



## ARIZONA STATE SENATE

*Fifty-Seventh Legislature, First Regular Session*

### AMENDED FACT SHEET FOR S.B. 1234

#### animal cruelty; failure to treat

#### Purpose

Broadens the conditions that must be met for a person to commit cruelty to animals.

#### Background

Current statute outlines actions that are considered cruelty to animals if intentionally, knowingly or recklessly committed. Cruelty to animals includes: 1) subjecting any animal under the person's custody or control to cruel neglect or abandonment; 2) failing to provide medical attention necessary to prevent protracted suffering to any animal under the person's custody or control; 3) subjecting any animal under the person's custody or control to cruel neglect or abandonment that results in serious physical injury to the animal; 4) subjecting a domestic animal to cruel mistreatment; and 5) killing a domestic animal without either legal privilege or consent of the domestic animal's owner or handler. A person who commits cruelty to animals by an intentional, knowing or reckless act is subject to a criminal penalty ranging from a class 1 misdemeanor to a class 5 felony ([A.R.S. § 13-2910](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

#### Provisions

1. Adds that a person commits cruelty to animals for intentionally, knowingly or recklessly failing to provide medical attention necessary to prevent unreasonable suffering to any domestic animal under the person's custody or control.
2. Subjects a person who commits cruelty to animals by failing to provide medical attention necessary to prevent the unreasonable suffering of any domestic animal under the person's custody or control to a class 1 misdemeanor.
3. Modifies the definition of *cruel neglect* to include the failure to provide a domestic animal with the following:
  - a) food that is appropriate for the species and is fit for consumption;
  - b) water that is suitable for drinking and that is appropriate for the species;
  - c) access to shelter that is necessary and adequate, except for a dog that primarily resides outdoors;
  - d) for a dog that primarily resides outdoors, except while a dog is engaged in or training for lawful hunting, police, military or patrol work, search and rescue, herding or livestock guarding, trials and other lawful competitions, service and assistance work and other

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working, sporting and competitive functions or is under the custody or control of a person who has no permanent place of residence, access to shelter that:

- i. has a natural or artificial cover that is accessible throughout the year;
- ii. is structurally sound, maintained in good repair and of sufficient size to protect the dog from injury, allows the dog to stand, turn around and lie down in a natural manner and allows the dog to maintain normal body temperature;
- e) is maintained in a manner that minimizes the risk of disease, infestation or parasites.

4. Modifies the definition of *domestic animal* to include a bird, reptile or amphibian that is kept primarily as a pet or companion or that is bred to be a pet or companion.

5. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Specifies that a person commits cruelty to animals for intentionally, knowingly or recklessly failing to provide medical attention necessary to prevent unreasonable suffering to any domestic animal, rather than any animal, in the person's custody or control.
2. Subjects a person who commits cruelty to animals by failing to provide medical attention necessary to prevent the unreasonable suffering of any domestic animal under the person's custody or control to a class 1 misdemeanor.
3. Removes the inclusion, to the definition of *cruel neglect*, the failure to provide an animal with adequate food, water or shelter.
4. Specifies that the definition of *cruel neglect* includes the failure to provide:
  - a) food, rather than food given daily, that is appropriate for the species;
  - b) water that is suitable for drinking as appropriate for the species, rather than only water that is suitable for drinking;
  - c) access to shelter that is necessary and adequate, except for a dog that primarily resides outdoors; and
  - d) access to shelter that is maintained in a manner that minimizes the risk of infestation and parasites.

Senate Action

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Prepared by Senate Research

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JT/ci