

FILED FEB 16 2006

JUDICIARY

SENATE FILE 2233
BY BEALL

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring the psychological evaluation of a person
2 convicted of animal torture.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2233

1 Section 1. Section 717B.3A, subsection 3, paragraph a,
2 subparagraphs (1) and (2), Code 2005, are amended to read as
3 follows:

4 (1) For the first conviction, the person is guilty of an
5 aggravated misdemeanor. Prior to sentencing, the court shall
6 order that the person submit to a psychological evaluation.
7 The sentencing order shall provide that the person submit to
8 psychological ~~evaluation-and~~ treatment according to terms
9 required by the court. The costs of the psychological
10 evaluation and psychological treatment shall be paid by the
11 person. In addition, the sentencing order shall provide that
12 the person complete a community work requirement, which may
13 include a work requirement performed at an animal shelter or
14 pound, as defined in section 162.2, according to terms
15 required by the court.

16 (2) For a second or subsequent conviction, the person is
17 guilty of a class "D" felony. Prior to sentencing, the court
18 shall order that the person submit to a psychological
19 evaluation. The sentencing order shall provide that the
20 person submit to psychological ~~evaluation-and~~ treatment
21 according to terms required by the court. The costs of the
22 psychological evaluation and psychological treatment shall be
23 paid by the person.

24 EXPLANATION

25 This bill amends Code chapter 717B, which provides for
26 offenses relating to the mistreatment of animals. Code
27 section 717B.1 defines "animal" to exclude certain animals
28 from the chapter's application including livestock and wild
29 animals (game and nongame species). Code chapter 717 provides
30 for offenses relating to the mistreatment of livestock.

31 The bill amends Code section 717B.3A which creates an
32 offense referred to as "animal torture". Currently law
33 provides that a person is guilty of animal torture if the
34 person inflicts upon an animal severe physical pain with a
35 depraved or sadistic intent to cause prolonged suffering or

1 death. A person convicted of animal torture is guilty of an
2 aggravated misdemeanor for the first offense and a class "D"
3 felony for a subsequent offense. In both instances, a court's
4 sentencing order must provide that the person submit to
5 psychological evaluation and treatment according to terms
6 required by the court. The costs of the evaluation and
7 treatment must be paid by the person.

8 This bill provides that the person must submit to a
9 psychological evaluation prior to sentencing.

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