

REFERENCE TITLE: animal cruelty; domestic animals; classification

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

SB 1295

Introduced by
Senator Kavanagh

AN ACT

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

(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
7 the 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
12 the 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 cruel mistreatment.

16 5. Intentionally, knowingly or recklessly kills any animal under
17 the 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
22 unattended and confined in a motor vehicle and physical injury to or death
23 of the animal is likely to result.

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

27 9. Intentionally or knowingly subjects any animal to 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
34 injury 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
37 animal.

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

41 14. INTENTIONALLY OR KNOWINGLY SUBJECTS A DOMESTIC ANIMAL TO CRUEL
42 MISTREATMENT.

43 15. INTENTIONALLY OR KNOWINGLY KILLS A DOMESTIC ANIMAL WITHOUT
44 EITHER LEGAL PRIVILEGE OR CONSENT OF THE DOMESTIC ANIMAL'S OWNER OR
45 HANDLER.

1 B. It is a defense to subsection A of this section if:
2 1. Any person exposes poison to be taken by a dog that has killed
3 or wounded livestock or poison to be taken by predatory animals on
4 premises owned, leased or controlled by the person for the purpose of
5 protecting the person or the person's livestock or poultry, the treated
6 property is kept posted by the person who authorized or performed the
7 treatment until the poison has been removed and the poison is removed by
8 the person exposing the poison after the threat to the person or the
9 person's livestock or poultry has ceased to exist. The posting required
10 shall provide adequate warning to persons who enter the property by the
11 point or points of normal entry. The warning notice that is posted shall
12 be readable at a distance of fifty feet, shall contain a poison statement
13 and symbol and shall state the word "danger" or "warning".
14 2. Any person uses poisons in and immediately around buildings
15 owned, leased or controlled by the person for the purpose of controlling
16 wild and domestic rodents as otherwise allowed by the laws of the state,
17 excluding any fur-bearing animals as defined in section 17-101.
18 C. This section does not prohibit or restrict:
19 1. The taking of wildlife or other activities permitted by or
20 pursuant to title 17.
21 2. Activities permitted by or pursuant to title 3.
22 3. Activities regulated by the Arizona game and fish department or
23 the Arizona department of agriculture.
24 D. A peace officer, animal control enforcement agent or animal
25 control enforcement deputy may use reasonable force to open a vehicle to
26 rescue an animal if the animal is left in the vehicle as prescribed in
27 subsection A, paragraph 7 of this section.
28 E. A person who is convicted of a violation of subsection A,
29 paragraph 6 or 10 of this section is liable as follows:
30 1. If the working or service animal was killed or disabled, to the
31 owner or agency that owns the working or service animal and that employs
32 the handler or to the owner or handler for the replacement and training
33 costs of the working or service animal and for any veterinary bills.
34 2. To the owner or agency that owns a working or service animal for
35 the salary of the handler for the period of time that the handler's
36 services are lost to the owner or agency.
37 3. To the owner for the owner's contractual losses with the agency.
38 F. An incorporated city or town or a county may adopt an ordinance
39 with misdemeanor provisions at least as stringent as the misdemeanor
40 provisions of this section, except that any ordinance adopted shall not
41 prohibit or restrict any activity involving a dog, whether the dog is
42 restrained or not, if the activity is directly related to the business of
43 shepherding or herding livestock and the activity is necessary for the
44 safety of a human, the dog or livestock or is permitted by or pursuant to
45 title 3.

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

6 H. For the purposes of this section:

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

8 2. "Cruel mistreatment" means to torture or otherwise inflict
9 unnecessary serious physical injury on an animal or to kill an animal in a
10 manner that causes protracted suffering to the animal.

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

13 4. "DOMESTIC ANIMAL" MEANS A MAMMAL THAT IS KEPT PRIMARILY AS A PET
14 OR COMPANION OR THAT IS BRED TO BE A PET OR COMPANION.

15 ~~4.~~ 5. "Handler" means a law enforcement officer or any other
16 person who has successfully completed a course of training prescribed by
17 the person's agency or the service animal owner and who used a specially
18 trained animal under the direction of the person's agency or the service
19 animal owner.

20 ~~5.~~ 6. "Service animal" means an animal that has completed a formal
21 training program, that assists its owner in one or more daily living tasks
22 that are associated with a productive lifestyle and that is trained to not
23 pose a danger to the health and safety of the general public.

24 ~~6.~~ 7. "Working animal" means a horse or dog that is used by a law
25 enforcement agency, that is specially trained for law enforcement work and
26 that is under the control of a handler.