

REFERENCE TITLE: crimes against livestock; poultry; animals

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

## **HB 2330**

Introduced by  
Representatives Barton, Gowan

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 CRIMES AGAINST ANIMALS.

(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 injury or suffering; exception;  
5 violation; 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 BEATING, INJURING OR MUTILATING ANY  
9 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 A VIOLATION OF 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.

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

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

1 domestic rodents as otherwise allowed by the laws of the state, excluding any  
2 fur-bearing animals as defined in section 17-101.

3 C. This section does not prohibit or restrict:

4 1. The taking of wildlife or other activities permitted by or pursuant  
5 to title 17.

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

7 3. Activities regulated by the Arizona game and fish department or the  
8 Arizona department of agriculture.

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

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

17 E. A person who is convicted of a violation of subsection A, paragraph  
18 6 or 10 of this section is liable as follows:

19 1. If the working or service animal was killed or disabled, to the  
20 owner or agency that owns the working or service animal and that employs the  
21 handler or to the owner or handler for the replacement and training costs of  
22 the working or service animal and for any veterinary bills.

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

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

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

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

37 ~~G.~~ H. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, 6,  
38 7, ~~or~~ 12 OR 14 of this section is guilty of a class 1 misdemeanor. **A PERSON  
39 WHO COMMITS A SECOND OR SUBSEQUENT VIOLATION OF SUBSECTION A, PARAGRAPH 1, 2,  
40 3, 4, 5, 6, 7, 12 OR 14 OF THIS SECTION IS GUILTY OF A CLASS 6 FELONY.** A  
41 person who violates subsection A, paragraph 8, 9, 10, 11 or 13 of this  
42 section is guilty of a class 6 felony.

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

44 1. "Animal" means a mammal, bird, reptile or amphibian. **ANIMAL DOES  
45 NOT INCLUDE LIVESTOCK AS DEFINED IN SECTION 3-1201 AND POULTRY AS DEFINED IN**

1 SECTION 3-2151 THAT ARE PART OF AN AGRICULTURAL OPERATION THAT IS REGULATED  
2 BY THE ARIZONA DEPARTMENT OF AGRICULTURE PURSUANT TO TITLE 3.  
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~~ UNREASONABLE suffering to the animal.  
6 3. "Cruel neglect" means to ABANDON AN ANIMAL OR TO fail to provide an  
7 animal with necessary food, ~~—~~ THAT IS APPROPRIATE FOR THE SPECIES AND FIT FOR  
8 CONSUMPTION AND water THAT IS SUITABLE FOR DRINKING or shelter THAT IS  
9 APPROPRIATE FOR THE ANIMAL OR WEATHER CONDITIONS.  
10 4. "Handler" means a law enforcement officer or any other person who  
11 has successfully completed a course of training prescribed by the person's  
12 agency or the service animal owner and who used a specially trained animal  
13 under the direction of the person's agency or the service animal owner.  
14 5. "HOARDS ANIMALS" MEANS TO POSSESS ANIMALS IN A QUANTITY AND MANNER  
15 THAT FAILS TO PROVIDE MINIMAL STANDARDS OF NUTRITION, SANITATION AND MEDICAL  
16 CARE OR TREATMENT.  
17 ~~5-~~ 6. "Service animal" means an animal that has completed a formal  
18 training program, that assists its owner in one or more daily living tasks  
19 that are associated with a productive lifestyle and that is trained to not  
20 pose a danger to the health and safety of the general public.  
21 ~~6-~~ 7. "Working animal" means a horse, ~~or~~ A dog OR ANOTHER GUARDIAN  
22 ANIMAL that is used by a law enforcement agency OR AN AGRICULTURE OPERATION,  
23 that is specially trained for law enforcement work OR ANIMAL HUSBANDRY  
24 PRACTICES and that is under the control of a handler.