

REFERENCE TITLE: cruelty to animals

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

# **SB 1548**

Introduced by  
Senator O'Halleran: Representatives McClure, Reagan

AN ACT

AMENDING SECTION 13-2910, ARIZONA REVISED STATUTES; RELATING TO ANIMAL  
CRUELTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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; classification; definitions

6 A. A person commits cruelty to animals if the person does any of the  
7 following:

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

10 2. Intentionally, knowingly or recklessly fails to provide medical  
11 attention necessary to prevent protracted suffering to any animal under the  
12 person's custody or control.

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

15 4. Recklessly subjects any animal to TORTURE OR cruel mistreatment.

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

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

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

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

27 9. Intentionally or knowingly subjects any animal to TORTURE OR cruel  
28 mistreatment.

29 10. Intentionally or knowingly interferes with, kills or harms a  
30 working or service animal without either legal privilege or consent of the  
31 owner.

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

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

37 13. Intentionally or knowingly obtains or exerts unauthorized control  
38 over a service animal with the intent to deprive the service animal handler  
39 of the service animal.

40 14. INTENTIONALLY, KNOWINGLY OR RECKLESSLY CAUSES SERIOUS PHYSICAL  
41 INJURY OR DEATH TO ANY ANIMAL BY FAILING TO PROVIDE AN ANIMAL UNDER THE  
42 PERSON'S CUSTODY OR CONTROL WITH ACCESS TO FOOD.

43 15. INTENTIONALLY, KNOWINGLY OR RECKLESSLY CAUSES SERIOUS PHYSICAL  
44 INJURY OR DEATH TO ANY ANIMAL BY FAILING TO PROVIDE AN ANIMAL UNDER THE  
45 PERSON'S CUSTODY OR CONTROL WITH ACCESS TO WATER.

1           16. INTENTIONALLY, KNOWINGLY OR RECKLESSLY CAUSES SERIOUS PHYSICAL  
2 INJURY OR DEATH TO ANY ANIMAL BY FAILING TO PROVIDE AN ANIMAL UNDER THE  
3 PERSON'S CUSTODY AND CONTROL WITH ACCESS TO SHADE.

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

5           1. Any person exposes poison to be taken by a dog that has killed or  
6 wounded livestock or poison to be taken by predatory animals on premises  
7 owned, leased or controlled by the person for the purpose of protecting the  
8 person or the person's livestock or poultry, ~~and~~ the treated property is kept  
9 posted by the person who authorized or performed the treatment until the  
10 poison has been removed, ~~and~~ the poison is removed by the person exposing  
11 the poison after the threat to the person, ~~or~~ the person's livestock or  
12 poultry has ceased to exist. The posting required shall provide adequate  
13 warning to persons who enter the property by the point or points of normal  
14 entry. The warning notice that is posted shall be readable at a distance of  
15 fifty feet, shall contain a poison statement and symbol and shall state the  
16 word "danger" or "warning".

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

21           C. This section does not prohibit or restrict:

22           1. The taking of wildlife or other activities permitted by or pursuant  
23 to title 17.

24           2. Activities permitted by or pursuant to title 3.

25           3. Activities regulated by the Arizona game and fish department or the  
26 Arizona department of agriculture.

27           D. A peace officer, animal control enforcement agent or animal control  
28 enforcement deputy may use reasonable force to open a vehicle to rescue an  
29 animal if the animal is left in the vehicle as prescribed in subsection A,  
30 paragraph 7 of this section.

31           E. A person who is convicted of a violation of subsection A, paragraph  
32 6 or 10 of this section is liable as follows:

33           1. If the working or service animal was killed or disabled, to the  
34 owner or agency that owns the working or service animal and that employs the  
35 handler or to the owner or handler for the replacement and training costs of  
36 the working or service animal and for any veterinary bills.

37           2. To the owner or agency that owns a working or service animal for  
38 the salary of the handler for the period of time that the handler's services  
39 are lost to the owner or agency.

40           3. To the owner for the owner's contractual losses with the agency.

41           F. An incorporated city or town or a county may adopt an ordinance  
42 with misdemeanor provisions at least as stringent as the misdemeanor  
43 provisions of this section.

44           G. ~~A person who violates subsection A, paragraph 1, 2, 3, 4, 5, 6, 7~~  
45 ~~or 12 of this section is guilty of a class 1 misdemeanor. A PERSON WHO~~

1 VIOLATES SUBSECTION A, PARAGRAPH 9 OF THIS SECTION IS GUILTY OF A CLASS 5  
2 FELONY, EXCEPT THAT A SECOND OR SUBSEQUENT VIOLATION OF SUBSECTION A,  
3 PARAGRAPH 9 OF THIS SECTION IS A CLASS 4 FELONY. A person who violates  
4 subsection A, paragraph 8, ~~9~~, 10, 11, ~~or~~ 13, 14, 15 OR 16 of this section is  
5 guilty of a class 6 felony, EXCEPT THAT A SECOND OR SUBSEQUENT VIOLATION OF  
6 SUBSECTION A, PARAGRAPH 8, 10, 11, 13, 14, 15 OR 16 OF THIS SECTION IS A  
7 CLASS 5 FELONY. A PERSON WHO VIOLATES SUBSECTION A, PARAGRAPH 1, 2, 3, 4, 5,  
8 6, 7 OR 12 OF THIS SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR, EXCEPT THAT A  
9 SECOND OR SUBSEQUENT VIOLATION OF SUBSECTION A, PARAGRAPH 1, 2, 3, 4, 5, 6, 7  
10 OR 12 OF THIS SECTION IS A CLASS 6 FELONY.

11 H. For the purposes of this section:

12 1. "ABANDONMENT" MEANS TO DESERT, FORSAKE OR ABSOLUTELY GIVE UP AN  
13 ANIMAL WITHOUT HAVING SECURED ANOTHER OWNER OR CUSTODIAN FOR THE ANIMAL OR TO  
14 FAIL TO PROVIDE THE ELEMENTS OF BASIC CARE.

15 ~~1.~~ 2. "Animal" means a mammal, bird, reptile or amphibian.

16 ~~2.~~ 3. "Cruel mistreatment" means to ~~torture or otherwise~~ inflict  
17 unnecessary serious physical injury ~~upon~~ ON an animal or to kill an animal in  
18 a manner that causes protracted suffering to the animal.

19 ~~3.~~ 4. "Cruel neglect" means to fail to provide an animal with  
20 necessary food, water or shelter.

21 ~~4.~~ 5. "Handler" means a law enforcement officer or any other person  
22 who has successfully completed a course of training prescribed by the  
23 person's agency or the service animal owner and who used a specially trained  
24 animal under the direction of the person's agency or the service animal  
25 owner.

26 6. "MEDICAL ATTENTION" MEANS ACCEPTED VETERINARY PRACTICES OR  
27 PROCEDURES THAT ARE USED TO TREAT A PARTICULAR DISEASE, INJURY OR AILMENT  
28 THAT AN ANIMAL MAY HAVE IN ORDER TO HEAL, ALLEVIATE OR LESSEN THE EFFECTS OF  
29 THE CONDITION.

30 7. "PROTRACTED SUFFERING" MEANS ALLOWING AN ANIMAL TO CONTINUE  
31 SUFFERING DUE TO A PAINFUL OR ABNORMAL CONDITION.

32 ~~5.~~ 8. "Service animal" means an animal that has completed a formal  
33 training program, that assists its owner in one or more daily living tasks  
34 that are associated with a productive lifestyle and that is trained to not  
35 pose a danger to the health and safety of the general public.

36 9. "TORTURE" MEANS TO INTENTIONALLY, KNOWINGLY OR RECKLESSLY CAUSE ANY  
37 SEVERE OR EXTREME PHYSICAL OR MENTAL PAIN, AGONY OR ANGUISH.

38 ~~6.~~ 10. "Working animal" means a horse or dog that is used by a law  
39 enforcement agency, that is specially trained for law enforcement work and  
40 that is under the control of a handler.