

House Engrossed

animal abuser registration; penalties

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HOUSE BILL 2355

AN ACT

AMENDING TITLE 13, CHAPTER 29, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-2910.10; RELATING TO ANIMAL ABUSE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 13, chapter 29, Arizona Revised Statutes, is
3 amended by adding section 13-2910.10, to read:

4 13-2910.10. Central animal abuser registration; central
5 animal abuser registry; civil penalty;
6 violation; classification; good cause
7 exception; definitions

8 A. A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE AND WHO HAS BEEN
9 CONVICTED OF OR FOUND GUILTY EXCEPT INSANE FOR A VIOLATION OR ATTEMPTED
10 VIOLATION OF ANY OF THE FOLLOWING FELONY OFFENSES OR WHO HAS BEEN
11 CONVICTED OF OR FOUND GUILTY EXCEPT INSANE FOR AN OFFENSE COMMITTED IN
12 ANOTHER JURISDICTION THAT IF COMMITTED IN THIS STATE WOULD BE A VIOLATION
13 OR ATTEMPTED VIOLATION OF ANY OF THE FOLLOWING FELONY OFFENSES OR WHO IS
14 REQUIRED TO REGISTER BY THE CONVICTING JURISDICTION, WITHIN FIVE DAYS
15 AFTER THE CONVICTION OR WITHIN TEN DAYS AFTER ENTERING AND REMAINING IN
16 THIS STATE, SHALL REGISTER WITH THE DEPARTMENT OF PUBLIC SAFETY:

17 1. CRUELTY TO ANIMALS PURSUANT TO SECTION 13-2910, SUBSECTION A,
18 PARAGRAPH 8, 9, 11, 14 OR 15.

19 2. ANIMAL FIGHTING PURSUANT TO SECTION 13-2910.01.

20 3. BESTIALITY PURSUANT TO SECTION 13-1411.

21 B. ON THE FIRST CONVICTION OF AN OFFENSE LISTED IN SUBSECTION A OF
22 THIS SECTION, A PERSON SHALL REGISTER FOR FIVE YEARS. ON THE PERSON'S
23 SECOND OR SUBSEQUENT CONVICTION OF AN OFFENSE LISTED IN SUBSECTION A OF
24 THIS SECTION, THE PERSON SHALL REGISTER FOR TEN YEARS.

25 C. THE CLERK OF THE COURT IN THE COUNTY IN WHICH A PERSON IS
26 CONVICTED OF OR FOUND GUILTY EXCEPT INSANE FOR AN OFFENSE LISTED IN
27 SUBSECTION A OF THIS SECTION SHALL PROVIDE THE DEPARTMENT OF PUBLIC SAFETY
28 WITH A COPY OF THE JUDGMENT AND THE CONVICTED PERSON'S DATE OF BIRTH
29 WITHIN FIVE DAYS AFTER ENTRY OF THE JUDGMENT.

30 D. A PERSON WHO HAS BEEN CONVICTED OR FOUND GUILTY EXCEPT INSANE
31 AND WHO IS REQUIRED TO REGISTER IN THE CONVICTING STATE FOR AN ACT THAT
32 WOULD CONSTITUTE AN OFFENSE LISTED IN SUBSECTION A OF THIS SECTION AND WHO
33 IS NOT A RESIDENT OF THIS STATE SHALL BE REQUIRED TO REGISTER PURSUANT TO
34 THIS SECTION IF THE PERSON IS EITHER:

35 1. EMPLOYED FULL-TIME OR PART-TIME IN THIS STATE, WITH OR WITHOUT
36 COMPENSATION, FOR MORE THAN FOURTEEN CONSECUTIVE DAYS OR FOR AN AGGREGATE
37 PERIOD OF MORE THAN THIRTY DAYS IN A CALENDAR YEAR.

38 2. ENROLLED AS A FULL-TIME OR PART-TIME STUDENT IN ANY SCHOOL IN
39 THIS STATE FOR MORE THAN FOURTEEN CONSECUTIVE DAYS OR FOR AN AGGREGATE
40 PERIOD OF MORE THAN THIRTY DAYS IN A CALENDAR YEAR. FOR THE PURPOSES OF
41 THIS PARAGRAPH, "SCHOOL" MEANS AN EDUCATIONAL INSTITUTION OF ANY
42 DESCRIPTION, PUBLIC OR PRIVATE, WHEREVER LOCATED IN THIS STATE.

43 E. AT THE TIME OF REGISTERING, THE PERSON SHALL SIGN OR AFFIX AN
44 ELECTRONIC FINGERPRINT TO A STATEMENT GIVING SUCH INFORMATION AS REQUIRED
45 BY THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY, INCLUDING ALL NAMES BY
46 WHICH THE PERSON IS KNOWN, A CURRENT PHOTOGRAPH AND THE PHYSICAL LOCATION

1 OF THE PERSON'S RESIDENCE AND THE PERSON'S ADDRESS. IF THE PERSON HAS A
2 PLACE OF RESIDENCE THAT IS DIFFERENT FROM THE PERSON'S ADDRESS, THE PERSON
3 SHALL PROVIDE THE PERSON'S ADDRESS, THE PHYSICAL LOCATION OF THE PERSON'S
4 RESIDENCE AND THE NAME OF THE OWNER OF THE RESIDENCE IF THE RESIDENCE IS
5 PRIVATELY OWNED AND NOT OFFERED FOR RENT OR LEASE. IF THE PERSON RECEIVES
6 MAIL AT A POST OFFICE BOX, THE PERSON SHALL PROVIDE THE LOCATION AND
7 NUMBER OF THE POST OFFICE BOX. IF THE PERSON MOVES TO A NEW RESIDENCE,
8 THE PERSON SHALL PROVIDE THE DEPARTMENT OF PUBLIC SAFETY WITH THE PERSON'S
9 NEW RESIDENCE ADDRESS WITHIN THIRTY DAYS AFTER MOVING. A PERSON WHO IS
10 REQUIRED TO REGISTER FOR MORE THAN FIVE YEARS MUST PROVIDE THE DEPARTMENT
11 OF PUBLIC SAFETY WITH A CURRENT PHOTOGRAPH OF THE PERSON AT LEAST ONCE
12 EVERY FIVE YEARS.

13 F. BEGINNING FROM AND AFTER DECEMBER 31, 2021, THE DEPARTMENT OF
14 PUBLIC SAFETY SHALL ESTABLISH AND MAINTAIN A CENTRAL ANIMAL ABUSER
15 REGISTRY TO PROVIDE ANIMAL ABUSER INFORMATION TO THE PUBLIC. THE REGISTRY
16 SHALL INCLUDE THE NAMES AND REGISTRATION INFORMATION OF EVERY PERSON WHO
17 IS REQUIRED TO REGISTER PURSUANT TO THIS SECTION. THE DEPARTMENT OF
18 PUBLIC SAFETY SHALL MAKE THE CENTRAL ANIMAL ABUSER REGISTRY AVAILABLE ON
19 ITS WEBSITE. THE REGISTRY SHALL BE SEARCHABLE BY NAME. THE ANIMAL
20 ABUSER'S INFORMATION SHALL REMAIN IN THE REGISTRY FOR AS LONG AS THE
21 PERSON IS REQUIRED TO REGISTER, UNLESS THE ABUSER'S CONVICTION IS SET
22 ASIDE PURSUANT TO SECTION 13-905. THE DEPARTMENT OF PUBLIC SAFETY SHALL
23 REMOVE THE PERSON'S NAME AND ALL OTHER INFORMATION AFTER THE PERIOD OF
24 TIME PRESCRIBED BY SUBSECTION B OF THIS SECTION UNLESS THE PERSON IS
25 SUBSEQUENTLY CONVICTED OF AN OFFENSE THAT REQUIRES REGISTRATION.

26 G. THE CENTRAL ANIMAL ABUSER REGISTRY SHALL INCLUDE ALL OF THE
27 FOLLOWING INFORMATION:

- 28 1. THE CURRENT PHOTOGRAPH OF THE CONVICTED PERSON.
- 29 2. THE CONVICTED PERSON'S FULL LEGAL NAME AND CURRENT ADDRESS.
- 30 3. ANY OTHER INFORMATION THAT IS NECESSARY TO PROPERLY IDENTIFY THE
31 PERSON AS DETERMINED BY THE DEPARTMENT OF PUBLIC SAFETY.

32 H. THE CENTRAL ANIMAL ABUSER REGISTRY MAY NOT CONTAIN THE PERSON'S
33 SOCIAL SECURITY NUMBER, NONOPERATING IDENTIFICATION OR DRIVER LICENSE
34 NUMBER OR ANY OTHER STATE OR FEDERAL IDENTIFICATION NUMBER.

35 I. FROM AND AFTER DECEMBER 31, 2021, A PERSON OR AN EMPLOYEE,
36 VOLUNTEER OR AUTHORIZED AGENT OF AN ORGANIZATION THAT SELLS, GIVES OR
37 ADOPTS OUT TO ANOTHER OR THAT TRANSFERS OR EXCHANGES FOR COMPENSATION
38 ANIMALS MAY CONDUCT A SEARCH OF THE CENTRAL ANIMAL ABUSER REGISTRY,
39 CHECKING FOR THE NAME OF EVERY PERSON WHO IS REQUESTING TO ADOPT, BUY OR
40 OWN A COMPANION ANIMAL.

41 J. A PERSON MAY NOT INTENTIONALLY OR KNOWINGLY SELL, GIFT, ADOPT
42 OUT OR TRANSFER A COMPANION ANIMAL TO A PERSON WHO IS LISTED IN THE
43 CENTRAL ANIMAL ABUSER REGISTRY.

44 K. IT IS AN AFFIRMATIVE DEFENSE TO A PROSECUTION FOR A VIOLATION OF
45 SUBSECTION J OF THIS SECTION THAT THE PERSON WAS NOT AWARE OF THE PERSON'S
46 INCLUSION IN THE CENTRAL ANIMAL ABUSER REGISTRY AND DID NOT CHECK THE

1 CENTRAL ANIMAL ABUSER REGISTRY BEFORE SELLING, GIFTING, ADOPTING OUT OR
2 TRANSFERRING THE COMPANION ANIMAL.

3 L. A PERSON WHO FAILS TO REGISTER PURSUANT TO SUBSECTION A OF THIS
4 SECTION OR WHO FAILS TO UPDATE THE PERSON'S RESIDENCE ADDRESS OR
5 PHOTOGRAPH WITH THE DEPARTMENT OF PUBLIC SAFETY IS GUILTY OF A CLASS 1
6 MISDEMEANOR.

7 M. A PERSON WHO INTENTIONALLY OR KNOWINGLY SELLS, GIFTS, ADOPTS OUT
8 OR TRANSFERS A COMPANION ANIMAL TO A PERSON WHO IS LISTED IN THE CENTRAL
9 ANIMAL ABUSER REGISTRY IS SUBJECT TO A CIVIL PENALTY OF AT LEAST \$1,000.

10 N. ANY REQUIREMENT TO REGISTER IS TOLLED DURING THE TIME THAT A
11 PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO THIS SECTION IS
12 INCARCERATED IN THE STATE DEPARTMENT OF CORRECTIONS.

13 O. A PERSON WHO IS REQUIRED TO REGISTER PURSUANT TO THIS SECTION
14 MAY APPLY TO THE COURT FOR A GOOD CAUSE EXCEPTION THAT ALLOWS THE PERSON
15 TO PURCHASE, OWN, POSSESS OR ADOPT A SERVICE ANIMAL. A GOOD CAUSE
16 EXCEPTION IS VALID FOR ONE YEAR. A PERSON WHO IS REQUIRED TO REGISTER MAY
17 REQUEST THE COURT TO RENEW A GOOD CAUSE EXCEPTION SIXTY DAYS BEFORE THE
18 GOOD CAUSE EXCEPTION EXPIRES. THE COURT MAY GRANT A GOOD CAUSE EXCEPTION
19 OR RENEW A GOOD CAUSE EXCEPTION IF ALL OF THE FOLLOWING APPLY:

20 1. THE PERSON IS ON SUPERVISED OR UNSUPERVISED PROBATION, COMMUNITY
21 SUPERVISION OR PAROLE OR AGREES TO BE SUBJECT TO THE COURT'S JURISDICTION
22 AND SUPERVISION WHILE OWNING OR POSSESSING THE SERVICE ANIMAL.

23 2. THE COURT DETERMINES THAT IT IS IN THE BEST INTERESTS OF THE
24 SERVICE ANIMAL AND THAT THE PERSON'S NEED FOR A SERVICE ANIMAL OUTWEIGHS
25 ANY RISK TO THE SERVICE ANIMAL.

26 3. THE PERSON AGREES TO NOT PURCHASE, OWN, POSSESS OR ADOPT AN
27 ANIMAL THAT IS NOT A SERVICE ANIMAL.

28 P. SUBSECTIONS I, J AND M OF THIS SECTION DO NOT APPLY TO A PERSON
29 OR AN EMPLOYEE, VOLUNTEER OR AUTHORIZED AGENT OF AN ORGANIZATION THAT
30 SELLS, GIVES OR ADOPTS OUT TO ANOTHER OR THAT TRANSFERS OR EXCHANGES FOR
31 COMPENSATION A SERVICE ANIMAL TO A PERSON WHO RECEIVES A GOOD CAUSE
32 EXCEPTION.

33 Q. FOR THE PURPOSES OF THIS SECTION:

34 1. "ADDRESS" MEANS THE LOCATION WHERE THE PERSON RECEIVES MAIL.

35 2. "ANIMAL":

36 (a) MEANS A COMPANION ANIMAL.

37 (b) DOES NOT INCLUDE LIVESTOCK AS DEFINED IN SECTION 3-1201 OR
38 WILDLIFE AS DEFINED IN SECTION 17-101.

39 3. "COMPANION ANIMAL" MEANS ANY DOMESTICATED DOG OR CAT.

40 4. "SERVICE ANIMAL" HAS THE SAME MEANING PRESCRIBED IN SECTION
41 13-2910.

42 Sec. 2. Conditional enactment

43 This act does not become effective unless on or before July 1, 2021
44 the legislature appropriates monies to establish and maintain a central
45 animal abuser registry.