

State of Arizona  
Senate  
Fifty-second Legislature  
Second Regular Session  
2016

# SENATE BILL 1227

AN ACT

AMENDING SECTIONS 13-2910 AND 13-4281, 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. Section 13-2910, Arizona Revised Statutes, is amended to  
3 read:

4 13-2910. Cruelty to animals; interference with working or  
5 service animal; classification; definitions

6 A. A person commits cruelty to animals if the person does any of the  
7 following:

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

10 2. Intentionally, knowingly or recklessly fails to provide medical  
11 attention necessary to prevent protracted suffering to any animal under the  
12 person's custody or control.

13 3. Intentionally, knowingly or recklessly inflicts unnecessary  
14 physical injury to any animal.

15 4. Recklessly subjects any animal to cruel mistreatment.

16 5. Intentionally, knowingly or recklessly kills any animal under the  
17 custody or control of another person without either legal privilege or  
18 consent of the owner.

19 6. Recklessly interferes with, kills or harms a working or service  
20 animal without either legal privilege or consent of the owner.

21 7. Intentionally, knowingly or recklessly leaves an animal unattended  
22 and confined in a motor vehicle and physical injury to or death of the animal  
23 is likely to result.

24 8. Intentionally or knowingly subjects any animal under the person's  
25 custody or control to cruel neglect or abandonment that results in serious  
26 physical injury to the animal.

27 9. Intentionally or knowingly subjects any animal to cruel  
28 mistreatment.

29 10. Intentionally or knowingly interferes with, kills or harms a  
30 working or service animal without either legal privilege or consent of the  
31 owner.

32 11. Intentionally or knowingly allows any dog that is under the  
33 person's custody or control to interfere with, kill or cause physical injury  
34 to a service animal.

35 12. Recklessly allows any dog that is under the person's custody or  
36 control to interfere with, kill or cause physical injury to a service animal.

37 13. Intentionally or knowingly obtains or exerts unauthorized control  
38 over a service animal with the intent to deprive the service animal handler  
39 of the service animal.

40 B. It is a defense to subsection A of this section if:

41 1. Any person exposes poison to be taken by a dog that has killed or  
42 wounded livestock or poison to be taken by predatory animals on premises  
43 owned, leased or controlled by the person for the purpose of protecting the  
44 person or the person's livestock or poultry, the treated property is kept  
45 posted by the person who authorized or performed the treatment until the

1 poison has been removed and the poison is removed by the person exposing the  
2 poison after the threat to the person or the person's livestock or poultry  
3 has ceased to exist. The posting required shall provide adequate warning to  
4 persons who enter the property by the point or points of normal entry. The  
5 warning notice that is posted shall be readable at a distance of fifty feet,  
6 shall contain a poison statement and symbol and shall state the word "danger"  
7 or "warning".

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

12 C. This section does not prohibit or restrict:

13 1. The taking of wildlife or other activities permitted by or pursuant  
14 to title 17.

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

16 3. Activities regulated by the Arizona game and fish department or the  
17 Arizona department of agriculture.

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

22 E. A person who is convicted of a violation of subsection A, paragraph  
23 6 or 10 of this section is liable as follows:

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

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

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

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

39 G. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, 6, 7  
40 or 12 of this section is guilty of a class 1 misdemeanor. A person who  
41 **COMMITTS A SECOND OR SUBSEQUENT VIOLATION OF SUBSECTION A, PARAGRAPH 1, 2, 3,**  
42 **4, 5, 6, 7 OR 12 OF THIS SECTION OR WHO** violates subsection A, paragraph 8,  
43 9, 10, 11 or 13 of this section is guilty of a class 6 felony.

1 H. For the purposes of this section:

2 1. "Animal" means a mammal, bird, reptile or amphibian.

3 2. "Cruel mistreatment" means to torture or otherwise inflict  
4 unnecessary serious physical injury on an animal or to kill an animal in a  
5 manner that causes protracted suffering to the animal.

6 3. "Cruel neglect" means to fail to provide an animal with **necessary**  
7 food **THAT IS SUFFICIENT IN QUANTITY TO MEET THE NEEDS OF THE ANIMAL AND IS**  
8 **FIT FOR CONSUMPTION BY THE ANIMAL**, water **THAT IS SUITABLE FOR DRINKING AND IN**  
9 **SUFFICIENT QUANTITY TO MEET THE NEEDS OF THE ANIMAL** or shelter **THAT IS**  
10 **APPROPRIATE FOR THE ANIMAL AND THE WEATHER CONDITIONS WHERE THE ANIMAL IS**  
11 **KEPT**.

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

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

20 6. "Working animal" means a horse or dog that is used by a law  
21 enforcement agency, that is specially trained for law enforcement work and  
22 that is under the control of a handler.

23 Sec. 2. Section 13-4281, Arizona Revised Statutes, is amended to read:  
24 13-4281. Animal seizure; notification; forfeiture; bond;  
25 hearing; exceptions

26 A. A peace officer, county enforcement agent or animal control officer  
27 who lawfully seizes an animal pursuant to section 13-2910 shall affix a  
28 notice of seizure in a conspicuous place where the animal was found or  
29 personally deliver the notice of seizure to the owner or keeper of the  
30 animal, if known or ascertainable after reasonable investigation. The  
31 officer or agent shall file proof of service with the court. If it is  
32 determined that the suffering of the animal does not require humane  
33 destruction, the notice shall include the following:

34 1. The name, business address and telephone number of the person  
35 providing the notice.

36 2. A description of the seized animal.

37 3. The authority and purpose for the seizure, including the time,  
38 place and circumstance under which the animal was seized.

39 4. A statement that in order to receive a postseizure hearing the  
40 owner or person authorized to keep the animal, or the owner or person's  
41 agent, shall request the hearing by signing and returning to the court an  
42 enclosed declaration of ownership or right to keep the animal within ten  
43 days, including weekends and holidays, after the date of the notice.

44 5. A statement that the owner is responsible for the cost of care for  
45 an animal that was properly seized and that the owner is required to post a

1 bond in the amount of ~~twenty-five~~ TWO HUNDRED FIFTY dollars per animal with  
2 the court to defray the cost of care.

3 6. A warning that if the owner fails to post a bond within ten days  
4 after the seizure, the animal will be deemed abandoned and become the  
5 property of the seizing agency.

6 B. On receipt of a declaration of ownership and postseizure hearing  
7 request, the justice of the peace or city magistrate shall set a hearing date  
8 within fifteen business days. At the hearing, the seizing agency shall have  
9 the burden of establishing by a preponderance of evidence that the animal was  
10 subjected to cruel mistreatment, cruel neglect or abandonment in violation of  
11 section 13-2910 or will suffer needlessly if humane destruction is delayed.  
12 On this finding, the court may terminate the owner's rights in the animal and  
13 transfer the rights to the seizing agency or a designated animal care agency  
14 and shall forfeit the bond to pay the expenses incurred for the housing, care  
15 and treatment of the animal. If at the conclusion of the hearing the animal  
16 is not forfeited under this section, the court shall order the bond  
17 exonerated and returned to the owner.

18 C. If the owner or person authorized to keep the animal fails to post  
19 bond as prescribed by subsection A, paragraph 5 of this section, fails to  
20 request a hearing or fails to attend a scheduled hearing, the animal is  
21 deemed abandoned and all rights of the owner in the animal are transferred to  
22 the seizing agency.

23 D. This section does not apply to any of the following:

24 1. Activities permitted by or pursuant to title 3.

25 2. The seizure of an equine pursuant to section 3-1721.

26 3. A city, town or county that adopts or has adopted an ordinance or  
27 resolution providing for bonding and forfeiture of an animal that has  
28 suffered cruel mistreatment or cruel neglect if the ordinance or resolution  
29 imposes requirements that are equal TO or more stringent than this section.