

**HOUSE BILL 2587 Livestock; Animal Cruelty; Violation with Amendments offered in Senate
Natural Resources and Rural Affairs and additional recommended Amendments**

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 and poultry.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 3, chapter 11, article 4, Arizona Revised Statutes, is amended by adding section 3-1313, to read:

3-1313. Livestock or poultry cruelty; exception; violation; classification; definition

- A. A PERSON SHALL NOT INTENTIONALLY, KNOWINGLY OR RECKLESSLY CAUSE INJURY OR UNDUE SUFFERING TO LIVESTOCK OR POULTRY, ~~INCLUDING BY TORTURING OR TORMENTING~~, DEPRIVING OF NECESSARY SUSTENANCE OR UNNECESSARILY OR CRUELLY BEATING, INJURING OR MUTILATING ANY LIVESTOCK OR POULTRY.
- B. **INTENTIONALLY TORTURING OR TORMENTING (CLASS 6 FELONY)**
- C. THE DIRECTOR OR THE DIRECTOR'S DESIGNEE SHALL BE NOTIFIED OF ANY INVESTIGATION OF AN ALLEGED VIOLATION OF THIS SECTION AND AFTER BEING NOTIFIED OF THE INVESTIGATION MAY CHOOSE TO PARTICIPATE OR NOT PARTICIPATE IN THE INVESTIGATION.
- D. A COUNTY, CITY OR TOWN SHALL NOT ENACT AN ORDINANCE THAT RELATES TO THE TREATMENT OF LIVESTOCK OR POULTRY OR ANIMAL HUSBANDRY PRACTICES THAT IS MORE PROHIBITIVE OR RESTRICTIVE THAN THIS SECTION.
- E. THIS SECTION DOES NOT APPLY TO NORMAL, GOOD HUSBANDRY PRACTICES THAT ARE USED BY A PERSON IN THE PRODUCTION OF FOOD OR TO ~~THE EXTERMINATION OF AN UNDESIRABLE PEST., AS SET FORTH IN ARTICLES 6, 6.1 OR 14 OF THIS SECTION~~ OTHERWISE LAWFUL EXTERMINATION OF AN INSECT OR ANIMAL THAT IS DESTRUCTIVE OF FOOD CROPS OR LIVESTOCK.
- F. THIS SECTION DOES NOT PROHIBIT THE HUMANE SLAUGHTER OR EUTHANIZATION OF LIVESTOCK OR POULTRY PURSUANT TO THIS TITLE.
- G. A PERSON WHO OWNS OR HOLDS LIVESTOCK OR POULTRY THAT IS NOT PART OF AN AGRICULTURAL OPERATION THAT IS REGULATED BY THE DEPARTMENT UNDER THIS TITLE MAY BE PROSECUTED FOR CRUELTY TO ANIMALS PURSUANT TO SECTION 13-2910.

H. A PERSON WHO COMMITS A FIRST VIOLATION OF THIS SECTION THAT IS DONE RECKLESSLY, IS GUILTY OF A CLASS 1 MISDEMEANOR. A PERSON WHO COMMITS AN INTENTIONAL OR KNOWING VIOLATION OF THIS SECTION OR A SECOND OR SUBSEQUENT VIOLATION OF THIS SECTION THAT IS DONE RECKLESSLY, IS GUILTY OF A CLASS 6 FELONY.

~~H. FOR THE PURPOSES OF THIS SECTION, "TORTURING OR TORMENTING" MEANS EVERY ACT WHEREBY THE WILFUL AND MALICIOUS INFLICTION OF PAIN OR SUFFERING IS CAUSED, PERMITTED OR ALLOWED TO CONTINUE WHEN THERE IS A REASONABLE REMEDY OR RELIEF.~~

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

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

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

1. Intentionally, knowingly or recklessly subjects any animal under the person's custody or control to cruel neglect or abandonment.
2. Intentionally, knowingly or recklessly fails to provide medical ~~attention~~ CARE AND TREATMENT necessary to prevent ~~protracted~~ UNREASONABLE suffering to any animal under the person's custody or control.
3. Intentionally, knowingly or recklessly inflicts unnecessary physical injury to any animal.
4. Recklessly subjects any animal to cruel mistreatment.
5. Intentionally, knowingly or recklessly kills any animal under the custody or control of another person without either legal privilege or consent of the owner.
6. Recklessly interferes with, kills or harms a working or service animal without either legal privilege or consent of the owner.
7. Intentionally, knowingly or recklessly leaves an animal unattended and confined in a motor vehicle and physical injury to or death of the animal is likely to result.
8. Intentionally or knowingly subjects any animal under the person's custody or control to cruel neglect or abandonment that results in serious physical injury to the animal.
9. Intentionally or knowingly subjects any animal to cruel mistreatment.
10. Intentionally or knowingly interferes with, kills or harms a working or service animal without either legal privilege or consent of the owner.
11. Intentionally or knowingly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.

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

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

14. **INTENTIONALLY OR, KNOWINGLY OR RECKLESSLY HOARDS ANIMALS.**

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

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

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

C. This section does not prohibit or restrict:

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

2. Activities permitted by or pursuant to title 3.

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

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

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

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

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

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

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

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

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

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

H. I. For the purposes of this section:

1. "Animal" means a mammal, bird, reptile or amphibian. ANIMAL DOES NOT INCLUDE LIVESTOCK AS DEFINED IN SECTION 3-1201 AND POULTRY AS DEFINED IN SECTION 3-2151 THAT ARE PART OF AN AGRICULTURAL OPERATION THAT IS REGULATED BY THE ARIZONA DEPARTMENT OF AGRICULTURE PURSUANT TO TITLE 3.

2. "Cruel mistreatment" means ~~to torture or otherwise~~ FOR THOSE WITH CARE AND CUSTODY TO PERMIT OR inflict unnecessary serious physical injury on an animal or to kill an animal in a manner that causes ~~protracted~~ UNREASONABLE suffering to the animal.

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

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

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

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

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

~~8. “TORTURE” INCLUDES ANY CONDUCT WHICH RESULTS IN OR CAUSES PAIN OR SUFFERING TO THE ANIMAL REGARDLESS OF WHETHER ANY PHYSICAL INJURY OCCURS.~~

Language is derived from the Bill as passed the House

Purple Text - Amendments approved in the Senate Natural Resources and Rural Affairs Committee.

Green Text – Kathleen Mayer & Kim MacEachern

Pink Text _ MCSO Animal Crimes Unit

Amendments approved in Senate Natural Resources & Rural Affairs Committee – Purple Font

Suggested Amendments – Kathleen and Kim – Green Font

PG 1, line 29: strike the words "and malicious"

>>>> PG 2, line 25: 14. INTENTIONALLY, KNOWINGLY OR RECKLESSLY HOARDS ANIMALS.

>>> PG 3, line 38: substitute SHALL for MAY

>> PG 4, line 1: "Cruel Mistreatment" means to (eliminate the word torture) inflict OR PERMIT unnecessary

>>>> PG 4, line 12: HOARDS ANIMALS MEANS - substitute "maintain" for "shelter"

Suggested Amendments – Animal Crimes Investigation Unit, MCSO Pink Font

Page 4 Line 1 Strike Inflict. Insert PERMIT

Suggested Amendments in BROWN- Kathleen and Kim. Final revised version.