



IOWA HOUSE DEMOCRATS

BILL SUMMARY

Animal Mistreatment HF 737

Status of Bill: House Calendar
Committee: Judiciary Committee (19-1)
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Lead Democrat: Rep. Paustian
Floor Manager: Rep. Wolfe

Bill Summary

The bill makes changes to crimes related to animal mistreatment.

Animal Mistreatment – Abuse

HF 737 changes the crime of animal abuse. Under current law, a person is guilty of animal abuse if the person intentionally injures, maims, disfigures, or destroys an animal owned by another person. The bill defines animal abuse is when a person intentionally, knowingly, or reckless acts to inflict injury, serious injury, or death on an animal by force, violence, or poisoning. A person that commits animal abuse that causes an injury that is not a serious injury or death is guilty of a serious misdemeanor. A serious misdemeanor is punishable by incarceration of up to 1 year and a fine of up to \$1,875. Animal abuse that causes serious injury or death to an animal is an aggravated misdemeanor. An aggravated misdemeanor is punishable by incarceration of up to 2 years and a fine of up to \$6,250. If the person has previously been convicted of committing similar crimes against animals and commits animal abuse that results in in serious injury or death to the animal, the penalty for animal abuse is increased to a class “D” felony. A class “D” felony is punishable by up to 5 years in prison and a fine of up to \$7,500.

There are exceptions for:

- An owner of an animal, or someone acting for the owner, who euthanizes an animal in a reasonable manner if the animal is in a state of permanent pain or suffering.
- A person acting to carry out an order issued by a court.
- A veterinarian.
- A person acting carrying out another provision of the law which allows the conduct.
- A person taking, hunting, trapping, or fishing for a wild animal.
- A person acting to protect the person’s property from a wild animal.
- A person acting to protect a person from injury or death caused by a wild animal.
- A person reasonably acting to protect the person’s property from damage caused by an unconfined animal.
- A person reasonably acting to protect a person from injury or death caused by an unconfined animal.
- A local authority reasonably acting to destroy an animal if 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.
- A research facility that has been issued a valid authorization by IDALS to perform functions within the scope of accepted practices and disciplines associated with the research facility.
- An act by a commercial establishment to care for an animal in its possession provided the establishment complies with applicable standards of care.

Animal Abuse - Neglect

Changes the crime of animal neglect. Under current law a person is guilty of animal neglect if the person impounds or confines in any place an animal and fails to provide sufficient food or water, shelter, or tortures the animal. HF 737 makes it a crime to own or have custody of an animal and confine and fail to supply the animal with:

- Access to food
- Access to a supply of potable water. Access to snow or water is not sufficient under the bill.
- Sanitary conditions free from excess animal waste or overcrowding.
- Ventilated shelter. The shelter must protect the animal from wind, rain, snow, or sun and have adequate bedding from cold and dampness. The shelter may include a residence, garage, barn, shed, or doghouse.
- Grooming.
- Veterinary care.

There is an exemption from these requirements for a research facility.

Animal neglect that causes an injury other than a serious injury or death is a serious misdemeanor. A serious misdemeanor is punishable by incarceration of up to 1 year and a fine of up to \$1,875. Animal neglect that causes serious injury or death to an animal is an aggravated misdemeanor. An aggravated misdemeanor is punishable by incarceration of up to 2 years and a fine of up to \$6,250. If a person has previously committed an animal mistreatment crime and commits animal neglect that causes the serious injury or death of an animal it is a class "D" felony. A class "D" felony is punishable by up to 5 years in prison and a fine of up to \$7,500.

Animal Torture

HF 737 makes changes to the crime of animal torture. Under current law, animal torture is when a person inflicts upon an animal severe physical pain with a depraved or sadistic intent to cause prolonged suffering or death. The bill changes animal torture to be when a person intentionally or knowingly inflicts on an animal severe and prolonged and repeated physical pain that causes the animal's serious injury or death. Animal torture is a class "D" felony. A class "D" felony is punishable by up to 5 years in prison and a fine of up to \$7,500. If the person has been previously convicted of an animal mistreatment crime, the animal torture is a class "C" felony. A class "C" felony is punishable by up to 10 years in prison and a fine up to \$10,000.

There are exemptions for:

- A person carrying out an order issued by a court.
- A veterinarian.
- A person acting in order to carry out another provision of the law.
- A person taking, hunting, trapping, or fishing for a wild animal.
- A person acting to protect the person's property from a wild animal.
- A person acting to protect a person from bodily harm or death caused by a wild animal.
- A person acting reasonably to protect the person's property from damages caused by an unconfined animal.
- A person acting reasonably to protect a person from bodily harm or death caused by an unconfined animal.
- A local authority acting reasonably to euthanize an animal if an owner is absent or unable to care for an animal and the animal is permanently distressed by disease or injury.
- A research facility that has been permitted by IDALS and performs functions within the scope of accepted practices and disciplines associated with the research facility.
- An act by a commercial establishment to care for an animal in its possession provided the establishment complies with applicable standards of care.

Animal Abandonment

Under current law, a person commits animal abandonment if the person has ownership or custody of a cat or dog and abandons the cat or dog. HF 737 instead makes animal abandonment when a person who owns or has custody of a cat or dog relinquishes all rights and duties to the cat or dog. If the person does not cause injury or death to the animal, it is a simple misdemeanor. A simple misdemeanor is punishable by up to 30 days in jail and a fine up to \$625. If there is an injury to other than a serious injury or death of the animal it is a serious misdemeanor. A serious misdemeanor is punishable by incarceration of up to 1 year and a fine of up to \$1,875. If the animal abandonment causes a serious injury or death to the animal it is an aggravated misdemeanor. An aggravated misdemeanor is punishable by incarceration of up to 2 years and a fine of up to \$6,250.

There are exemptions for:

- The delivery of a cat or dog to another person who will accept ownership and custody.
- The delivery of a cat or dog to an animal shelter or pound.
- Returning a cat to where the person took custody of the cat .

Animal Mistreatment – Court Ordered Evaluation and Treatment

The bill creates new provisions allowing a court to require a person to undergo evaluation and treatment. At the time of the person's conviction for committing an animal mistreatment crime, a court may enter an order requiring the person to undergo a psychological or psychiatric evaluation and to undergo treatment. The court must order an order for evaluation or treatment if the convicted person is a juvenile, a person convicted of an aggravated misdemeanor or felony animal abuse, an aggravated misdemeanor or felony animal neglect, or animal torture. The costs of the evaluation and treatment must be paid by the convicted person, unless the person is a juvenile. Any violation of this order is punished as a contempt of court.

Tampering with a Rabies Vaccination Tag

HF 737 creates a new crime for tampering with a rabies vaccination tag. A person commits the offense of tampering with a rabies vaccination tag if the person knowingly removes, damages, or destroys a rabies vaccination tag and the vaccination tag is attached to a collar worn by a dog. A first conviction is a simple misdemeanor. A simple misdemeanor is punishable by up to 30 days in jail and a fine up to \$625. A second or subsequent conviction is a serious misdemeanor. A serious misdemeanor is punishable by incarceration of up to 1 year and a fine of up to \$1,875.

There are exceptions for:

- The owner of a dog, the agent of an owner, or a person authorized to take action for the owner.
- A peace officer.
- A veterinarian.
- An animal shelter or pound.

Tampering with an Electronic Handling Device

The bill creates a new criminal offense for tampering with an electronic handling device if the person knowingly removes, disables, or destroys an electric device designed and used to maintain custody or control of a dog or modify the dog's behavior and the device is attached to or worn by a dog. A first offense is a simple misdemeanor. A simple misdemeanor is punishable by up to 30 days in jail and a fine up to \$625. A second or subsequent conviction is a serious misdemeanor. A serious misdemeanor is punishable by incarceration of up to 1 year and a fine of up to \$1,875.

There are exceptions for:

- The owner of a dog, the agent of an owner, or a person authorized to take action for the owner.

- A peace officer.
- A veterinarian.
- An animal shelter or pound.

Preserve Whitetail Exemption

The definition of an animal for these new criminal offenses is updated so that animal does not include preserve whitetail deer.