

COMMITTEE ON GOVERNMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1658
(Reference to Senate 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
5 service animal; release conditions; classification;
6 definitions

7 A. A person commits cruelty to animals if the person does any of the
8 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 the
13 person's custody or control.

14 3. Intentionally, knowingly or recklessly inflicts unnecessary
15 physical injury to any animal.

16 4. Recklessly subjects any animal to cruel mistreatment.

17 5. Intentionally, knowingly or recklessly kills any animal under the
18 custody or control of another person without either legal privilege or
19 consent of the owner.

20 6. Recklessly interferes with, kills or harms a working or service
21 animal without either legal privilege or consent of the owner.

22 7. Intentionally, knowingly or recklessly leaves an animal
23 unattended and confined in a motor vehicle and physical injury to or death
24 of the animal is likely to result.

25 8. Intentionally or knowingly subjects any animal under the person's
26 custody or control to cruel neglect or abandonment that results in serious
27 physical injury to the animal.

28 9. Intentionally or knowingly subjects any animal to cruel
29 mistreatment.

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

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

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

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

13 14. Intentionally or knowingly subjects a domestic animal to cruel
14 mistreatment.

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

18 16. Intentionally or knowingly harasses a working animal that is in
19 a law enforcement vehicle or trailer without either legal privilege or
20 consent of the owner.

21 17. INTENTIONALLY, KNOWINGLY OR RECKLESSLY FAILS TO PROVIDE MEDICAL
22 ATTENTION NECESSARY TO PREVENT UNREASONABLE SUFFERING TO ANY DOMESTIC
23 ANIMAL UNDER THE PERSON'S CUSTODY OR CONTROL.

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

25 1. Any person exposes poison to be taken by a dog that has killed or
26 wounded livestock or poison to be taken by predatory animals on premises
27 owned, leased or controlled by the person for the purpose of protecting the
28 person or the person's livestock or poultry, the treated property is kept
29 posted by the person who authorized or performed the treatment until the
30 poison has been removed and the poison is removed by the person exposing
31 the poison after the threat to the person or the person's livestock or
32 poultry has ceased to exist. The posting required shall provide adequate
33 warning to persons who enter the property by the point or points of normal
34 entry. The warning notice that is posted shall be readable at a distance
35 of fifty feet, shall contain a poison statement and symbol and shall state
36 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.

33 G. If a judicial officer orders the release of a person who is
34 currently serving a term of probation for a violation of this section and
35 who is charged with a new violation of this section on the person's own
36 recognizance or on the execution of bail, the judicial officer shall impose
37 a condition of release that prohibits the person from possessing or having
38 contact with any animal.

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

6 I. 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 OR TO FAIL TO PROVIDE A DOMESTIC ANIMAL WITH ANY OF
13 THE FOLLOWING:

14 (a) FOOD THAT IS APPROPRIATE FOR THE SPECIES AND THAT IS FIT FOR
15 CONSUMPTION.

16 (b) WATER THAT IS SUITABLE FOR DRINKING, AS APPROPRIATE FOR THE
17 SPECIES.

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

20 (d) FOR A DOG THAT PRIMARILY RESIDES OUTDOORS, EXCEPT WHILE A DOG IS
21 ENGAGED IN OR TRAINING FOR LAWFUL HUNTING, POLICE, MILITARY OR PATROL WORK,
22 SEARCH AND RESCUE, HERDING OR LIVESTOCK GUARDING, TRIALS AND OTHER LAWFUL
23 COMPETITIONS, SERVICE AND ASSISTANCE WORK AND OTHER WORKING, SPORTING AND
24 COMPETITIVE FUNCTIONS OR IS UNDER THE CUSTODY OR CONTROL OF A PERSON WHO
25 HAS NO PERMANENT PLACE OF RESIDENCE, ACCESS TO SHELTER THAT MEETS ALL OF
26 THE FOLLOWING REQUIREMENTS:

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

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

33 (iii) IS MAINTAINED IN A MANNER THAT MINIMIZES THE RISK OF DISEASE,
34 INFESTATION OR PARASITES.

35 4. "Domestic animal" means a mammal, BIRD, REPTILE OR AMPHIBIAN, not
36 regulated by title 3, that is kept primarily as a pet or companion or that
37 is bred to be a pet or companion.

38 5. "Handler" means a law enforcement officer or any other person who
39 has successfully completed a course of training prescribed by the person's

1 agency or the service animal owner and who used a specially trained animal
2 under the direction of the person's agency or the service animal owner.

3 6. "Harass" means to engage in conduct that a reasonable person
4 would expect to impede or interfere with a working animal's performance of
5 its duties.

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

10 8. "Working animal" means a horse or dog that is used by a law
11 enforcement agency, that is specially trained for law enforcement work and
12 that is under the control of a handler."

13 Amend title to conform

WALT BLACKMAN
CHAIRMAN

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