

House Engrossed Senate Bill
animal cruelty; failure to treat

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SENATE BILL 1047

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; release conditions;
6 classification; definitions

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

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

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

14 3. INTENTIONALLY, KNOWINGLY OR RECKLESSLY FAILS TO PROVIDE MEDICAL
15 ATTENTION NECESSARY TO PREVENT UNREASONABLE SUFFERING TO ANY DOMESTIC
16 ANIMAL UNDER THE PERSON'S CUSTODY OR CONTROL.

17 ~~3.~~ 4. Intentionally, knowingly or recklessly inflicts unnecessary
18 physical injury to any animal.

19 ~~4.~~ 5. Recklessly subjects any animal to cruel mistreatment.

20 ~~5.~~ 6. Intentionally, knowingly or recklessly kills any animal
21 under the custody or control of another person without either legal
22 privilege or consent of the owner.

23 ~~6.~~ 7. Recklessly interferes with, kills or harms a working or
24 service animal without either legal privilege or consent of the owner.

25 ~~7.~~ 8. Intentionally, knowingly or recklessly leaves an animal
26 unattended and confined in a motor vehicle and physical injury to or death
27 of the animal is likely to result.

28 ~~8.~~ 9. Intentionally or knowingly subjects any animal under the
29 person's custody or control to cruel neglect or abandonment that results
30 in serious physical injury to the animal.

31 ~~9.~~ 10. Intentionally or knowingly subjects any animal to cruel
32 mistreatment.

33 ~~10.~~ 11. Intentionally or knowingly interferes with, kills or harms
34 a working or service animal without either legal privilege or consent of
35 the owner.

36 ~~11.~~ 12. Intentionally or knowingly allows any dog that is under the
37 person's custody or control to interfere with, kill or cause physical
38 injury to a service animal.

39 ~~12.~~ 13. Recklessly allows any dog that is under the person's
40 custody or control to interfere with, kill or cause physical injury to a
41 service animal.

42 ~~13.~~ 14. Intentionally or knowingly obtains or exerts unauthorized
43 control over a service animal with the intent to deprive the service
44 animal handler of the service animal.

1 ~~14.~~ 15. Intentionally or knowingly subjects a domestic animal to
2 cruel mistreatment.

3 ~~15.~~ 16. Intentionally or knowingly kills a domestic animal without
4 either legal privilege or consent of the domestic animal's owner or
5 handler.

6 ~~16.~~ 17. Intentionally or knowingly harasses a working animal that
7 is in a law enforcement vehicle or trailer without either legal privilege
8 or consent of the owner.

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

10 1. Any person exposes poison to be taken by a dog that has killed or
11 wounded livestock or poison to be taken by predatory animals on premises
12 owned, leased or controlled by the person for the purpose of protecting
13 the person or the person's livestock or poultry, the treated property is
14 kept posted by the person who authorized or performed the treatment until
15 the poison has been removed and the poison is removed by the person
16 exposing the poison after the threat to the person or the person's
17 livestock or poultry has ceased to exist. The posting required shall
18 provide adequate warning to persons who enter the property by the point or
19 points of normal entry. The warning notice that is posted shall be
20 readable at a distance of fifty feet, shall contain a poison statement and
21 symbol and shall state the word "danger" or "warning".

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

26 C. This section does not prohibit or restrict:

27 1. The taking of wildlife or other activities permitted by or
28 pursuant to title 17.

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

30 3. Activities regulated by the Arizona game and fish department or
31 the Arizona department of agriculture.

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

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

38 1. If the working or service animal was killed or disabled, to the
39 owner or agency that owns the working or service animal and that employs
40 the handler or to the owner or handler for the replacement and training
41 costs of the working or service animal and for any veterinary bills.

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

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

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

9 G. If a judicial officer orders the release of a person who is
10 currently serving a term of probation for a violation of this section and
11 who is charged with a new violation of this section on the person's own
12 recognizance or on the execution of bail, the judicial officer shall
13 impose a condition of release that prohibits the person from possessing or
14 having contact with any animal.

15 H. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, 6,
16 7, 12 or 16 of this section is guilty of a class 1 misdemeanor. A person
17 who violates subsection A, paragraph 8, 9, 10, 11 or 13 of this section is
18 guilty of a class 6 felony. A person who violates subsection A, paragraph
19 14 or 15 of this section is guilty of a class 5 felony.

20 I. For the purposes of this section:

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

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

25 3. "Cruel neglect" means to fail to provide an animal with
26 necessary food, water or shelter OR TO FAIL TO PROVIDE A DOMESTIC ANIMAL
27 WITH ANY OF THE FOLLOWING:

28 (a) FOOD, GIVEN DAILY, THAT IS APPROPRIATE FOR THE SPECIES AND THAT
29 IS FIT FOR CONSUMPTION.

30 (b) WATER THAT IS SUITABLE FOR DRINKING.

31 (c) EXCEPT FOR A DOG THAT PRIMARILY RESIDES OUTDOORS, ACCESS TO
32 SHELTER THAT IS NECESSARY AND ADEQUATE.

33 (d) FOR A DOG THAT PRIMARILY RESIDES OUTDOORS, EXCEPT WHILE A DOG
34 IS ENGAGED IN OR TRAINING FOR LAWFUL HUNTING, POLICE, MILITARY OR PATROL
35 WORK, SEARCH AND RESCUE, HERDING OR LIVESTOCK GUARDING, TRIALS AND OTHER
36 LAWFUL COMPETITIONS, SERVICE AND ASSISTANCE WORK AND OTHER WORKING,
37 SPORTING AND COMPETITIVE FUNCTIONS, ACCESS TO SHELTER THAT MEETS ALL OF
38 THE FOLLOWING REQUIREMENTS:

39 (i) HAS A NATURAL OR ARTIFICIAL COVER THAT IS ACCESSIBLE THROUGHOUT
40 THE YEAR.

41 (ii) IS STRUCTURALLY SOUND, MAINTAINED IN GOOD REPAIR AND OF
42 SUFFICIENT SIZE TO PROTECT THE DOG FROM INJURY, ALLOWS THE DOG TO STAND,
43 TURN AROUND, LIE DOWN IN A NATURAL MANNER AND ALLOWS THE DOG TO MAINTAIN
44 NORMAL BODY TEMPERATURE.

- 1 (iii) IS MAINTAINED IN A MANNER THAT MINIMIZES THE RISK OF DISEASE,
2 INFESTATION OR PARASITES.
- 3 4. "Domestic animal" means a mammal, BIRD, REPTILE OR AMPHIBIAN,
4 not regulated by title 3, that is kept primarily as a pet or companion or
5 that is bred to be a pet or companion.
- 6 5. "Handler" means a law enforcement officer or any other person
7 who has successfully completed a course of training prescribed by the
8 person's agency or the service animal owner and who used a specially
9 trained animal under the direction of the person's agency or the service
10 animal owner.
- 11 6. "Harass" means to engage in conduct that a reasonable person
12 would expect to impede or interfere with a working animal's performance of
13 its duties.
- 14 7. "Service animal" means an animal that has completed a formal
15 training program, that assists its owner in one or more daily living tasks
16 that are associated with a productive lifestyle and that is trained to not
17 pose a danger to the health and safety of the general public.
- 18 8. "Working animal" means a horse or dog that is used by a law
19 enforcement agency, that is specially trained for law enforcement work and
20 that is under the control of a handler.