

## CHAPTER 717B

### MISTREATMENT OF ANIMALS

Referred to in §162.10D, 165B.2, 331.307, 331.308, 364.22, 364.22A, 670.4, 701.1, 717F.4, 717F.5

Injury to livestock, see [chapter 717](#)

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#### 717B.1 Definitions.

As used in [this chapter](#):

1. “*Animal*” means a nonhuman vertebrate. However, “*animal*” does not include any of the following:

a. Livestock, as defined in [section 717.1](#).

b. Preserve whitetail as defined in [section 484C.1](#).

c. Any game, fur-bearing animal, fish, reptile, or amphibian, as defined in [section 481A.1](#), unless a person owns, confines, or controls the game, fur-bearing animal, fish, reptile, or amphibian.

d. Any nongame species declared to be a nuisance pursuant to [section 481A.42](#).

2. “*Animal care provider*” means a person designated by a local authority to provide care to an animal which is rescued by the local authority pursuant to [section 717B.5](#).

3. “*Animal mistreatment*” means an act described as animal abuse as provided in [section 717B.2](#), animal neglect as provided in [section 717B.3](#), animal torture as provided in [section 717B.3A](#), abandonment of a cat or dog as provided in [section 717B.8](#), or injury to or interference with a police service dog as provided in [section 717B.9](#).

4. Unless the context otherwise requires, “*book*”, “*list*”, “*record*”, or “*schedule*” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in [section 445.1](#).

5. “*Commercial establishment*” means a commercial establishment as defined in [section 162.2](#) that is operating under a valid authorization issued or renewed under [section 162.2A](#).

6. a. “*Convicted*” means the entry of a judgment of conviction under [chapter 901](#) or adjudicated delinquent for an act which is an indictable offense in this state or in another state under [chapter 232](#).

b. “*Convicted*” does not mean a plea, sentence, adjudication, deferred sentence, or deferred judgment which has been reversed or otherwise set aside.

7. “*Department*” means the department of agriculture and land stewardship.

8. “*Dispositional expenses*” means expenses incurred by a local authority in rescuing an animal as provided in [section 717B.5](#), maintaining the animal until the conclusion of a dispositional proceeding as provided in [section 717B.4](#), or disposing of the animal as provided in [section 717B.4](#).

9. “*Euthanasia*” means the same as defined in [section 162.2](#).

10. “*Injury*” means an animal’s disfigurement; the impairment of an animal’s health; or an impairment to the functioning of an animal’s limb or organ, including physical damage or harm to an animal’s muscle, tissue, organs, bones, hide, or skin.

11. “*Law enforcement officer*” means a regularly employed member of a police force of a city or county, including a sheriff, who is responsible for the prevention and detection of crime and the enforcement of the criminal laws of this state.

12. “*Local authority*” means a city as defined in [section 362.2](#) or a county as provided in [chapter 331](#).

13. “*Maintenance*” means to provide on-site or off-site care to neglected animals.

14. “Responsible party” means a person who owns or maintains an animal.

15. “Serious injury” means an injury that constitutes an animal’s protracted or permanent disfigurement, the protracted or permanent impairment of an animal’s health, the protracted or permanent impairment of the functioning of an animal’s limb or organ, or the loss of an animal’s limb or organ.

16. “Threatened animal” means an animal that is abused as provided in [section 717B.2](#), neglected as provided in [section 717B.3](#), or tortured as provided in [section 717B.3A](#).

17. “Veterinarian” means a veterinarian licensed pursuant to [chapter 169](#) who practices veterinary medicine in this state.

[94 Acts, ch 1103, §12](#); [2000 Acts, ch 1148, §1](#); [2002 Acts, ch 1119, §200, 201](#); [2002 Acts, ch 1130, §2](#); [2013 Acts, ch 90, §201](#); [2020 Acts, ch 1111, §3, 4](#)

Referred to in [§717D.1](#), [717E.7](#), [717F.10](#)

### **717B.2 Animal abuse — penalties.**

1. A person commits animal abuse when the person intentionally, knowingly, or recklessly acts to inflict injury, serious injury, or death on an animal by force, violence, or poisoning.

2. [This section](#) shall not apply to any of the following:

a. An owner of the animal, or a person acting with the consent of the owner, who euthanizes an animal in a reasonable manner, if at the time of the euthanasia, the animal is in a state of permanent pain or suffering.

b. A person acting to carry out an order issued by a court.

c. A veterinarian practicing veterinary medicine as provided in [chapter 169](#).

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. A research facility, as defined in [section 162.2](#), if the research facility has been issued or renewed a valid authorization by the department pursuant to [chapter 162](#), and performs functions within the scope of accepted practices and disciplines associated with the research facility.

l. An act required to be carried out by a commercial establishment to care for an animal in its possession or under its control as described in [section 162.10A, subsection 1](#), provided that the commercial establishment complies with applicable standard of care requirements pursuant to [subsections 1 and 2](#) of that section.

3. A person who commits animal abuse that causes injury, other than serious injury or death, to an animal is guilty of a serious misdemeanor.

4. A person who commits animal abuse that causes serious injury or death to an animal is guilty of an aggravated misdemeanor.

5. Notwithstanding [subsection 4](#), a person who commits animal abuse that causes serious injury or death to an animal is guilty of a class “D” felony if the person has previously been convicted of committing animal abuse pursuant to [this section](#), animal neglect punishable as a serious misdemeanor or aggravated misdemeanor pursuant to [section 717B.3](#), animal torture pursuant to [section 717B.3A](#), injury to or interference with a police service dog pursuant

to [section 717B.9](#), bestiality pursuant to [section 717C.1](#), or an act involving a contest event prohibited in [section 717D.2](#).

[94 Acts, ch 1103, §13](#); [2008 Acts, ch 1058, §20](#); [2020 Acts, ch 1111, §5](#)

Referred to in [§162.10A](#), [717B.1](#), [717B.3](#), [717B.3A](#), [717B.3B](#)

### **717B.3 Animal neglect — penalties.**

1. A person commits animal neglect when the person owns or has custody of an animal, confines that animal, and fails to provide the animal with any of the following conditions for the animal's welfare:

a. Access to food in an amount and quality reasonably sufficient to satisfy the animal's basic nutrition level to the extent that the animal's health or life is endangered.

b. Access to a supply of potable water in an amount reasonably sufficient to satisfy the animal's basic hydration level to the extent that the animal's health or life is endangered. Access to snow or ice does not satisfy this requirement.

c. Sanitary conditions free from excessive animal waste or the overcrowding of animals to the extent that the animal's health or life is endangered.

d. Ventilated shelter reasonably sufficient to provide adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health to the extent that the animal's health or life is endangered. The shelter must protect the animal from wind, rain, snow, or sun and have adequate bedding to provide reasonable protection against cold and dampness. A shelter may include a residence, garage, barn, shed, or doghouse.

e. Grooming, to the extent it is reasonably necessary to prevent adverse health effects or suffering.

f. Veterinary care deemed necessary by a reasonably prudent person to relieve an animal's distress from any of the following:

(1) A condition caused by failing to provide for the animal's welfare as described in [this subsection](#).

(2) An injury or illness suffered by the animal causing the animal to suffer prolonged pain and suffering.

2. [This section](#) does not apply to any of the following:

a. A person issued or renewed an authorization to operate a commercial establishment, or a person acting under the direction or supervision of that person, if all of the following apply:

(1) The animal, as described in [subsection 1](#), was maintained as part of the commercial establishment's operation.

(2) In providing conditions for the welfare of the animal, as described in [subsection 1](#), the person complied with the standard of care requirements provided in [section 162.10A](#), [subsection 1](#), including any applicable rules adopted by the department applying to any of the following:

(a) A state licensee or registrant operating pursuant to [section 162.10A](#), [subsection 2](#), paragraph "a" or "b".

(b) A permittee operating pursuant to [section 162.10A](#), [subsection 2](#), paragraph "c".

b. A research facility, as defined in [section 162.2](#), if the research facility has been issued or renewed a valid authorization by the department pursuant to [chapter 162](#), and performs functions within the scope of accepted practices and disciplines associated with the research facility.

3. A person who commits animal neglect that does not cause injury, serious injury, or death to an animal is guilty of a simple misdemeanor.

4. A person who commits animal neglect that causes injury, other than serious injury or death, to an animal is guilty of a serious misdemeanor.

5. A person who commits animal neglect that causes serious injury or death to an animal is guilty of an aggravated misdemeanor.

6. Notwithstanding [subsection 5](#), a person who commits animal neglect that causes serious injury or death to an animal is guilty of a class "D" felony if the person has been previously convicted of animal abuse pursuant to [section 717B.2](#), animal neglect punishable as a serious misdemeanor or aggravated misdemeanor pursuant to [this section](#), animal

torture pursuant to [section 717B.3A](#), injury to or interference with a police service dog pursuant to [section 717B.9](#), bestiality pursuant to [section 717C.1](#), or an act involving a contest event prohibited in [section 717D.2](#).

94 Acts, ch 1103, §14; 95 Acts, ch 49, §25; 2008 Acts, ch 1058, §21; 2014 Acts, ch 1092, §147; 2020 Acts, ch 1111, §6

Referred to in §162.10A, 717B.1, 717B.2, 717B.3A, 717B.3B

### **717B.3A Animal torture — penalties.**

1. A person is guilty of animal torture if the person intentionally or knowingly inflicts on an animal severe and prolonged or repeated physical pain that causes the animal's serious injury 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 veterinarian practicing veterinary medicine as provided in [chapter 169](#).
- c. A person acting in order to carry out another provision of law which allows the conduct.
- d. A person taking, hunting, trapping, or fishing for a wild animal as provided in [chapter 481A](#).
- e. A person acting to protect the person's property from a wild animal as defined in [section 481A.1](#).
- f. A person acting to protect a person from bodily harm or death caused by a wild animal as defined in [section 481A.1](#).
- g. A person acting reasonably to protect the person's property from damage caused by an unconfined animal.
- h. A person acting reasonably to protect a person from bodily harm or death caused by an unconfined animal.

i. A local authority acting reasonably to euthanize an animal, if at the time of the euthanasia, 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.

j. A research facility, as defined in [section 162.2](#), if the research facility has been issued or renewed a valid authorization by the department pursuant to [chapter 162](#), and the research facility performs functions within the scope of accepted practices and disciplines associated with the research facility.

k. An act required to be carried out by a commercial establishment to care for an animal in its possession or under its control as described in [section 162.10A, subsection 1](#), provided that the commercial establishment complies with applicable standard of care requirements pursuant to [subsections 1 and 2](#) of that section.

3. 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 such an offense alleged to have been committed by a child under the age of seventeen.

4. A person who commits animal torture is guilty of an aggravated misdemeanor.

5. Notwithstanding [subsection 4](#), a person who commits animal torture is guilty of a class "D" felony if the person has previously been convicted of committing animal abuse pursuant to [section 717B.2](#), animal neglect punishable as a serious misdemeanor or aggravated misdemeanor pursuant to [section 717B.3](#), animal torture pursuant to [this section](#), injury to or interference with a police service dog pursuant to [section 717B.9](#), bestiality pursuant to [section 717C.1](#), or an act involving a contest event prohibited in [section 717D.2](#).

2000 Acts, ch 1152, §3; 2008 Acts, ch 1058, §22; 2020 Acts, ch 1111, §7

Referred to in §162.10A, 232.8, 717B.1, 717B.2, 717B.3, 717B.3B

### **717B.3B Animal mistreatment — court order — evaluation and treatment.**

1. At the time of a person's conviction for committing a public offense constituting animal mistreatment, a court may enter an order requiring the person to undergo a psychological or psychiatric evaluation and to undergo any treatment that the court determines to be appropriate after due consideration of the evaluation.

2. Notwithstanding [subsection 1](#), the court shall enter an order described in that subsection, if the convicted person is any of the following:

a. A juvenile.

b. An adult convicted of animal abuse punishable as an aggravated misdemeanor or class “D” felony pursuant to [section 717B.2](#), animal neglect punishable as an aggravated misdemeanor or class “D” felony pursuant to [section 717B.3](#), or animal torture pursuant to [section 717B.3A](#).

3. The costs of undergoing a psychological or psychiatric evaluation and undergoing any treatment ordered by the court shall be borne by the convicted person, unless the person is a juvenile.

4. An order made under [this section](#) is in addition to any other order or sentence of the court.

5. Any violation of the court order shall be punished as contempt of court pursuant to [chapter 665](#).

[2020 Acts, ch 1111, §8](#)

#### **717B.4 Dispositional proceedings.**

1. Upon a petition brought by a local authority, a court in the county where an animal is maintained by a responsible party or a local authority shall determine if the animal is a threatened animal and order its disposition after a hearing.

a. The matter shall be heard within ten days from the filing of the petition for disposition by the local authority.

b. If the animal has been rescued, the court may order that the animal be placed under the custody of the local authority and maintained in the same manner as a rescued animal under [section 717B.5](#).

c. The court may continue the hearing for up to thirty days upon petition by the responsible party. However, the court shall not grant a continuance unless the animal is maintained by the local authority. The responsible party must post a bond or other security with the local authority as a condition of the continuance. The amount of the bond or other security shall be determined by the court, which shall not be more than the amount sufficient to provide maintenance of the animal for thirty days. The court may grant a subsequent continuance upon petition by the responsible party. The continuance shall be for not more than thirty days. The responsible party must post a new bond or security as a condition of the subsequent continuance in the same manner as the original bond or security or as otherwise ordered by the court. However, the court shall order the immediate disposition of the animal if the animal is permanently distressed by disease or injury to a degree that would result in severe or prolonged suffering.

2. The hearing to determine if the animal is a threatened animal for purposes of disposition shall be a civil proceeding. If the case is related to a criminal proceeding, the disposition shall not be part of that proceeding and shall not be considered a criminal penalty imposed on a person found in violation of [this chapter](#).

3. If the court determines that an animal is not a threatened animal, the court shall order that the animal be returned to the custody of the responsible party. If the court determines that an animal is a threatened animal, the court shall order the local authority to dispose of the threatened animal in any manner deemed appropriate for the welfare of the animal. In addition, all of the following apply:

a. The court may order the responsible party to pay an amount which shall not be more than the dispositional expenses incurred by the local authority. The court may also award the local authority court costs, reasonable attorney fees and expenses related to the investigation and prosecution of the case, which shall be taxed as part of the costs of the action.

b. If a bond or other security was posted as a condition for a continuance of a disposition hearing as provided in [this section](#), the local authority may use the posted amount to offset the local authority’s dispositional expenses.

c. If any moneys are realized from the disposition of a threatened animal, the moneys shall be used to offset the local authority’s dispositional expenses before satisfying indebtedness secured by any security interest in or lien on the threatened animal.

d. If the threatened animal is owned by more than one responsible party, the amount required to offset the local authority's dispositional expenses shall be prorated among the responsible parties based on the percentage of interest owned in the threatened animal attributable to the responsible parties as the threatened animal's titleholders. For purposes of this paragraph, a responsible party who does not own an interest in the threatened animal shall be deemed to be an owner holding a percentage interest in the animal equal to the largest percentage interest held by a landowner who is attributed an interest as the threatened animal's titleholder. If the responsible party is a landowner, the local authority may submit the amount to reimburse the local authority for its dispositional expenses to the clerk of the county board of supervisors who shall report the amount to the county treasurer. If the threatened animal is owned by more than one landowner, the amount shall be prorated among the landowners based on the percentage of interest owned in the threatened animal attributable to each landowner as the animal's titleholders. The amount shall be placed upon the tax books, and collected with interest and penalties after due, in the same manner as other unpaid property taxes. The county shall reimburse a city within thirty days from the collection of the property taxes.

4. A threatened animal that is ordered by a court to be destroyed under [this section](#) shall be destroyed only by euthanasia as defined in [section 162.2](#).

[94 Acts, ch 1103, §15](#); [2002 Acts, ch 1130, §3](#)

Referred to in [§602.6405, 717B.1, 717B.5, 717D.5, 717F.5](#)

#### **717B.5 Rescue of threatened animals.**

A local authority may provide for the rescue of an animal as follows:

1. The rescue must be made by a law enforcement officer having cause to believe that the animal is a threatened animal after consulting with a veterinarian licensed pursuant to [chapter 169](#). The law enforcement officer may rescue the animal by entering on public or private property, as provided in [this subsection](#). The officer may enter onto property of a person to rescue the animal if the officer obtains a search warrant issued by a court, or enters onto the premises in a manner consistent with the laws of this state and the United States, including [Article I, section 8, of the Constitution of the State of Iowa](#), or the fourth amendment to the Constitution of the United States.

2. a. If an animal is rescued pursuant to [this section](#), the local authority shall provide for the maintenance of the animal. The local authority may contract with an animal care provider for the maintenance of the animal. The local authority shall provide the responsible party for the animal with notice of the rescue. The notice may be accomplished by doing any of the following:

(1) Delivering written notice to the responsible party's last known address by the United States postal service or personal service.

(2) Posting a notice in a conspicuous place at the location where the animal was rescued.

b. The notice shall state that the animal has been rescued by the local authority pursuant to [this section](#).

3. Within ten days after the date that an animal is rescued, the local authority shall initiate a dispositional proceeding pursuant to [section 717B.4](#).

4. The local authority shall pay the animal care provider for the animal's maintenance regardless of proceeds received from the disposition of the animal or any reimbursement ordered by a court, pursuant to [section 717B.4](#).

[94 Acts, ch 1103, §16](#); [2002 Acts, ch 1130, §4](#); [2013 Acts, ch 30, §261](#)

Referred to in [§717B.1, 717B.4](#)

#### **717B.6 Destruction and disposition of wild animals.**

A person may humanely destroy a wild animal as defined in [section 481A.1](#), if the wild animal is permanently distressed by injury or disease to a degree that results in severe and prolonged suffering. The destroyed animal shall be subject to disposition as provided by rules adopted by the natural resource commission pursuant to [chapter 17A](#).

[94 Acts, ch 1103, §17](#)

**717B.7** Repealed by [2002 Acts, ch 1130, §10](#). See [chapter 717D](#).

**717B.8 Abandonment of cats and dogs — penalties.**

1. A person commits animal abandonment if the person owns or has custody of a cat or dog and relinquishes all rights in and duties to care for the cat or dog.

2. [This section](#) does not apply to any of the following:

a. The delivery of a cat or dog to another person who will accept ownership and custody of the cat or dog.

b. The delivery of a cat or dog to an animal shelter or pound as defined in [section 162.2](#) that has been issued or renewed a valid authorization by the department under [chapter 162](#).

c. A person who relinquishes custody of a cat at a location in which the person does not hold a legal or equitable interest, if previously the person had taken custody of the cat at the same location and provided for the cat's sterilization by a veterinarian.

3. a. A person who commits animal abandonment that does not cause injury or death to an animal is guilty of a simple misdemeanor.

b. A person who commits animal abandonment that causes injury other than serious injury or death to an animal is guilty of a serious misdemeanor.

c. A person who commits animal abandonment that causes serious injury or death to an animal is guilty of an aggravated misdemeanor.

[94 Acts, ch 1103, §19; 2020 Acts, ch 1111, §9](#)

Referred to in [§717B.1](#)

**717B.9 Injury or interference with a police service dog.**

1. A person who knowingly, and willfully or maliciously torments, strikes, administers a nonpoisonous desensitizing substance to, or otherwise interferes with a police service dog, without inflicting serious injury on the dog, commits a serious misdemeanor.

2. A person who knowingly, and willfully or maliciously does any of the following commits a class "D" felony:

a. Tortures a police service dog.

b. Injures, so as to disfigure or disable, a police service dog.

c. Sets a booby trap device for purposes of injuring, so as to disfigure or disable, or killing a police service dog.

d. Pays or agrees to pay a bounty for purposes of injury, so as to disfigure or disable, or killing a police service dog.

e. Kills a police service dog.

f. Administers poison to a police service dog.

3. As used in [this section](#), "*police service dog*" means a dog used by a peace officer or correctional officer in the performance of the officer's duties, whether or not the dog is on duty.

4. [This section](#) does not apply to a peace officer or veterinarian who terminates the life of such a dog for the purpose of relieving the dog of undue pain or suffering, or to a person who justifiably acts in defense of self or another.

[94 Acts, ch 1103, §20; 95 Acts, ch 107, §1](#)

Referred to in [§717B.1](#), [717B.2](#), [717B.3](#), [717B.3A](#)