

COMMITTEE ON COMMERCE  
SENATE AMENDMENTS TO H.B. 2671  
(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 13-2910, Arizona Revised Statutes, is amended to  
3 read:

4 13-2910. Cruelty to animals; interference with working or service  
5 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  
22 unattended and confined in a motor vehicle and physical injury to or death  
23 of the animal 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.

1           9. Intentionally or knowingly subjects any animal to cruel  
2 mistreatment.

3           10. Intentionally or knowingly interferes with, kills or harms a  
4 working or service animal without either legal privilege or consent of the  
5 owner.

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

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

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

15           14. INTENTIONALLY OR KNOWINGLY SUBJECTS A DOMESTIC ANIMAL TO CRUEL  
16 MISTREATMENT.

17           15. INTENTIONALLY OR KNOWINGLY KILLS A DOMESTIC ANIMAL WITHOUT  
18 EITHER LEGAL PRIVILEGE OR CONSENT OF THE DOMESTIC ANIMAL'S OWNER OR  
19 HANDLER.

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

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

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

5           C. This section does not prohibit or restrict:

6           1. The taking of wildlife or other activities permitted by or  
7 pursuant to title 17.

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

9           3. Activities regulated by the Arizona game and fish department or  
10 the Arizona department of agriculture.

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

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

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

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

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

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

1 G. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, 6, 7  
2 or 12 of this section is guilty of a class 1 misdemeanor. A person who  
3 violates subsection A, paragraph 8, 9, 10, 11 or 13 of this section is  
4 guilty of a class 6 felony. A PERSON WHO VIOLATES SUBSECTION A, PARAGRAPH  
5 14 OR 15 OF THIS SECTION IS GUILTY OF A CLASS 5 FELONY.

6 H. For the purposes of this section:

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

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 suffering to the animal.

11 3. "Cruel neglect" means to fail to provide an animal with necessary  
12 food, water or shelter.

13 4. "DOMESTIC ANIMAL" MEANS A MAMMAL, NOT REGULATED BY TITLE 3, THAT  
14 IS KEPT PRIMARILY AS A PET OR COMPANION OR THAT IS BRED TO BE A PET OR  
15 COMPANION.

16 ~~4.~~ 5. "Handler" means a law enforcement officer or any other person  
17 who has successfully completed a course of training prescribed by the  
18 person's agency or the service animal owner and who used a specially  
19 trained animal under the direction of the person's agency or the service  
20 animal owner.

21 ~~5.~~ 6. "Service animal" means an animal that has completed a formal  
22 training program, that assists its owner in one or more daily living tasks  
23 that are associated with a productive lifestyle and that is trained to not  
24 pose a danger to the health and safety of the general public.

25 ~~6.~~ 7. "Working animal" means a horse or dog that is used by a law  
26 enforcement agency, that is specially trained for law enforcement work and  
27 that is under the control of a handler."

28 Amend title to conform

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