

IN THE SENATE

SENATE BILL NO. 1144

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ANIMALS; AMENDING THE HEADING FOR CHAPTER 35, TITLE 25, IDAHO  
2 CODE, TO REVISE THE HEADING NAME; AMENDING SECTION 25-3501, IDAHO CODE,  
3 TO PROVIDE THAT THE DIVISION OF ANIMAL INDUSTRIES SHALL BE RESPONSIBLE  
4 FOR ADMINISTERING SPECIFIED LAW AS IT PERTAINS TO PRODUCTION ANIMALS,  
5 TO PROVIDE THAT LOCAL LAW ENFORCEMENT AGENCIES SHALL BE RESPONSIBLE FOR  
6 ADMINISTERING SPECIFIED LAW AS IT PERTAINS TO COMPANION ANIMALS AND TO  
7 AUTHORIZE LOCAL LAW ENFORCEMENT TO CALL ON THE DIVISION FOR AID; AND  
8 AMENDING SECTION 25-3502, IDAHO CODE, TO REVISE THE DEFINITION OF "PRO-  
9 DUCATION ANIMAL."  
10

11 Be It Enacted by the Legislature of the State of Idaho:

12 SECTION 1. That the Heading for Chapter 35, Title 25, Idaho Code, be,  
13 and the same is hereby amended to read as follows:

14 CHAPTER 35  
15 ~~CRUELTY TO ANIMALS~~ CARE

16 SECTION 2. That Section 25-3501, Idaho Code, be, and the same is hereby  
17 amended to read as follows:

18 25-3501. ADMINISTRATION. The Idaho state department of agriculture,  
19 division of animal industries shall be responsible for the administration  
20 of the provisions of this chapter as they pertain to production animals and  
21 shall inform the public and animal owners concerning their legal responsi-  
22 bilities, and in cooperation with local law enforcement, investigate and  
23 develop cases for prosecution. The division Local law enforcement agen-  
24 cies shall be responsible for the administration of the provisions of this  
25 chapter as they pertain to companion animals and shall be authorized to  
26 call upon ~~any peace officer in the state~~ the division to aid in fulfillment  
27 of the requirements of this chapter and refer cases for prosecution to the  
28 appropriate authority. The foregoing shall not be construed to preclude  
29 county or local officials, acting upon their own authority, from investi-  
30 gating, developing cases and prosecuting violations of this chapter that  
31 occur in their jurisdiction. The cost to the department for administering  
32 the provisions of this chapter shall be borne by the citizens of this state  
33 through the appropriation of general funds for administration, personnel,  
34 travel, equipment and supplies. No provision of this chapter relating to  
35 law enforcement agencies and animal care and control agencies shall be con-  
36 strued to preclude the authority of agencies or entities recognized in this  
37 section.

38 SECTION 3. That Section 25-3502, Idaho Code, be, and the same is hereby  
39 amended to read as follows:

1           25-3502. DEFINITIONS. The following words and terms, when used in this  
2 chapter, shall have the following meanings, unless the context clearly indi-  
3 cates otherwise:

4           (1) "Abandon" means to completely forsake and desert an animal previ-  
5 ously under the custody or possession of a person without making reasonable  
6 arrangements for its proper care, sustenance and shelter.

7           (2) "Animal" means any vertebrate member of the animal kingdom, except  
8 man.

9           (3) "Animal care and control agency" means any agency incorporated un-  
10 der the laws of this state to which a county or municipality has conferred  
11 authority to exercise the powers and duties set forth in this chapter based  
12 upon the agency's ability to fulfill the purposes of this chapter.

13           (4) "Companion animal" means those animals including, but not limited  
14 to, domestic dogs, domestic cats, rabbits, companion birds, and other ani-  
15 mals commonly kept as pets.

16           (5) "Cruel" or "cruelty" shall mean any or all of the following:

17           (a) The intentional and malicious infliction of pain, physical suffer-  
18 ing, injury or death upon an animal;

19           (b) To maliciously kill, maim, wound, overdrive, overload, drive when  
20 overloaded, overwork, torture, torment, deprive of necessary suste-  
21 nance, drink or shelter, cruelly beat, mutilate or cruelly kill an  
22 animal;

23           (c) To subject an animal to needless suffering, inflict unnecessary  
24 cruelty, drive, ride or otherwise use an animal when same is unfit;

25           (d) To abandon an animal;

26           (e) To negligently confine an animal in unsanitary conditions or to  
27 negligently house an animal in inadequate facilities; to negligently  
28 fail to provide sustenance, water or shelter to an animal.

29           (6) "Department" means the Idaho state department of agriculture.

30           (7) "Department investigator" means a person employed by, or approved  
31 by, the Idaho state department of agriculture, division of animal indus-  
32 tries, to determine whether there has been a violation of this chapter.

33           (8) "Division" means the division of animal industries of the Idaho  
34 state department of agriculture.

35           (9) "Custodian" means any person who keeps or harbors an animal, has an  
36 animal in his care or acts as caretaker of an animal.

37           (10) "Malicious" or "maliciously" means the intentional doing of a  
38 wrongful act without just cause or excuse, with an intent to inflict an in-  
39 jury or death.

40           (11) "Owner" means any person who has a right of property in an animal.

41           (12) "Person" means any individual, firm, corporation, partnership,  
42 other business unit, society, association or other legal entity, any public  
43 or private institution, the state of Idaho, or any municipal corporation or  
44 political subdivision of the state.

45           (13) "Pound" means a place enclosed by public authority for the deten-  
46 tion of stray animals.

47           (14) "Production animal" means, for purposes of this chapter:

48           (a) The following animals if ~~kept by the owner~~ owned for the express  
49 purpose of producing food or fiber, or other commercial activity, in  
50 furtherance of the production of food or fiber, or other commercial ac-

1 tivity, or to be sold for the use by another for such purpose: cattle,  
2 sheep, goats, swine, poultry, ratites, equines, domestic cervidae,  
3 camelidae, and guard and stock dogs; and  
4 (b) Furbearing animals kept for the purpose of commercial fur produc-  
5 tion; and  
6 ~~(c) Equines, domestic cervidae, and members of the camelidae family~~  
7 ~~which includes llamas and alpacas.~~