

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HOUSE BILL 2587

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.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 3-1313. Livestock or poultry cruelty: exception: violation:
5 classification: definition

6 A. A PERSON SHALL NOT INTENTIONALLY, KNOWINGLY OR RECKLESSLY CAUSE
7 INJURY OR UNDUE SUFFERING TO LIVESTOCK OR POULTRY, INCLUDING BY TORTURING OR
8 TORMENTING, DEPRIVING OF NECESSARY SUSTENANCE OR UNNECESSARILY OR CRUELLY
9 BEATING, INJURING OR MUTILATING ANY LIVESTOCK OR POULTRY.

10 B. THE DIRECTOR OR THE DIRECTOR'S DESIGNEE SHALL BE NOTIFIED OF ANY
11 INVESTIGATION OF AN ALLEGED VIOLATION OF THIS SECTION AND AFTER BEING
12 NOTIFIED OF THE INVESTIGATION MAY CHOOSE TO PARTICIPATE OR NOT PARTICIPATE IN
13 THE INVESTIGATION.

14 C. A COUNTY, CITY OR TOWN SHALL NOT ENACT AN ORDINANCE THAT RELATES TO
15 THE TREATMENT OF LIVESTOCK OR POULTRY OR ANIMAL HUSBANDRY PRACTICES THAT IS
16 MORE PROHIBITIVE OR RESTRICTIVE THAN THIS SECTION.

17 D. THIS SECTION DOES NOT APPLY TO NORMAL, GOOD HUSBANDRY PRACTICES
18 THAT ARE USED BY A PERSON IN THE PRODUCTION OF FOOD OR TO THE EXTERMINATION
19 OF AN UNDESIRABLE PEST.

20 E. THIS SECTION DOES NOT PROHIBIT THE HUMANE SLAUGHTER OR
21 EUTHANIZATION OF LIVESTOCK OR POULTRY PURSUANT TO THIS TITLE.

22 F. A PERSON WHO OWNS OR HOLDS LIVESTOCK OR POULTRY THAT IS NOT PART OF
23 AN AGRICULTURAL OPERATION THAT IS REGULATED BY THE DEPARTMENT UNDER THIS
24 TITLE MAY BE PROSECUTED FOR CRUELTY TO ANIMALS PURSUANT TO SECTION 13-2910.

25 G. A PERSON WHO COMMITS A FIRST VIOLATION OF THIS SECTION IS GUILTY OF
26 A CLASS 1 MISDEMEANOR. A PERSON WHO COMMITS A SECOND OR SUBSEQUENT VIOLATION
27 OF THIS SECTION IS GUILTY OF A CLASS 6 FELONY.

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

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

33 13-2910. Cruelty to animals: interference with working or
34 service animal; classification; definitions

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

37 1. Intentionally, knowingly or recklessly subjects any animal under
38 the person's custody or control to cruel neglect or abandonment.

39 2. Intentionally, knowingly or recklessly fails to provide medical
40 ~~attention~~ CARE AND TREATMENT necessary to prevent ~~protracted~~ UNREASONABLE
41 suffering to any animal under the person's custody or control.

42 3. Intentionally, knowingly or recklessly inflicts unnecessary
43 physical injury to any animal.

44 4. Recklessly subjects any animal to cruel mistreatment.

1 5. Intentionally, knowingly or recklessly kills any animal under the
2 custody or control of another person without either legal privilege or
3 consent of the owner.

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

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

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

12 9. Intentionally or knowingly subjects any animal to cruel
13 mistreatment.

14 10. Intentionally or knowingly interferes with, kills or harms a
15 working or service animal without either legal privilege or consent of the
16 owner.

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

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

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

25 **14. INTENTIONALLY OR KNOWINGLY HOARDS ANIMALS.**

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

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

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

43 C. This section does not prohibit or restrict:

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

1 2. Activities permitted by or pursuant to title 3.
2 3. Activities regulated by the Arizona game and fish department or the
3 Arizona department of agriculture.
4 4. **LAWFUL ACTIVITIES INVOLVING THE POSSESSION, TRAINING, TRANSPORT,**
5 **EXHIBITION OR USE OF THE ANIMAL IN THE OTHERWISE LAWFUL PURSUITS OF LICENSED,**
6 **PERMITTED OR REGULATED HUNTING, RANCHING, FARMING, RODEOS, LIVESTOCK SHOWS,**
7 **FAIRS, LIVESTOCK AUCTIONS AND SECURITY SERVICES.**
8 D. A peace officer, animal control enforcement agent or animal control
9 enforcement deputy may use reasonable force to open a vehicle to rescue an
10 animal if the animal is left in the vehicle as prescribed in subsection A,
11 paragraph 7 of this section.
12 E. A person who is convicted of a violation of subsection A, paragraph
13 6 or 10 of this section is liable as follows:
14 1. If the working or service animal was killed or disabled, to the
15 owner or agency that owns the working or service animal and that employs the
16 handler or to the owner or handler for the replacement and training costs of
17 the working or service animal and for any veterinary bills.
18 2. To the owner or agency that owns a working or service animal for
19 the salary of the handler for the period of time that the handler's services
20 are lost to the owner or agency.
21 3. To the owner for the owner's contractual losses with the agency.
22 F. An incorporated city or town or a county may adopt an ordinance
23 with misdemeanor provisions at least as stringent as the misdemeanor
24 provisions of this section, except that any ordinance adopted shall not
25 prohibit or restrict any activity involving a dog, whether the dog is
26 restrained or not, if the activity is directly related to the business of
27 shepherding or herding livestock and the activity is necessary for the safety
28 of a human, the dog or livestock or is permitted by or pursuant to title 3.
29 **G. BEFORE SENTENCING, THE COURT MAY REQUIRE A PERSON TO UNDERGO A**
30 **PSYCHOLOGICAL EVALUATION AND, IF APPROPRIATE, ORDER THE PERSON TO ATTEND**
31 **COUNSELING AT THE PERSON'S OWN EXPENSE.**
32 ~~G.~~ **H.** A person who violates subsection A, paragraph 1, 2, 3, 4, 5, 6,
33 7, ~~or~~ 12 OR 14 of this section is guilty of a class 1 misdemeanor. **A PERSON**
34 **WHO COMMITS A SECOND OR SUBSEQUENT VIOLATION OF SUBSECTION A, PARAGRAPH 1, 2,**
35 **3, 4, 5, 6, 7, 12 OR 14 OF THIS SECTION IS GUILTY OF A CLASS 6 FELONY.** A
36 person who violates subsection A, paragraph 8, 9, 10, 11 or 13 of this
37 section is guilty of a class 6 felony. **A PERSON WHO IS CONVICTED OF A SECOND**
38 **OR SUBSEQUENT VIOLATION OF THIS SECTION MAY BE PROHIBITED FROM OWNING ANY**
39 **TYPE OF ANIMAL.**
40 ~~H.~~ **I.** For the purposes of this section:
41 1. "Animal" means a mammal, bird, reptile or amphibian. **ANIMAL DOES**
42 **NOT INCLUDE LIVESTOCK AS DEFINED IN SECTION 3-1201 AND POULTRY AS DEFINED IN**
43 **SECTION 3-2151 THAT ARE PART OF AN AGRICULTURAL OPERATION THAT IS REGULATED**
44 **BY THE ARIZONA DEPARTMENT OF AGRICULTURE PURSUANT TO TITLE 3.**

1 2. "Cruel mistreatment" means to torture or otherwise inflict
2 unnecessary serious physical injury on an animal or to kill an animal in a
3 manner that causes ~~protracted~~ UNREASONABLE suffering to the animal.

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

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

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

14 ~~5.~~ 6. "Service animal" means an animal that has completed a formal
15 training program, that assists its owner in one or more daily living tasks
16 that are associated with a productive lifestyle and that is trained to not
17 pose a danger to the health and safety of the general public.

18 ~~6.~~ 7. "Working animal" means a horse, ~~or~~ A dog OR ANOTHER GUARDIAN
19 ANIMAL that is used by a law enforcement agency OR AN AGRICULTURE OPERATION,
20 that is specially trained for law enforcement work OR ANIMAL HUSBANDRY
21 PRACTICES and that is under the control of a handler.