

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HOUSE BILL 2150

AN ACT

AMENDING TITLE 3, CHAPTER 11, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 3-1313; AMENDING SECTION 13-2910, ARIZONA REVISED STATUTES; RELATING TO ANIMAL CRUELTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 3, chapter 11, article 4, Arizona Revised Statutes,
3 is amended by adding section 3-1313, to read:

4 3-1313. Livestock or poultry cruelty; exception; violation;
5 classification; definition

6 A. A PERSON SHALL NOT INTENTIONALLY, KNOWINGLY OR RECKLESSLY CAUSE
7 INJURY OR UNDUE SUFFERING TO LIVESTOCK OR POULTRY, INCLUDING DEPRIVING OF
8 NECESSARY SUSTENANCE OR UNNECESSARILY OR CRUELLY BEATING, INJURING OR
9 MUTILATING ANY LIVESTOCK OR POULTRY.

10 B. A PERSON SHALL NOT INTENTIONALLY TORTURE OR TORMENT LIVESTOCK OR
11 POULTRY.

12 C. THE DIRECTOR OR THE DIRECTOR'S DESIGNEE SHALL BE NOTIFIED OF ANY
13 INVESTIGATION OF AN ALLEGED VIOLATION OF THIS SECTION AND AFTER BEING
14 NOTIFIED OF THE INVESTIGATION MAY CHOOSE TO PARTICIPATE OR NOT PARTICIPATE IN
15 THE INVESTIGATION.

16 D. A COUNTY, CITY OR TOWN SHALL NOT ENACT AN ORDINANCE THAT RELATES TO
17 THE TREATMENT OF LIVESTOCK OR POULTRY OR ANIMAL HUSBANDRY PRACTICES THAT IS
18 MORE PROHIBITIVE OR RESTRICTIVE THAN THIS SECTION.

19 E. THIS SECTION DOES NOT APPLY TO NORMAL, GOOD HUSBANDRY PRACTICES
20 THAT ARE USED BY A PERSON IN THE PRODUCTION OF FOOD OR TO THE OTHERWISE
21 LAWFUL EXTERMINATION OF AN INSECT OR ANIMAL THAT IS DESTRUCTIVE TO FOOD,
22 CROPS OR LIVESTOCK.

23 F. THIS SECTION DOES NOT PROHIBIT THE HUMANE SLAUGHTER OR
24 EUTHANIZATION OF LIVESTOCK OR POULTRY PURSUANT TO THIS TITLE.

25 G. A PERSON WHO OWNS OR HOLDS LIVESTOCK OR POULTRY THAT IS NOT PART OF
26 AN AGRICULTURAL OPERATION THAT IS REGULATED BY THE DEPARTMENT UNDER THIS
27 TITLE MAY BE PROSECUTED FOR CRUELTY TO ANIMALS PURSUANT TO SECTION 13-2910.

28 H. AN INTENTIONAL OR KNOWING VIOLATION OF SUBSECTION A OF THIS SECTION
29 THAT RESULTS IN DEATH OR SERIOUS PHYSICAL INJURY OR A VIOLATION OF SUBSECTION
30 B OF THIS SECTION IS A CLASS 6 FELONY. ANY OTHER VIOLATION OF SUBSECTION A
31 OF THIS SECTION IS A CLASS 1 MISDEMEANOR, EXCEPT THAT A SECOND OR SUBSEQUENT
32 VIOLATION IS A CLASS 6 FELONY.

33 I. FOR THE PURPOSES OF THIS SECTION, "TORTURE OR TORMENT" MEANS EVERY
34 ACT WHEREBY THE INFLECTION OF PAIN OR SUFFERING IS CAUSED, PERMITTED OR
35 ALLOWED TO CONTINUE WHEN THERE IS A REASONABLE REMEDY OR RELIEF.

36 Sec. 2. Section 13-2910, Arizona Revised Statutes, is amended to read:

37 13-2910. Cruelty to animals; interference with working or
38 service animal; classification; definitions

39 A. A person commits cruelty to animals if the person does any of the
40 following:

41 1. Intentionally, knowingly or recklessly subjects any animal under
42 the person's custody or control to cruel neglect or abandonment.

- 1 2. Intentionally, knowingly or recklessly fails to provide medical
2 ~~attention~~ CARE AND TREATMENT necessary to prevent ~~protracted~~ UNREASONABLE
3 suffering to any animal under the person's custody or control.
- 4 3. Intentionally, knowingly or recklessly inflicts unnecessary
5 physical injury to any animal.
- 6 4. Recklessly subjects OR PERMITS ANOTHER PERSON TO SUBJECT any animal
7 UNDER THE PERSON'S CUSTODY OR CONTROL to cruel mistreatment.
- 8 5. Intentionally, knowingly or recklessly kills any animal under the
9 custody or control of another person without either legal privilege or
10 consent of the owner.
- 11 6. Recklessly interferes with, kills or harms a working or service
12 animal without either legal privilege or consent of the owner.
- 13 7. Intentionally, knowingly or recklessly leaves an animal unattended
14 and confined in a motor vehicle and physical injury to or death of the animal
15 is likely to result.
- 16 8. Intentionally or knowingly subjects any animal under the person's
17 custody or control to cruel neglect or abandonment that results in serious
18 physical injury to the animal.
- 19 9. Intentionally or knowingly subjects OR PERMITS ANOTHER PERSON TO
20 SUBJECT any animal UNDER THE PERSON'S CUSTODY OR CONTROL to cruel
21 mistreatment.
- 22 10. Intentionally or knowingly interferes with, kills or harms a
23 working or service animal without either legal privilege or consent of the
24 owner.
- 25 11. Intentionally or knowingly allows any dog that is under the
26 person's custody or control to interfere with, kill or cause physical injury
27 to a service animal.
- 28 12. Recklessly allows any dog that is under the person's custody or
29 control to interfere with, kill or cause physical injury to a service animal.
- 30 13. Intentionally or knowingly obtains or exerts unauthorized control
31 over a service animal with the intent to deprive the service animal handler
32 of the service animal.
- 33 14. INTENTIONALLY, KNOWINGLY OR RECKLESSLY HOARDS ANIMALS.
- 34 B. It is a defense to subsection A of this section if:
- 35 1. Any person exposes poison to be taken by a dog that has killed or
36 wounded livestock or poison to be taken by predatory animals on premises
37 owned, leased or controlled by the person for the purpose of protecting the
38 person or the person's livestock or poultry, the treated property is kept
39 posted by the person who authorized or performed the treatment until the
40 poison has been removed and the poison is removed by the person exposing the
41 poison after the threat to the person or the person's livestock or poultry
42 has ceased to exist. The posting required shall provide adequate warning to
43 persons who enter the property by the point or points of normal entry. The
44 warning notice that is posted shall be readable at a distance of fifty feet,

1 shall contain a poison statement and symbol and shall state the word "danger"
2 or "warning".

3 2. Any person uses poisons in and immediately around buildings owned,
4 leased or controlled by the person for the purpose of controlling wild and
5 domestic rodents as otherwise allowed by the laws of the state, excluding any
6 fur-bearing animals as defined in section 17-101.

7 C. This section does not prohibit or restrict:

8 1. The taking of wildlife or other activities permitted by or pursuant
9 to title 17.

10 2. Activities permitted by or pursuant to title 3.

11 3. Activities regulated by the Arizona game and fish department or the
12 Arizona department of agriculture.

13 4. **LAWFUL ACTIVITIES INVOLVING THE POSSESSION, TRAINING, TRANSPORT,
14 EXHIBITION OR USE OF THE ANIMAL IN THE OTHERWISE LAWFUL PURSUITS OF LICENSED,
15 PERMITTED OR REGULATED HUNTING, RANCHING, FARMING, RODEOS, LIVESTOCK SHOWS,
16 FAIRS, LIVESTOCK AUCTIONS AND SECURITY SERVICES.**

17 D. A peace officer, animal control enforcement agent or animal control
18 enforcement deputy may use reasonable force to open a vehicle to rescue an
19 animal if the animal is left in the vehicle as prescribed in subsection A,
20 paragraph 7 of this section.

21 E. A person who is convicted of a violation of subsection A, paragraph
22 6 or 10 of this section is liable as follows:

23 1. If the working or service animal was killed or disabled, to the
24 owner or agency that owns the working or service animal and that employs the
25 handler or to the owner or handler for the replacement and training costs of
26 the working or service animal and for any veterinary bills.

27 2. To the owner or agency that owns a working or service animal for
28 the salary of the handler for the period of time that the handler's services
29 are lost to the owner or agency.

30 3. To the owner for the owner's contractual losses with the agency.

31 F. An incorporated city or town or a county may adopt an ordinance
32 with misdemeanor provisions at least as stringent as the misdemeanor
33 provisions of this section, except that any ordinance adopted shall not
34 prohibit or restrict any activity involving a dog, whether the dog is
35 restrained or not, if the activity is directly related to the business of
36 shepherding or herding livestock and the activity is necessary for the safety
37 of a human, the dog or livestock or is permitted by or pursuant to title 3.

38 **G. BEFORE SENTENCING, THE COURT MAY REQUIRE A PERSON TO UNDERGO A
39 PSYCHOLOGICAL EVALUATION AND, IF APPROPRIATE, ORDER THE PERSON TO ATTEND
40 COUNSELING AT THE PERSON'S OWN EXPENSE.**

41 ~~G.~~ H. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, 6,
42 7, ~~or~~ 12 OR 14 of this section is guilty of a class 1 misdemeanor. **A PERSON
43 WHO COMMITS A SECOND OR SUBSEQUENT VIOLATION OF SUBSECTION A, PARAGRAPH 1, 2,
44 3, 4, 5, 6, 7, 12 OR 14 OF THIS SECTION IS GUILTY OF A CLASS 6 FELONY. A**

1 person who violates subsection A, paragraph 8, 9, 10, 11 or 13 of this
2 section is guilty of a class 6 felony.

3 ~~H.~~ I. For the purposes of this section:

4 1. "Animal" means a mammal, bird, reptile or amphibian. ANIMAL DOES
5 NOT INCLUDE LIVESTOCK AS DEFINED IN SECTION 3-1201 AND POULTRY AS DEFINED IN
6 SECTION 3-2151 THAT ARE PART OF AN AGRICULTURAL OPERATION THAT IS REGULATED
7 BY THE ARIZONA DEPARTMENT OF AGRICULTURE PURSUANT TO TITLE 3.

8 2. "Cruel mistreatment" means to torture or otherwise inflict
9 unnecessary serious physical injury on an animal or to kill an animal in a
10 manner that causes ~~protracted~~ UNREASONABLE suffering to the animal.

11 3. "Cruel neglect" means to ABANDON AN ANIMAL OR TO fail to provide an
12 animal with necessary food, ~~—~~ THAT IS APPROPRIATE FOR THE SPECIES AND FIT FOR
13 CONSUMPTION AND water THAT IS SUITABLE FOR DRINKING or shelter THAT IS
14 APPROPRIATE FOR THE ANIMAL OR WEATHER CONDITIONS.

15 4. "Handler" means a law enforcement officer or any other person who
16 has successfully completed a course of training prescribed by the person's
17 agency or the service animal owner and who used a specially trained animal
18 under the direction of the person's agency or the service animal owner.

19 5. "HOARDS ANIMALS" MEANS TO POSSESS ANIMALS IN A QUANTITY AND MANNER
20 THAT FAILS TO PROVIDE MINIMAL STANDARDS OF NUTRITION, SANITATION AND MEDICAL
21 CARE OR TREATMENT.

22 ~~5.~~ 6. "Service animal" means an animal that has completed a formal
23 training program, that assists its owner in one or more daily living tasks
24 that are associated with a productive lifestyle and that is trained to not
25 pose a danger to the health and safety of the general public.

26 ~~6.~~ 7. "Working animal" means a horse, ~~or~~ A dog OR ANOTHER GUARDIAN
27 ANIMAL that is used by a law enforcement agency OR AN AGRICULTURE OPERATION,
28 that is specially trained for law enforcement work OR ANIMAL HUSBANDRY
29 PRACTICES and that is under the control of a handler.