



HOUSE OF REPRESENTATIVES

HB 2587

livestock; animal cruelty; violation

Sponsors: Representatives Barton, Brophy McGee, Escamilla, et al.

DPA Committee on Agriculture and Water

DPA Caucus and COW

X House Engrossed

OVERVIEW

HB 2587 reorganizes language regarding livestock and poultry cruelty in a new section of statute under Arizona Revised Statutes (A.R.S.) Title 3 and modifies current statutes regarding animal cruelty including increased penalties for repeat offenders, exemptions and new acts that constitute animal cruelty.

HISTORY

A.R.S. § 13-2910 governs and defines cruelty to animals. Current statute states that if any person intentionally subjects an animal to cruel neglect, abandonment or leaves an animal unattended and confined in a motor vehicle with a likely result of physical injury is subject to a Class 1 misdemeanor.

In addition, current statute states any person who intentionally subjects an animal to cruel neglect or abandonment that results in serious injury to the animal, cruel mistreatment, killing or harming another person's animal or service animal without legal privilege or consent or allowing a dog under the person's control to kill or physically harm a service animal is subject to a Class 6 felony.

PROVISIONS

Livestock and Poultry Cruelty

- Adds a new statute in A.R.S Title 3 regarding livestock and poultry cruelty, exceptions, violations, classifications and a definition that stipulate the following:
 - A person must not knowingly, intentionally or recklessly cause injury or undue suffering.
 - Requires law enforcement entities to notify the Arizona Department of Agriculture (ADA) of an investigation involving animal cruelty pursuant to Title 3.
 - A county, city or town cannot enact an ordinance that relates to the treatment of livestock or animal husbandry practices that is more prohibitive or restrictive than this section.
 - This section does not apply to normal, good husbandry practices that are used by a person in the production of food, to a work animal or to the extermination of an undesirable pest.
 - This section does not prohibit the humane slaughter or euthanization of livestock.
 - A person who violates this section is guilty of a Class 1 misdemeanor and a second or subsequent violation is guilty of a Class 6 felony.
 - For the purposes of this section, *torturing or tormenting* means every act whereby the wilful and malicious infliction of pain or suffering is caused, permitted or allowed to continue when there is a reasonable remedy of relief.

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- Limits the animals that are the subject of animal cruelty violations under Title 3 to animals that are part of an agricultural operation regulated by the ADA. All other animals continue to be regulated under Title 13, including companion animals.
- Removes work animals from the exemptions to the Title 3 animal cruelty statutes.

Animal Cruelty

- Adds intentionally or knowingly hoarding animals to the acts classified as cruelty to animals.
- Excludes from this section lawful activities involving the possession, training, transport, exhibition or use of the animal in the otherwise lawful pursuits of licensed, permitted or regulated hunting, ranching, farming, rodeos, shows, fairs, auctions and security services.
- Allows the court prior to sentencing, to require a person to undergo a psychological evaluation and, if appropriate, order the person to attend counseling at the person's own expense.
- Establishes increased penalties for repeat offenders of this section.
- Removes livestock and poultry from the definition of *animal* within Title 13.
- Makes changes to the definitions of *working animal* and *cruel neglect*.
- Defines *hoards animals*.
- Makes technical and conforming changes.