

REFERENCE TITLE: law enforcement animals; animal cruelty

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

## **HB 2353**

Introduced by  
Representatives Lopez, Ableser, Bradley, Lujan, Prezelski, Sinema:  
Alvarez, Anderson, Burns J, Cajero Bedford, Campbell CL, Garcia M,  
Kirkpatrick, Konopnicki, McClure, Miranda, Pancrazi, Rios P, Saradnik,  
Schapira, Thrasher

AN ACT

AMENDING SECTIONS 12-114.01, 12-116.01, 13-702, 13-2910 AND 41-2419, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-824; AMENDING TITLE 41, CHAPTER 21, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-2408; RELATING TO LAW ENFORCEMENT ANIMALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 12-114.01, Arizona Revised Statutes, is amended to  
3 read:

4 12-114.01. Probation surcharge; deposit

5 A. Except as provided in section 12-269, in addition to any other  
6 penalty assessment provided by law, a probation surcharge of ten dollars  
7 shall be levied on every fine, penalty and forfeiture imposed and collected  
8 by the superior, justice and municipal courts for criminal offenses and any  
9 civil penalty imposed and collected for a civil traffic violation and fine,  
10 penalty or forfeiture for a violation of the motor vehicle statutes, for a  
11 violation of any local ordinance relating to the stopping, standing or  
12 operation of a vehicle, except parking violations, or for a violation of the  
13 game and fish statutes in title 17.

14 B. The monies collected pursuant to this section shall be deposited,  
15 pursuant to sections 35-146 and 35-147, in the judicial collection  
16 enhancement fund established by section 12-113 to be used to supplement  
17 monies currently used for the salaries of adult and juvenile probation and  
18 surveillance officers and for support of programs and services of the  
19 superior court adult and juvenile probation departments.

20 C. The court may waive all or part of a probation surcharge in the  
21 same manner and subject to the same limitations provided for the waiver of  
22 penalty assessments in section 12-116.01, subsection ~~E~~ G and section  
23 12-116.02, subsection D.

24 Sec. 2. Section 12-116.01, Arizona Revised Statutes, is amended to  
25 read:

26 12-116.01. Assessments; fund deposits

27 A. In addition to any other penalty assessment provided by law, a  
28 penalty assessment shall be levied in an amount of forty-seven per cent on  
29 every fine, penalty and forfeiture imposed and collected by the courts for  
30 criminal offenses and any civil penalty imposed and collected for a civil  
31 traffic violation and fine, penalty or forfeiture for a violation of the  
32 motor vehicle statutes, for any local ordinance relating to the stopping,  
33 standing or operation of a vehicle or for a violation of the game and fish  
34 statutes in title 17.

35 B. In addition to any other penalty assessment provided by law, an  
36 additional penalty assessment shall be levied in an amount of seven per cent  
37 on every fine, penalty and forfeiture imposed and collected by the courts for  
38 criminal offenses and any civil penalty imposed and collected for a civil  
39 traffic violation and fine, penalty or forfeiture for a violation of the  
40 motor vehicle statutes, for any local ordinance relating to the stopping,  
41 standing or operation of a vehicle or for a violation of the game and fish  
42 statutes in title 17.

43 C. In addition to any other penalty assessment provided by law, an  
44 additional penalty assessment shall be levied in an amount of three per cent  
45 on every fine, penalty and forfeiture imposed and collected by the courts for  
46 criminal offenses and any civil penalty imposed and collected for a civil

1 traffic violation and fine, penalty or forfeiture for a violation of the  
2 motor vehicle statutes, for any local ordinance relating to the stopping,  
3 standing or operation of a vehicle or for a violation of the game and fish  
4 statutes in title 17.

5 D. IN ADDITION TO ANY OTHER PENALTY ASSESSMENT PROVIDED BY LAW, AN  
6 ADDITIONAL PENALTY ASSESSMENT SHALL BE LEVIED IN AN AMOUNT OF .04 PER CENT ON  
7 EVERY FINE, PENALTY AND FORFEITURE IMPOSED AND COLLECTED BY THE COURTS FOR  
8 CRIMINAL OFFENSES AND ANY CIVIL PENALTY IMPOSED AND COLLECTED FOR A CIVIL  
9 TRAFFIC VIOLATION AND FINE, PENALTY OR FORFEITURE FOR A VIOLATION OF THE  
10 MOTOR VEHICLE STATUTES, FOR ANY LOCAL ORDINANCE RELATING TO THE STOPPING,  
11 STANDING OR OPERATION OF A VEHICLE OR FOR A VIOLATION OF THE GAME AND FISH  
12 STATUTES IN TITLE 17.

13 ~~D.~~ E. If any deposit of bail or bond or deposit for an alleged civil  
14 traffic violation is to be made for a violation, the court shall require a  
15 sufficient amount to include the assessment prescribed in this section for  
16 forfeited bail, bond or deposit. If bail, bond or deposit is forfeited, the  
17 court shall transmit the amount of the assessment pursuant to subsection ~~G~~-H  
18 of this section. If bail, bond or deposit is returned, the assessment made  
19 pursuant to this article shall also be returned.

20 ~~E.~~ F. After addition of the penalty assessment, the courts may round  
21 the total amount due to the nearest one-quarter dollar.

22 ~~F.~~ G. The judge may waive all or part of the civil penalty, fine,  
23 forfeiture and penalty assessment, except for mandatory civil penalties and  
24 fines, the payment of which would work a hardship on the persons convicted or  
25 adjudicated or on their immediate families. If a fine or civil penalty is  
26 mandatory, the judge may waive only all or part of the penalty assessments  
27 prescribed by subsections A, B, ~~and~~ C AND D of this section and section  
28 12-116.02. If a fine or civil penalty is not mandatory and if a portion of  
29 the civil penalty, fine, forfeiture and penalty assessment is waived or  
30 suspended, the amount assessed must be divided according to the proportion  
31 that the civil penalty, fine, bail or bond and the penalty assessment  
32 represent of the total amount due.

33 ~~G.~~ H. After a determination by the court of the amount due, the court  
34 shall transmit, on the last day of each month, the assessments collected  
35 pursuant to subsections A, B, C, ~~and~~ D AND E of this section and a remittance  
36 report of the fines, civil penalties and assessments collected pursuant to  
37 subsections A, B, C, ~~and~~ D AND E of this section to the county treasurer,  
38 except that municipal courts shall transmit the assessments and the  
39 remittance report of the fines, civil penalties and assessments to the city  
40 treasurer.

41 ~~H.~~ I. The appropriate authorities specified in subsection ~~G~~-H of  
42 this section shall transmit the forty-seven per cent penalty assessment  
43 prescribed in subsection A of this section and the remittance report as  
44 required in subsection ~~G~~-H of this section to the state treasurer on or  
45 before the fifteenth day of each month for deposit in the criminal justice  
46 enhancement fund established by section 41-2401.

1 ~~I.~~ J. The appropriate authorities specified in subsection ~~G- H~~ of  
2 this section shall transmit the seven per cent penalty assessment prescribed  
3 in subsection B of this section and the remittance report as required in  
4 subsection ~~G- H~~ of this section to the state treasurer on or before the  
5 fifteenth day of each month for allocation pursuant to section 41-2421,  
6 subsection J.

7 ~~J.~~ K. The appropriate authorities specified in subsection ~~G- H~~ of  
8 this section shall transmit the three per cent penalty assessment prescribed  
9 in subsection C of this section and the remittance report as required in  
10 subsection ~~G- H~~ of this section to the state treasurer on or before the  
11 fifteenth day of each month for deposit in the Arizona deoxyribonucleic acid  
12 identification system fund established by section 41-2419.

13 L. THE APPROPRIATE AUTHORITIES SPECIFIED IN SUBSECTION H OF THIS  
14 SECTION SHALL TRANSMIT THE .04 PER CENT PENALTY ASSESSMENT PRESCRIBED IN  
15 SUBSECTION D OF THIS SECTION AND THE REMITTANCE REPORT AS REQUIRED IN  
16 SUBSECTION H OF THIS SECTION TO THE STATE TREASURER ON OR BEFORE THE  
17 FIFTEENTH DAY OF EACH MONTH FOR DEPOSIT IN THE LAW ENFORCEMENT ANIMAL  
18 PROTECTIVE GEAR FUND ESTABLISHED BY SECTION 41-2408.

19 ~~K.~~ M. Partial payments of the amount due shall be transmitted as  
20 prescribed in subsections ~~G, H, I, and J, K AND L~~ of this section and shall  
21 be divided according to the proportion that the civil penalty, fine, bail or  
22 bond and the penalty assessment represent of the total amount due.

23 Sec. 3. Section 13-702, Arizona Revised Statutes, is amended to read:  
24 13-702. Sentencing; definition

25 A. Sentences provided in section 13-701 for a first conviction of a  
26 felony, except those felonies involving the discharge, use or threatening  
27 exhibition of a deadly weapon or dangerous instrument or the intentional or  
28 knowing infliction of serious physical injury upon another or if a specific  
29 sentence is otherwise provided, may be increased or reduced by the court  
30 within the ranges set by this subsection. Any reduction or increase shall be  
31 based on the aggravating and mitigating circumstances contained in  
32 subsections C and D of this section and shall be within the following ranges:

	<u>Minimum</u>	<u>Maximum</u>
33 1. For a class 2 felony	4 years	10 years
34 2. For a class 3 felony	2.5 years	7 years
35 3. For a class 4 felony	1.5 years	3 years
36 4. For a class 5 felony	9 months	2 years
37 5. For a class 6 felony	6 months	1.5 years

38 B. The upper or lower term imposed pursuant to section 13-604,  
39 13-604.01, 13-604.02, 13-702.01 or 13-710 or subsection A of this section may  
40 be imposed only if one or more of the circumstances alleged to be in  
41 aggravation of the crime are found to be true by the trier of fact beyond a  
42 reasonable doubt or are admitted by the defendant, except that an alleged  
43 aggravating circumstance under subsection C, paragraph 11 of this section  
44 shall be found to be true by the court, or in mitigation of the crime are  
45 found to be true by the court, on any evidence or information introduced or  
46

1 submitted to the court or the trier of fact before sentencing or any evidence  
2 presented at trial, and factual findings and reasons in support of such  
3 findings are set forth on the record at the time of sentencing.

4 C. For the purpose of determining the sentence pursuant to section  
5 13-710 and subsection A of this section, the trier of fact shall determine  
6 and the court shall consider the following aggravating circumstances, except  
7 that the court shall determine an aggravating circumstance under paragraph 11  
8 of this subsection:

9 1. Infliction or threatened infliction of serious physical injury,  
10 except if this circumstance is an essential element of the offense of  
11 conviction or has been utilized to enhance the range of punishment under  
12 section 13-604.

13 2. Use, threatened use or possession of a deadly weapon or dangerous  
14 instrument during the commission of the crime, except if this circumstance is  
15 an essential element of the offense of conviction or has been utilized to  
16 enhance the range of punishment under section 13-604.

17 3. If the offense involves the taking of or damage to property, the  
18 value of the property so taken or damaged.

19 4. Presence of an accomplice.

20 5. Especially heinous, cruel or depraved manner in which the offense  
21 was committed.

22 6. The defendant committed the offense as consideration for the  
23 receipt, or in the expectation of the receipt, of anything of pecuniary  
24 value.

25 7. The defendant procured the commission of the offense by payment, or  
26 promise of payment, of anything of pecuniary value.

27 8. At the time of the commission of the offense, the defendant was a  
28 public servant and the offense involved conduct directly related to the  
29 defendant's office or employment.

30 9. The victim or, if the victim has died as a result of the conduct of  
31 the defendant, the victim's immediate family suffered physical, emotional or  
32 financial harm.

33 10. During the course of the commission of the offense, the death of an  
34 unborn child at any stage of its development occurred.

35 11. The defendant was previously convicted of a felony within the ten  
36 years immediately preceding the date of the offense. A conviction outside  
37 the jurisdiction of this state for an offense that if committed in this state  
38 would be punishable as a felony is a felony conviction for the purposes of  
39 this paragraph.

40 12. The defendant was wearing body armor as defined in section 13-3116.

41 13. The victim of the offense is at least sixty-five years of age or is  
42 a disabled person as defined by section 38-492.

43 14. The defendant was appointed pursuant to title 14 as a fiduciary and  
44 the offense involved conduct directly related to the defendant's duties to  
45 the victim as fiduciary.

1           15. Evidence that the defendant committed the crime out of malice  
2 toward a victim because of the victim's identity in a group listed in section  
3 41-1750, subsection A, paragraph 3 or because of the defendant's perception  
4 of the victim's identity in a group listed in section 41-1750, subsection A,  
5 paragraph 3.

6           16. The defendant was convicted of a violation of section 13-1102,  
7 section 13-1103, section 13-1104, subsection A, paragraph 3 or section  
8 13-1204, subsection A, paragraph 1 or 2 arising from an act that was  
9 committed while driving a motor vehicle and the defendant's alcohol  
10 concentration at the time of committing the offense was 0.15 or more. For  
11 the purposes of this paragraph, "alcohol concentration" has the same meaning  
12 prescribed in section 28-101.

13           17. Lying in wait for the victim or ambushing the victim during the  
14 commission of any felony.

15           18. The offense was committed in the presence of a child and any of the  
16 circumstances exist that are set forth in section 13-3601, subsection A.

17           19. The offense was committed in retaliation for a victim's either  
18 reporting criminal activity or being involved in an organization, other than  
19 a law enforcement agency, that is established for the purpose of reporting or  
20 preventing criminal activity.

21           20. The defendant was impersonating a peace officer as defined in  
22 section 1-215.

23           21. The defendant was in violation of 8 United States Code section  
24 1323, 1324, 1325, 1326 or 1328 at the time of the commission of the offense.

25           22. The defendant used a remote stun gun or an authorized remote stun  
26 gun in the commission of the offense. For the purposes of this paragraph:

27           (a) "Authorized remote stun gun" means a remote stun gun that has all  
28 of the following:

29           (i) An electrical discharge that is less than one hundred thousand  
30 volts and less than nine joules of energy per pulse.

31           (ii) A serial or identification number on all projectiles that are  
32 discharged from the remote stun gun.

33           (iii) An identification and tracking system that, on deployment of  
34 remote electrodes, disperses coded material that is traceable to the  
35 purchaser through records that are kept by the manufacturer on all remote  
36 stun guns and all individual cartridges sold.

37           (iv) A training program that is offered by the manufacturer.

38           (b) "Remote stun gun" means an electronic device that emits an  
39 electrical charge and that is designed and primarily employed to incapacitate  
40 a person or animal either through contact with electrodes on the device  
41 itself or remotely through wired probes that are attached to the device or  
42 through a spark, plasma, ionization or other conductive means emitting from  
43 the device.

44           23. During or immediately following the commission of the offense, the  
45 defendant committed a violation of either section 28-661, 28-662 or 28-663.

1           24. DURING OR IMMEDIATELY FOLLOWING THE COMMISSION OF THE OFFENSE,  
2 SERIOUS PHYSICAL INJURY TO OR THE DEATH OF A LAW ENFORCEMENT ANIMAL OCCURRED.

3           ~~24.~~ 25. Any other factor that the state alleges is relevant to the  
4 defendant's character or background or to the nature or circumstances of the  
5 crime.

6           D. For the purpose of determining the sentence pursuant to section  
7 13-710 and subsection A of this section, the court shall consider the  
8 following mitigating circumstances:

9           1. The age of the defendant.

10           2. The defendant's capacity to appreciate the wrongfulness of the  
11 defendant's conduct or to conform the defendant's conduct to the requirements  
12 of law was significantly impaired, but not so impaired as to constitute a  
13 defense to prosecution.

14           3. The defendant was under unusual or substantial duress, although not  
15 such as to constitute a defense to prosecution.

16           4. The degree of the defendant's participation in the crime was minor,  
17 although not so minor as to constitute a defense to prosecution.

18           5. During or immediately following the commission of the offense, the  
19 defendant complied with all duties imposed under sections 28-661, 28-662 and  
20 28-663.

21           6. Any other factor that is relevant to the defendant's character or  
22 background or to the nature or circumstances of the crime and that the court  
23 finds to be mitigating.

24           If the trier of fact finds at least one aggravating circumstance, the trial  
25 court may find by a preponderance of the evidence additional aggravating  
26 circumstances. In determining what sentence to impose, the court shall take  
27 into account the amount of aggravating circumstances and whether the amount  
28 of mitigating circumstances is sufficiently substantial to call for the  
29 lesser term. If the trier of fact finds aggravating circumstances and the  
30 court does not find any mitigating circumstances, the court shall impose an  
31 aggravated sentence.

32           E. The court in imposing a sentence shall consider the evidence and  
33 opinions presented by the victim or the victim's immediate family at any  
34 aggravation or mitigation proceeding or in the presentence report.

35           F. Nothing in this section affects any provision of law that imposes  
36 the death penalty, that expressly provides for imprisonment for life or that  
37 authorizes or restricts the granting of probation and suspending the  
38 execution of sentence.

39           G. Notwithstanding any other provision of this title, if a person is  
40 convicted of any class 6 felony not involving the intentional or knowing  
41 infliction of serious physical injury or the discharge, use or threatening  
42 exhibition of a deadly weapon or dangerous instrument and if the court,  
43 having regard to the nature and circumstances of the crime and to the history  
44 and character of the defendant, is of the opinion that it would be unduly  
45 harsh to sentence the defendant for a felony, the court may enter judgment of  
46 conviction for a class 1 misdemeanor and make disposition accordingly or may

1 place the defendant on probation in accordance with chapter 9 of this title  
2 and refrain from designating the offense as a felony or misdemeanor until the  
3 probation is terminated. The offense shall be treated as a felony for all  
4 purposes until such time as the court may actually enter an order designating  
5 the offense a misdemeanor. This subsection does not apply to any person who  
6 stands convicted of a class 6 felony and who has previously been convicted of  
7 two or more felonies. If a crime or public offense is punishable in the  
8 discretion of the court by a sentence as a class 6 felony or a class 1  
9 misdemeanor, the offense shall be deemed a misdemeanor if the prosecuting  
10 attorney:

11 1. Files an information in superior court designating the offense as a  
12 misdemeanor.

13 2. Files a complaint in justice court or municipal court designating  
14 the offense as a misdemeanor within the jurisdiction of the respective court.

15 3. Files a complaint, with the consent of the defendant, before or  
16 during the preliminary hearing amending the complaint to charge a  
17 misdemeanor.

18 H. For the purposes of this section, "trier of fact" means a jury,  
19 unless the defendant and the state waive a jury in which case the trier of  
20 fact means the court.

21 Sec. 4. Title 13, chapter 8, Arizona Revised Statutes, is amended by  
22 adding section 13-824, to read:

23 13-824. Restitution; law enforcement animals

24 A. IN ADDITION TO ANY RESTITUTION THAT IS ORDERED PURSUANT TO SECTION  
25 13-603, SUBSECTION C OR SECTION 13-804, IF THE DEFENDANT IS CONVICTED OF ANY  
26 OFFENSE THAT RESULTED IN SERIOUS PHYSICAL INJURY TO OR THE DEATH OF A LAW  
27 ENFORCEMENT ANIMAL, THE COURT SHALL REQUIRE THE CONVICTED PERSON TO MAKE  
28 RESTITUTION TO THE LAW ENFORCEMENT AGENCY THAT OWNED THE ANIMAL IN THE FULL  
29 AMOUNT OF THE ECONOMIC LOSS AS DETERMINED BY THE COURT AND IN THE MANNER AS  
30 DETERMINED BY THE COURT OR THE COURT'S DESIGNEE PURSUANT TO THIS CHAPTER.

31 B. RESTITUTION THAT IS ORDERED PURSUANT TO THIS SECTION SHALL BE PAID  
32 TO THE CLERK OF THE COURT FOR DISBURSEMENT TO THE LAW ENFORCEMENT AGENCY AND  
33 IS A CRIMINAL PENALTY FOR THE PURPOSES OF A FEDERAL BANKRUPTCY INVOLVING THE  
34 PERSON CONVICTED OF AN OFFENSE.

35 Sec. 5. Section 13-2910, Arizona Revised Statutes, is amended to read:

36 13-2910. Cruelty to animals; interference with law enforcement  
37 or service animal; classification; definitions

38 A. A person commits cruelty to animals if the person does any of the  
39 following:

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

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

45 3. Intentionally, knowingly or recklessly inflicts unnecessary  
46 physical injury to any animal.



- 1           4. Recklessly subjects any animal to cruel mistreatment.
- 2           5. Intentionally, knowingly or recklessly kills any animal under the  
3 custody or control of another person without either legal privilege or  
4 consent of the owner.
- 5           6. Recklessly interferes with, kills or harms a ~~working or service~~ LAW  
6 ENFORCEMENT animal without either legal privilege or consent of the owner.
- 7           7. RECKLESSLY INTERFERES WITH, KILLS OR HARMS A SERVICE ANIMAL WITHOUT  
8 EITHER LEGAL PRIVILEGE OR CONSENT OF THE OWNER.
- 9           ~~7.~~ 8. Intentionally, knowingly or recklessly leaves an animal  
10 unattended and confined in a motor vehicle and physical injury to or death of  
11 the animal is likely to result.
- 12           ~~8.~~ 9. Intentionally or knowingly subjects any animal under the  
13 person's custody or control to cruel neglect or abandonment that results in  
14 serious physical injury to the animal.
- 15           ~~9.~~ 10. Intentionally or knowingly subjects any animal to cruel  
16 mistreatment.
- 17           ~~10.~~ 11. Intentionally or knowingly interferes with, kills or harms a  
18 ~~working or service~~ LAW ENFORCEMENT animal without either legal privilege or  
19 consent of the owner.
- 20           12. INTENTIONALLY OR KNOWINGLY INTERFERES WITH, KILLS OR HARMS A  
21 SERVICE ANIMAL WITHOUT EITHER LEGAL PRIVILEGE OR CONSENT OF THE OWNER.
- 22           ~~11.~~ 13. Intentionally or knowingly allows any dog that is under the  
23 person's custody or control to interfere with, kill or cause physical injury  
24 to a service animal.
- 25           ~~12.~~ 14. Recklessly allows any dog that is under the person's custody  
26 or control to interfere with, kill or cause physical injury to a service  
27 animal.
- 28           ~~13.~~ 15. Intentionally or knowingly obtains or exerts unauthorized  
29 control over a service animal with the intent to deprive the service animal  
30 handler of the service animal.
- 31           B. It is a defense to subsection A of this section if:
- 32           1. Any person exposes poison to be taken by a dog that has killed or  
33 wounded livestock or poison to be taken by predatory animals on premises  
34 owned, leased or controlled by the person for the purpose of protecting the  
35 person or the person's livestock or poultry, ~~and~~ the treated property is kept  
36 posted by the person who authorized or performed the treatment until the  
37 poison has been removed, ~~—~~ and the poison is removed by the person exposing  
38 the poison after the threat to the person, ~~—~~ or the person's livestock or  
39 poultry has ceased to exist. The posting required shall provide adequate  
40 warning to persons who enter the property by the point or points of normal  
41 entry. The warning notice that is posted shall be readable at a distance of  
42 fifty feet, shall contain a poison statement and symbol and shall state the  
43 word "danger" or "warning".
- 44           2. Any person uses poisons in and immediately around buildings owned,  
45 leased or controlled by the person for the purpose of controlling wild and

1 domestic rodents as otherwise allowed by the laws of the state, excluding any  
2 fur-bearing animals as defined in section 17-101.

3 C. This section does not prohibit or restrict:

4 1. The taking of wildlife or other activities permitted by or pursuant  
5 to title 17.

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

7 3. Activities regulated by the Arizona game and fish department or the  
8 Arizona department of agriculture.

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

13 E. A person who is convicted of a violation of subsection A, paragraph  
14 6, ~~or 10~~ 7, 11 OR 12 of this section is liable as follows:

15 1. If the ~~working~~ LAW ENFORCEMENT or service animal was killed or  
16 disabled, to the owner or agency that owns the ~~working~~ LAW ENFORCEMENT or  
17 service animal and that employs the handler or to the owner or handler for  
18 the replacement and training costs of the ~~working~~ LAW ENFORCEMENT or service  
19 animal and for any veterinary bills.

20 2. To the owner or agency that owns a ~~working~~ LAW ENFORCEMENT or  
21 service animal for the salary of the handler for the period of time that the  
22 handler's services are lost to the owner or agency.

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

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

27 G. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, ~~6~~, 7,  
28 8 or ~~12~~ 14 of this section is guilty of a class 1 misdemeanor. A person who  
29 violates subsection A, paragraph 6, ~~8~~, 9, 10, ~~11~~ or 12, 13 OR 15 of this  
30 section is guilty of a class 6 felony. A PERSON WHO VIOLATES SUBSECTION A,  
31 PARAGRAPH 11 OF THIS SECTION IS GUILTY OF A CLASS 5 FELONY.

32 H. For the purposes of this section:

33 1. "Animal" means a mammal, bird, reptile or amphibian.

34 2. "Cruel mistreatment" means to torture or otherwise inflict  
35 unnecessary serious physical injury upon an animal or to kill an animal in a  
36 manner that causes protracted suffering to the animal.

37 3. "Cruel neglect" means to fail to provide an animal with necessary  
38 food, water or shelter.

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

43 ~~6-~~ 5. "~~Working~~ LAW ENFORCEMENT animal" means a horse or dog that is  
44 used by a law enforcement agency, that is specially trained for law  
45 enforcement work and that is under the control of a handler.

1           ~~5-~~ 6. "Service animal" means an animal that has completed a formal  
2 training program, that assists its owner in one or more daily living tasks  
3 that are associated with a productive lifestyle and that is trained to not  
4 pose a danger to the health and safety of the general public.

5           Sec. 6. Title 41, chapter 21, article 1, Arizona Revised Statutes, is  
6 amended by adding section 41-2408, to read:

7           41-2408. Law enforcement animal protective gear fund; grants to  
8 law enforcement agencies

9           A. THE LAW ENFORCEMENT ANIMAL PROTECTIVE GEAR FUND IS ESTABLISHED  
10 CONSISTING OF MONIES COLLECTED PURSUANT TO SECTION 12-116.01, SUBSECTION D  
11 AND DISTRIBUTED PURSUANT TO SECTION 12-116.01, SUBSECTION L. MONIES IN THE  
12 FUND ARE SUBJECT TO LEGISLATIVE APPROPRIATION. THE ARIZONA CRIMINAL JUSTICE  
13 COMMISSION SHALL ADMINISTER THE FUND AND ESTABLISH AND ADOPT PROCEDURES FOR  
14 THE ALLOCATION OF THE MONIES IN THE FUND.

15           B. LAW ENFORCEMENT AGENCIES MAY APPLY FOR LAW ENFORCEMENT ANIMAL  
16 PROTECTIVE GEAR FUND GRANTS FROM THE ARIZONA CRIMINAL JUSTICE COMMISSION FOR  
17 THE ENSUING FISCAL YEAR ON FORMS THAT ARE PROVIDED BY THE ARIZONA CRIMINAL  
18 JUSTICE COMMISSION.

19           C. THE ARIZONA CRIMINAL JUSTICE COMMISSION MAY DISTRIBUTE GRANT MONIES  
20 FROM THE FUND TO LAW ENFORCEMENT AGENCIES THAT PROPERLY APPLY TO RECEIVE THE  
21 MONIES.

22           D. A LAW ENFORCEMENT AGENCY THAT RECEIVES MONIES THAT ARE DISTRIBUTED  
23 PURSUANT TO THIS SECTION SHALL USE THE MONIES SOLELY FOR THE PURCHASE OF LAW  
24 ENFORCEMENT ANIMAL PROTECTIVE GEAR.

25           Sec. 7. Section 41-2419, Arizona Revised Statutes, is amended to read:

26           41-2419. Arizona deoxyribonucleic acid identification system  
27 fund

28           A. The Arizona deoxyribonucleic acid identification system fund is  
29 established. The Arizona deoxyribonucleic acid identification system fund  
30 consists of monies collected pursuant to section 12-116.01 and distributed  
31 pursuant to section 41-2401, subsection D, paragraph 6, monies collected  
32 pursuant to section 12-116.01, subsection C and distributed pursuant to  
33 section 12-116.01, subsection ~~J-~~ K and monies contributed to the fund from  
34 any other source. On notice from the department of public safety, the state  
35 treasurer shall invest and divest monies in the fund as provided by section  
36 35-313, and monies earned from investment shall be credited to the fund.

37           B. The department of public safety shall administer the fund.

38           C. Subject to legislative appropriation, monies in the fund shall be  
39 used for implementing, operating and maintaining deoxyribonucleic acid  
40 testing and for the costs of administering the system.