

REFERENCE TITLE: livestock; animal cruelty; violation

State of Arizona  
House of Representatives  
Fifty-first Legislature  
Second Regular Session  
2014

## **HB 2587**

Introduced by  
Representatives Barton, Brophy McGee, Escamilla, Gowan, Mitchell,  
Montenegro, Otondo, Shope, Thorpe, Senators Crandell, McGuire, Pancrazi,  
Pierce: Representatives Fann, Kwasman

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 LIVESTOCK.

(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 cruelty; exception; violation;  
5 classification; definition

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

10 B. ONLY THE DIRECTOR OR THE DIRECTOR'S DESIGNEE HAS THE AUTHORITY TO  
11 INVESTIGATE AN ALLEGED VIOLATION OF THIS SECTION.

12 C. ANY PERSON WHO POSSESSES A VIDEO, A PHOTOGRAPH OR OTHER EVIDENCE OF  
13 A VIOLATION OF THIS SECTION SHALL PROVIDE THE EVIDENCE TO THE DEPARTMENT  
14 WITHIN FIVE BUSINESS DAYS AFTER THE PERSON ACQUIRES THE EVIDENCE.

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

18 E. THIS SECTION DOES NOT APPLY TO NORMAL, GOOD HUSBANDRY PRACTICES  
19 THAT ARE USED BY A PERSON IN THE PRODUCTION OF FOOD, TO A WORK ANIMAL OR TO  
20 THE EXTERMINATION OF AN UNDESIRABLE PEST.

21 F. THIS SECTION DOES NOT PROHIBIT THE HUMANE SLAUGHTER OR  
22 EUTHANIZATION OF LIVESTOCK PURSUANT TO THIS TITLE.

23 G. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 1  
24 MISDEMEANOR.

25 H. FOR THE PURPOSES OF THIS SECTION, "TORTURING OR TORMENTING" MEANS  
26 EVERY ACT, INCLUDING ANY ACT INVOLVING OMISSION OR NEGLECT, WHEREBY THE  
27 WILFUL AND MALICIOUS INFLICTION OF PAIN OR SUFFERING IS CAUSED, PERMITTED OR  
28 ALLOWED TO CONTINUE WHEN THERE IS A REASONABLE REMEDY OR RELIEF.

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

30 13-2910. Cruelty to animals; interference with working or  
31 service animal; classification; definitions

32 A. A person commits cruelty to animals if the person does any of the  
33 following:

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

36 2. Intentionally, knowingly or recklessly fails to provide medical  
37 ~~attention~~ CARE AND TREATMENT necessary to prevent ~~protracted~~ UNREASONABLE  
38 suffering to any animal under the person's custody or control.

39 3. Intentionally, knowingly or recklessly inflicts unnecessary  
40 physical injury to any animal.

41 4. Recklessly subjects any animal to cruel mistreatment.

42 5. Intentionally, knowingly or recklessly kills any animal under the  
43 custody or control of another person without either legal privilege or  
44 consent of the owner.

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

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

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

9           9. Intentionally or knowingly subjects any animal to cruel  
10 mistreatment.

11          10. Intentionally or knowingly interferes with, kills or harms a  
12 working or service animal without either legal privilege or consent of the  
13 owner.

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

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

19          13. Intentionally or knowingly obtains or exerts unauthorized control  
20 over a service animal with the intent to deprive the service animal handler  
21 of the service animal.

22          14. **INTENTIONALLY OR KNOWINGLY HOARDS ANIMALS.**

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

24           1. Any person exposes poison to be taken by a dog that has killed or  
25 wounded livestock or poison to be taken by predatory animals on premises  
26 owned, leased or controlled by the person for the purpose of protecting the  
27 person or the person's livestock or poultry, the treated property is kept  
28 posted by the person who authorized or performed the treatment until the  
29 poison has been removed and the poison is removed by the person exposing the  
30 poison after the threat to the person or the person's livestock or poultry  
31 has ceased to exist. The posting required shall provide adequate warning to  
32 persons who enter the property by the point or points of normal entry. The  
33 warning notice that is posted shall be readable at a distance of fifty feet,  
34 shall contain a poison statement and symbol and shall state the word "danger"  
35 or "warning".

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

40           C. This section does not prohibit or restrict:

41           1. The taking of wildlife or other activities permitted by or pursuant  
42 to title 17.

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

44           3. Activities regulated by the Arizona game and fish department or the  
45 Arizona department of agriculture.

1           4. ACTIVITIES INVOLVING THE POSSESSION, TRAINING, TRANSPORT,  
2 EXHIBITION OR USE OF THE ANIMAL IN THE OTHERWISE LAWFUL PURSUITS OF HUNTING,  
3 RANCHING, FARMING, RODEOS, SHOWS, FAIRS, AUCTIONS AND SECURITY SERVICES.

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

8           E. A person who is convicted of a violation of subsection A, paragraph  
9 6 or 10 of this section is liable as follows:

10           1. If the working or service animal was killed or disabled, to the  
11 owner or agency that owns the working or service animal and that employs the  
12 handler or to the owner or handler for the replacement and training costs of  
13 the working or service animal and for any veterinary bills.

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

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

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

25           G. ANY PERSON WHO POSSESSES A VIDEO, A PHOTOGRAPH OR OTHER EVIDENCE OF  
26 A VIOLATION OF THIS SECTION SHALL PROVIDE THE EVIDENCE TO A LAW ENFORCEMENT  
27 AGENCY WITHIN FIVE DAYS AFTER THE PERSON ACQUIRES THE EVIDENCE.

28           H. BEFORE SENTENCING, THE COURT MAY REQUIRE A PERSON TO UNDERGO A  
29 PSYCHOLOGICAL EVALUATION AND, IF APPROPRIATE, ORDER THE PERSON TO ATTEND  
30 COUNSELING AT THE PERSON'S OWN EXPENSE.

31           ~~G.~~ I. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, 6,  
32 7, ~~or~~ 12 OR 14 of this section is guilty of a class 1 misdemeanor. A PERSON  
33 WHO COMMITS A SECOND OR SUBSEQUENT VIOLATION OF SUBSECTION A, PARAGRAPH 1, 2,  
34 3, 4, 5, 6, 7, 12 OR 14 OF THIS SECTION IS GUILTY OF A CLASS 6 FELONY. A  
35 person who violates subsection A, paragraph 8, 9, 10, 11 or 13 of this  
36 section is guilty of a class 6 felony. A PERSON WHO IS CONVICTED OF A SECOND  
37 OR SUBSEQUENT VIOLATION OF THIS SECTION MAY BE PROHIBITED FROM OWNING ANY  
38 TYPE OF ANIMAL.

39           ~~H.~~ J. For the purposes of this section:

40           1. "Animal" means a mammal, bird, reptile or amphibian. ANIMAL DOES  
41 NOT INCLUDE LIVESTOCK AS DEFINED IN SECTION 3-1201 OR POULTRY AS DEFINED IN  
42 SECTION 3-2151.

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

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

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

9           5. "HOARDS ANIMALS" MEANS TO SHELTER AN ANIMAL IN CONDITIONS THAT MAY  
10 CAUSE HARM TO THE HEALTH OR SAFETY OF THE ANIMAL OR OTHER ANIMALS.

11           ~~5-~~ 6. "Service animal" means an animal that has completed a formal  
12 training program, that assists its owner in one or more daily living tasks  
13 that are associated with a productive lifestyle and that is trained to not  
14 pose a danger to the health and safety of the general public.

15           ~~6-~~ 7. "Working animal" means a horse, ~~or~~ A dog OR ANOTHER GUARDIAN  
16 ANIMAL that is used by a law enforcement agency OR AN AGRICULTURE OPERATION,  
17 that is specially trained for law enforcement work OR ANIMAL HUSBANDRY  
18 PRACTICES and that is under the control of a handler.