

REFERENCE TITLE: animal cruelty; release conditions

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2372

Introduced by
Representative Bolick

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; release conditions;
6 classification; definitions
7 A. A person commits cruelty to animals if the person does any of
8 the following:
9 1. Intentionally, knowingly or recklessly subjects any animal under
10 the person's custody or control to cruel neglect or abandonment.
11 2. Intentionally, knowingly or recklessly fails to provide medical
12 attention necessary to prevent protracted suffering to any animal under
13 the person's custody or control.
14 3. Intentionally, knowingly or recklessly inflicts unnecessary
15 physical injury to any animal.
16 4. Recklessly subjects any animal to cruel mistreatment.
17 5. Intentionally, knowingly or recklessly kills any animal under
18 the custody or control of another person without either legal privilege or
19 consent of the owner.
20 6. Recklessly interferes with, kills or harms a working or service
21 animal without either legal privilege or consent of the owner.
22 7. Intentionally, knowingly or recklessly leaves an animal
23 unattended and confined in a motor vehicle and physical injury to or death
24 of the animal is likely to result.
25 8. Intentionally or knowingly subjects any animal under the
26 person's custody or control to cruel neglect or abandonment that results
27 in serious physical injury to the animal.
28 9. Intentionally or knowingly subjects any animal to cruel
29 mistreatment.
30 10. Intentionally or knowingly interferes with, kills or harms a
31 working or service animal without either legal privilege or consent of the
32 owner.
33 11. Intentionally or knowingly allows any dog that is under the
34 person's custody or control to interfere with, kill or cause physical
35 injury to a service animal.
36 12. Recklessly allows any dog that is under the person's custody or
37 control to interfere with, kill or cause physical injury to a service
38 animal.
39 13. Intentionally or knowingly obtains or exerts unauthorized
40 control over a service animal with the intent to deprive the service
41 animal handler of the service animal.
42 14. Intentionally or knowingly subjects a domestic animal to cruel
43 mistreatment.

1 15. Intentionally or knowingly kills a domestic animal without
2 either legal privilege or consent of the domestic animal's owner or
3 handler.

4 16. Intentionally or knowingly harasses a working animal that is in
5 a law enforcement vehicle or trailer without either legal privilege or
6 consent of the owner.

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

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

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

24 C. This section does not prohibit or restrict:

25 1. The taking of wildlife or other activities permitted by or
26 pursuant to title 17.

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

28 3. Activities regulated by the Arizona game and fish department or
29 the Arizona department of agriculture.

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

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

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

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

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

44 F. An incorporated city or town or a county may adopt an ordinance
45 with misdemeanor provisions at least as stringent as the misdemeanor

1 provisions of this section, except that any ordinance adopted shall not
2 prohibit or restrict any activity involving a dog, whether the dog is
3 restrained or not, if the activity is directly related to the business of
4 shepherding or herding livestock and the activity is necessary for the
5 safety of a human, the dog or livestock or is permitted by or pursuant to
6 title 3.

7 G. IF A JUDICIAL OFFICER ORDERS THE RELEASE OF A PERSON WHO IS
8 CHARGED WITH A VIOLATION OF THIS SECTION ON THE PERSON'S OWN RECOGNIZANCE
9 OR ON THE EXECUTION OF BAIL, THE JUDICIAL OFFICER SHALL IMPOSE A CONDITION
10 OF RELEASE THAT PROHIBITS THE PERSON FROM POSSESSING OR HAVING CONTACT
11 WITH ANY ANIMAL UNLESS THE ANIMAL IS THE PERSON'S OWN SERVICE ANIMAL.

12 ~~G.~~ H. A person who violates subsection A, paragraph 1, 2, 3, 4, 5,
13 6, 7, 12 or 16 of this section is guilty of a class 1 misdemeanor. A
14 person who violates subsection A, paragraph 8, 9, 10, 11 or 13 of this
15 section is guilty of a class 6 felony. A person who violates subsection
16 A, paragraph 14 or 15 of this section is guilty of a class 5 felony.

17 ~~H.~~ I. For the purposes of this section:

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

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

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

24 4. "Domestic animal" means a mammal, not regulated by title 3, that
25 is kept primarily as a pet or companion or that is bred to be a pet or
26 companion.

27 5. "Handler" means a law enforcement officer or any other person
28 who has successfully completed a course of training prescribed by the
29 person's agency or the service animal owner and who used a specially
30 trained animal under the direction of the person's agency or the service
31 animal owner.

32 6. "Harass" means to engage in conduct that a reasonable person
33 would expect to impede or interfere with a working animal's performance of
34 its duties.

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

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