance the bird's fighting ability, and which is commonly referred to as a spur or gaff.

4. "Contest event" means a function organized for the entertainment or profit of spectators where ~~a contest~~ an animal is injured, tormented, or killed, ~~if the contest animal is including~~ but not limited to a bull involved in a bullfight or bull baiting, a bear involved in bear baiting, a chicken involved in cock fighting, or a dog involved in dog fighting.

5. "Establishment" means the location where a contest event occurs or is to occur, regardless of whether ~~a contest~~ an animal is present at the establishment or the contest animal is witnessed by means of an electronic signal transmitted to the location.

10. "Trainer" means a person who trains ~~a contest~~ an animal for purposes of engaging in a contest event, regardless of where the contest event is located. A trainer includes a person who uses a contest device.

11. "Transporter" means a person who moves ~~a contest~~ an animal for delivery to a training location or a contest event location.

Sec. 5. Section 717D.2, Code 2003, is amended by adding the following new subsections:
NEW SUBSECTION. 2A. Possess or own an animal engaged or to be engaged in a contest event conducted in this state or another state.

NEW SUBSECTION. 2B. Be a party to a commercial transaction for the transfer of an animal engaged or to be engaged in a contest event conducted in this state or another state, including but not limited to a transaction by purchase or sale, barter, trade, or an offer involving such a transaction.

NEW SUBSECTION. 3A. Possess, own, or manufacture a contest device.

NEW SUBSECTION. 3B. Be a party to a commercial transaction for the transfer of a contest device, including but not limited to a transaction by purchase or sale, barter, trade, or an offer involving such a transaction.

¹ See chapter 1175, §365 herein

² See chapter 1175, §389 herein

Sec. 6. Section 717D.2, subsections 3 and 4, Code 2003, are amended to read as follows:

3. Act as a trainer of ~~a contest an~~ animal engaged or to be engaged in a contest event conducted in this state or another state. For purposes of this subsection, a person who aids, abets, or assists in the training of ~~a contest an~~ animal engaged or to be engaged in a contest event shall be deemed to act as a trainer.

4. Act as a transporter moving ~~a contest an~~ animal engaged or to be engaged in a contest event in this state.

Sec. 7. Section 717D.4, Code 2003, is amended to read as follows:

717D.4 PENALTIES.

1. A Except as provided in subsection 2, a person who violates a provision of this chapter is guilty of a serious class "D" felony.

2. A person who violates section 717D.2 by acting as a spectator of a contest event conducted in this state is guilty of an aggravated misdemeanor.

Sec. 8. Section 717D.5, Code 2003, is amended to read as follows:

717D.5 CONFISCATION AND DISPOSITION OF ANIMALS.

1. A local authority may confiscate a contest an animal that is trained with a contest device or is part of a contest event involved in a violation of section 717D.2. The contest An animal that is livestock shall be considered neglected and may be rescued and disposed of as neglected livestock or other provided in section 717.5. An animal pursuant to which is not livestock shall be considered threatened and rescued and disposed of as provided in section 717.5 or 717B.4.

2. If the contest an animal that is involved in a violation of section 717D.2 is not rescued and disposed of pursuant to section 717.5 or 717B.4, it shall be forfeited to the state and subject to disposition as ordered by the court. In addition, the court shall order the owner of the contest animal to pay an amount which shall not be more than the expenses incurred in maintaining or disposing of the contest animal. The court may also order that the person pay reasonable attorney fees and expenses related to the investigation of the case that shall be taxed as other court costs. If more than one person has a divisible interest in the contest animal, the amount required to be paid shall be prorated based on the percentage of interest in the contest animal owned by each person. The moneys shall be paid to the local authority incurring the expense. The amount shall be subtracted from proceeds which are received from the sale of the contest animal ordered by the court.

Sec. 9. Section 725.11, Code 2003, is repealed.

Sec. 10. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 9, 2004