



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR S.B. 1072

animal abuser registration; penalties

Purpose

Requires a person who has been convicted of *cruelty to animals*, *animal fighting* or *bestiality* to register with the Department of Public Safety (DPS) within 5 days after conviction. Outlines periods of time that a person must be registered, and classifies failure to register as a class 1 misdemeanor.

Background

A person commits *cruelty to animals* if the person intentionally, knowingly or recklessly: 1) subjects any animal under the person's custody or control to cruel neglect or abandonment that results in serious physical injury to the animal; 2) subjects any animal to cruel mistreatment; 3) allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal; 4) subjects a domestic animal to cruel mistreatment; or 5) kills a domestic animal without either legal privilege or consent of the domestic animal's owner or handler.

Cruel neglect means failure to provide an animal with necessary food, water or shelter. *Cruel mistreatment* means to torture or otherwise inflict unnecessary serious physical injury on an animal or to kill an animal in a manner that causes protracted suffering to the animal ([A.R.S. § 13-2910](#)).

A person commits *animal fighting* by knowingly: 1) owning, possessing, keeping or training any animal if the person knows or has reason to know that the animal will engage in an exhibition of fighting with another animal; 2) for amusement or gain, causing any animal to fight with another animal, or causing any animals to injure each other; or 3) permitting any above act to be done on any premises under the person's charge or control. A person commits *bestiality* by knowingly: 1) engaging in oral sexual contact, sexual contact or sexual intercourse with an animal; or 2) causing another person to engage in oral sexual contact, sexual contact or sexual intercourse with an animal (A.R.S. §§ [13-2910.01](#) and [13-1411](#)).

A class 1 misdemeanor carries a maximum sentence of six months and a fine of not more than \$2,500 (A.R.S. §§ [13-707](#) and [13-802](#)).

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

Provisions

1. Requires a person who has been convicted of *cruelty to animals, animal fighting or bestiality* to register with DPS within five days after conviction.
2. Requires an individual to register for five years for a first conviction of an outlined offense.
3. Requires an individual to register for 10 years for a second or subsequent conviction of an outlined offense.
4. Requires the clerk of the court in the county in which a person is convicted to provide DPS with the judgement and the convicted person's date of birth within five days after entry of judgement.
5. Classifies, as a class 1 misdemeanor, failure of a person to register, update their residence address or update their photograph.
6. Requires an individual to sign or affix an electronic fingerprint to a statement giving information to DPS as required by the Director of DPS, including:
 - a) all names by which a person is known;
 - b) a current photograph; and
 - c) the physical location of the person's residence and the person's address.
7. Requires a person, if the person has a place of residence that is different from the person's address, to provide DPS with the person's address, physical location of the person's residence and the name of the owner of the residence if the residence is privately owned and not offered for rent or lease.
8. Requires a person, if the person receives mail at a post office box, to provide DPS with the location and number of the post office box.
9. Requires a person to, within 30 days of moving, provide DPS with their new residence address.
10. Requires a person who is required to be registered for more than five years to provide DPS with a current photograph at least once every five years.
11. Requires DPS, beginning January 1, 2025, to establish the Central Animal Abuse Registry (Registry) to be made available on its website.
12. Requires a registered person's information to remain in the Registry for as long as required, unless the person has their conviction set aside.
13. Requires the Registry to include:
 - a) a current photograph of the convicted person;
 - b) the convicted person's full legal name and current address; and
 - c) any other information that is necessary to properly identify the person as determined DPS.
14. Prohibits the Registry from including a person's social security number, nonoperating identification, driver's license or any other state or federal identification number.

15. Requires DPS to remove a person's name and all other information after the period of time prescribed unless the person is convicted of a subsequent offense that requires registration.
16. Requires, beginning January 1, 2025, an employee, volunteer or authorized agent of an organization to conduct a search of the Registry for the name of every person who is requesting to adopt, buy or own a companion animal.
17. Prohibits a person from intentionally or knowingly gifting, adopting out or transferring a companion animal to a person who is listed in the Registry.
18. Exempts a pet dealer or an employee of a pet store from prohibitions on knowingly or intentionally gifting, adopting out or transferring a companion animal to a person who is listed on the Registry.
19. Subjects an individual who intentionally or knowingly gifts, adopts out or transfers a companion animal to a person on the Registry to a civil penalty of at least \$250.
20. Requires an incarcerated person, upon release from incarceration, to become registered on the Registry.
21. Allows a person to apply to the court for a good cause exception, valid for one year, that allows the person to own, possess or adopt a service animal, and allows a person to request the court to renew a good cause exemption 60 days before the good cause exception is set to expire if:
 - a) the person is on supervised or unsupervised probation, community supervision, parole or agrees to be subject to the court's jurisdiction and supervision while owning or possessing a service animal;
 - b) the court determines that it is in the best interest of the service animal and that the person's need for the service animal outweighs any risk to the service animal; and
 - c) the person agrees to not purchase, own, possess or adopt an animal that is not a service animal.
22. Exempts a person or entity from restrictions on gifting, adopting out or transferring companion animals and associated penalties if the person receiving the animal has a good cause exception.
23. Exempts the sale of livestock or activities in the pursuit of raising, caring for or selling livestock raised for commercial purposes from outlined restrictions.
24. Defines *address* as the location where a person receives mail.
25. Defines *animal* as a companion animal not including livestock or wildlife.
26. Defines *companion animal* as any domesticated dog or cat that is kept as a household pet or companion or is bred to be a household pet or companion.
27. Defines *service animal* as 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.
28. Defines *pet dealer* as a person who owns a pet store.

29. Defines *pet store* as a commercial establishment that engages in a for-profit business that sells cats, dogs or other animals in a retail setting.
30. Excludes from the definition of pet store:
 - a) a commercial livestock auction market; or
 - b) a charitable nonprofit rescue or humane society or any animal adoption activity that a rescue or humane society conducts off-site at any pet store or other commercial enterprise.
31. Conditions the enactment of this legislation on the appropriation of monies to establish and maintain the Registry by July 1, 2024.
32. Becomes effective on the general effective date, subject to the provisions of the conditional enactment.

Amendments Adopted by Committee

1. Removes requirements for an individual who has been convicted for an offense committed in another jurisdiction that would be a violation of in Arizona to register on the Registry.
2. Removes selling a companion animal to a registered person from outlined violations that can result in the \$250 civil penalty.
3. Exempts, from outlined restrictions, the sale of livestock or other activities in the pursuit of raising, caring for or selling livestock raised for commercial purposes.
4. Decreases, from \$1000 to \$250, the civil penalty for an individual who intentionally or knowingly gifts, adopts out or transfers a companion animal to a person on the Registry.
5. Redefines *companion animal* to mean any domesticated dog or cat that is kept as a household pet or companion or is bred to be a household pet or companion instead of domesticated animal of the same description.
6. Adds definitions for *pet dealer* and *pet store*.
7. Removes definition of *school*.
8. Makes technical changes.

Senate Action

MAPS 2/14/24 DPA 5-0-2

Prepared by Senate Research

February 16, 2024

ZD/KK/cs