SENATE BILL No. 251

DIGEST OF INTRODUCED BILL

Citations Affected: IC 15-20-1-4; IC 35-46-3-12.5.

Synopsis: Animal control and protection. Provides that a person who recklessly, knowingly, or intentionally fails to restrain a dog commits a Level 6 felony if the dog enters the property of another person, the dog attacks another person, and the attack results in serious bodily injury. (Under current law, the offense is a Level 6 felony only if the attack results in death.) Specifies that a person who mutilates a vertebrate animal with intent to threaten or terrorize a family member commits a Level 6 felony.

Effective: July 1, 2014.

Wyss, Broden

January 9, 2014, read first time and referred to Committee on Corrections & Criminal Law.

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in this style type.
  Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.
  Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 251

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1　　　SECTION 1. IC 15-20-1-4, AS AMENDED BY P.L.158-2013,
2　SECTION 226, IS AMENDED TO READ AS FOLLOWS
3　[EFFECTIVE JULY 1, 2014]: Sec. 4. (a) Except as provided in
4　subsection (b), the owner of a dog commits a Class C misdemeanor if:
5　　　　(1) the owner recklessly, knowingly, or intentionally fails to take
6　　　　reasonable steps to restrain the dog;
7　　　　(2) the dog enters property other than the property of the dog's
8　　　　owner; and
9　　　　(3) as the result of the owner's failure to restrain the dog, the dog
10　　　　bites or attacks another person without provocation, resulting in
11　　　　bodily injury to the other person.
12　　　(b) The offense under subsection (a) is:
13　　　　(1) a Class B misdemeanor if the person has been convicted of
14　　　　one (1) previous unrelated violation of this section;
15　　　　(2) a Class A misdemeanor if:
16　　　　　(A) the person has been convicted of more than one (1)

1   previous unrelated violation of this section; or
2   (B) the violation results in serious bodily injury to a person;
3   (3) a Level 6 felony if the owner recklessly violates this section
4   and the violation results in the **serious bodily injury or** death of
5   a person; and
6   (4) a Level 5 felony if the owner intentionally or knowingly
7   violates this section and the violation results in the death of a
8   person.
9   (c) This subsection does not apply to a nonaggressive dog that goes
10 beyond the owner's premises onto agricultural or forested land. An
11 owner of a dog commits a Class D infraction if the owner of the dog
12 allows the dog to stray beyond the owner's premises, unless the dog is
13 under the reasonable control of an individual or the dog is engaged in
14 lawful hunting and accompanied by the owner or a custodian of the
15 dog. However, the offense is a Class C infraction if the owner has a
16 prior unrelated judgment for a violation of this subsection.
17   SECTION 2. IC 35-46-3-12.5, AS AMENDED BY P.L.158-2013,
18 SECTION 567, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2014]: Sec. 12.5. A person who knowingly or
20 intentionally **mutilates or** kills a vertebrate animal with the intent to
21 threaten, intimidate, coerce, harass, or terrorize a family or household
22 member commits domestic violence animal cruelty, a Level 6 felony.