

Senate Engrossed House Bill
animal ownership; possession; prohibition

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

HOUSE BILL 2483

AN ACT

AMENDING TITLE 13, CHAPTER 29, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-2910.10; RELATING TO OFFENSES AGAINST PUBLIC ORDER.

(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. Unlawful animal ownership or possession; transfer
5 of animals; restoration of right to possess
6 animals; classification; good cause exception;
7 definitions

8 A. IT IS UNLAWFUL FOR A PERSON WHO HAS BEEN CONVICTED OF ANY OF THE
9 FOLLOWING OFFENSES TO OWN, POSSESS, ADOPT, FOSTER, RESIDE WITH OR
10 OTHERWISE INTENTIONALLY CONTACT, CARE FOR OR HAVE CUSTODY OF ANY ANIMAL IN
11 THE PERSON'S HOUSEHOLD:

12 1. AN INTENTIONAL OR KNOWING VIOLATION OF CRUELTY TO ANIMALS
13 PURSUANT TO SECTION 13-2910, SUBSECTION A, PARAGRAPH 1, 2, 3, 7, 8, 9, 11,
14 14 OR 15.

15 2. CRUELTY TO ANIMALS PURSUANT TO SECTION 13-2910, SUBSECTION A,
16 PARAGRAPH 4.

17 3. ANIMAL FIGHTING PURSUANT TO SECTION 13-2910.01.

18 4. BESTIALITY PURSUANT TO SECTION 13-1411.

19 B. EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION, THE
20 PROHIBITIONS LISTED IN SUBSECTION A OF THIS SECTION SHALL REMAIN IN PLACE
21 FOR THE FOLLOWING AMOUNT OF TIME:

22 1. FOR A FIRST MISDEMEANOR CONVICTION, AT LEAST FIVE YEARS.

23 2. FOR A FIRST FELONY CONVICTION OR A SECOND OR SUBSEQUENT
24 MISDEMEANOR CONVICTION, AT LEAST TEN YEARS.

25 3. FOR A SECOND OR SUBSEQUENT FELONY CONVICTION, FOR THE PERSON'S
26 LIFETIME.

27 C. WITHIN THIRTY DAYS AFTER A PERSON IS PROHIBITED FROM POSSESSING
28 AN ANIMAL PURSUANT TO THIS SECTION, THE PERSON SHALL TRANSFER ALL ANIMALS
29 IN THE PERSON'S CARE OR CUSTODY TO ANOTHER PERSON WHO IS NOT IN THE
30 PERSON'S HOUSEHOLD.

31 D. ON PROPER APPLICATION AND NOT LESS THAN ONE YEAR AFTER THE
32 PERSON IS CONVICTED OF A MISDEMEANOR VIOLATION OF AN OFFENSE LISTED IN
33 SUBSECTION A OF THIS SECTION OR TWO AND ONE-HALF YEARS AFTER THE PERSON IS
34 CONVICTED OF A FELONY VIOLATION, THE PERSON MAY APPLY TO HAVE THE PERSON'S
35 RIGHT TO POSSESS AN ANIMAL RESTORED. ANY TIME SPENT ON ABSCONDER STATUS
36 WHILE ON PROBATION, ON ESCAPE STATUS OR INCARCERATED IS EXCLUDED IN
37 CALCULATING THE MINIMUM TIME REQUIREMENT. THE PERSON MAY APPLY TO THE
38 JUDGE, JUSTICE OF THE PEACE OR MAGISTRATE WHO PRONOUNCED SENTENCE OR
39 IMPOSED PROBATION OR THE JUDGE, JUSTICE OF THE PEACE OR MAGISTRATE'S
40 SUCCESSOR IN OFFICE. THE APPLICANT SHALL SERVE A COPY OF THE APPLICATION
41 ON THE PROSECUTOR. THE COURT SHALL CONDUCT A HEARING ON THE REQUEST
42 WITHIN SIXTY DAYS AFTER THE APPLICATION IS FILED. THE DEFENDANT BEARS THE
43 BURDEN BY A PREPONDERANCE OF EVIDENCE AT THE HEARING. TO ASSIST THE COURT
44 IN MAKING A DETERMINATION, THE COURT SHALL REQUIRE THE PERSON TO COMPLETE
45 A PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND UNDERGO COUNSELING, IF
46 NECESSARY, BEFORE RESTORING THE PERSON'S RIGHT TO POSSESS AN ANIMAL. THE

1 COURT MAY TERMINATE OR REDUCE THE TIME PERIOD REQUIRED BY SUBSECTION B OF
2 THIS SECTION ON A FINDING THAT:

3 1. THE APPLICANT DOES NOT PRESENT A DANGER TO SELF, THE ANIMAL'S
4 IMMEDIATE FAMILY AND THE PUBLIC.

5 2. THE APPLICANT HAS THE ABILITY TO PROPERLY CARE FOR ALL ANIMALS
6 IN THE APPLICANT'S POSSESSION.

7 3. THE APPLICANT HAS SUCCESSFULLY COMPLETED ALL CLASSES OR
8 COUNSELING THAT WAS ORDERED BY THE SENTENCING COURT.

9 E. A CONVICTED PERSON WHO LIVES IN A HOUSEHOLD WITH AN ANIMAL THAT
10 IS OWNED, POSSESSED, ADOPTED OR FOSTERED BY ANOTHER PERSON IN THE
11 HOUSEHOLD MAY APPLY TO THE COURT FOR A GOOD CAUSE EXCEPTION. A GOOD CAUSE
12 EXCEPTION IS VALID FOR ONE YEAR AND ALLOWS THE CONVICTED PERSON TO RESIDE
13 IN THE SAME HOUSEHOLD AS AN ANIMAL. THE CONVICTED PERSON MAY REQUEST THE
14 COURT TO RENEW A GOOD CAUSE EXCEPTION SIXTY DAYS BEFORE THE GOOD CAUSE
15 EXCEPTION EXPIRES. THE COURT MAY GRANT A GOOD CAUSE EXCEPTION OR RENEW A
16 GOOD CAUSE EXCEPTION IF ALL OF THE FOLLOWING APPLY:

17 1. THE CONVICTED PERSON IS ON SUPERVISED OR UNSUPERVISED PROBATION,
18 COMMUNITY SUPERVISION OR PAROLE OR AGREES TO BE SUBJECT TO THE COURT'S
19 JURISDICTION AND SUPERVISION WHILE LIVING IN THE HOUSEHOLD.

20 2. THE COURT DETERMINES THAT IT IS IN THE BEST INTERESTS OF THE
21 ANIMAL AND THE PERSON WHO OWNS, POSSESSES, ADOPTS OR FOSTERS THE ANIMAL TO
22 ALLOW THE CONVICTED PERSON TO REMAIN IN THE SAME HOUSEHOLD AND RESIDE WITH
23 THE ANIMAL.

24 3. THE CONVICTED PERSON AGREES TO NOT INTENTIONALLY CONTACT, CARE
25 FOR OR HAVE CUSTODY OF THE ANIMAL.

26 F. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 1
27 MISDEMEANOR.

28 G. FOR THE PURPOSES OF THIS SECTION:

29 1. "ANIMAL":

30 (a) MEANS ANY DOMESTICATED DOG OR CAT.

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

33 2. "HOUSEHOLD" INCLUDES ALL OF THE PERSONS WHO OCCUPY A HOUSING
34 UNIT AS THE PERSON'S USUAL PLACE OF RESIDENCE, INCLUDING ALL OF THE
35 FOLLOWING:

36 (a) THE RELATED FAMILY MEMBERS AND ALL UNRELATED PERSONS, IF ANY,
37 SUCH AS LODGERS, FOSTER CHILDREN, WARDS OR EMPLOYEES WHO SHARE THE HOUSING
38 UNIT.

39 (b) A PERSON WHO LIVES ALONE IN A HOUSING UNIT OR A GROUP OF
40 UNRELATED PERSONS SHARING A HOUSING UNIT SUCH AS PARTNERS OR ROOMERS.

41 3. "HOUSING UNIT" MEANS A HOUSE, AN APARTMENT, A MOBILE HOME OR
42 TRAILER, A GROUP OF ROOMS OR A SINGLE ROOM OCCUPIED AS SEPARATE LIVING
43 QUARTERS FOR A HOUSEHOLD AND INCLUDES ANY FRONT, SIDE OR REAR YARDS AND
44 ANY GARAGES AND DETACHED GARAGES THAT ARE UNDER THE CONTROL OF THE
45 HOUSEHOLD.