

REFERENCE TITLE: animal cruelty; classification

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

SB 1281

Introduced by
Senator Kavanagh

AN ACT

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. 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 violates subsection A, paragraph 8, 9, 10, 11 or 13 of this section is guilty
42 of a class ~~6~~ 5 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, water or shelter.
- 8 4. "Handler" means a law enforcement officer or any other person who
- 9 has successfully completed a course of training prescribed by the person's
- 10 agency or the service animal owner and who used a specially trained animal
- 11 under the direction of the person's agency or the service animal owner.
- 12 5. "Service animal" means an animal that has completed a formal
- 13 training program, that assists its owner in one or more daily living tasks
- 14 that are associated with a productive lifestyle and that is trained to not
- 15 pose a danger to the health and safety of the general public.
- 16 6. "Working animal" means a horse or dog that is used by a law
- 17 enforcement agency, that is specially trained for law enforcement work and
- 18 that is under the control of a handler.