

REFERENCE TITLE: animal abandonment; duty to report

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

## **HB 2873**

Introduced by  
Representative Diaz

### AN ACT

AMENDING SECTIONS 11-1013 AND 13-2910, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 20, ARTICLE 3.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-2177; AMENDING TITLE 33, CHAPTER 3, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 33-304; RELATING TO ANIMAL ABANDONMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 11-1013, Arizona Revised Statutes, is amended to  
3 read:

4 11-1013. Establishment of county pounds; impounding and  
5 disposing of dogs and cats; owner notification;  
6 reclaiming impounded dogs and cats; pound fees

7 A. The board of supervisors in each county may provide or authorize  
8 a county pound or pounds or enter into a cooperative agreement with a city  
9 or town, a veterinarian or an Arizona incorporated humane society to  
10 establish and operate a county pound.

11 B. Any stray dog ~~OR ABANDONED ANIMAL~~ shall be impounded. All ~~dogs~~  
12 ~~and cats~~ impounded ~~ANIMALS AS DEFINED IN SECTION 13-2910~~ shall be given  
13 proper care and maintenance.

14 C. All dogs and cats impounded ~~at~~ WITH a county pound or ~~at~~ WITH a  
15 city or town facility, a veterinarian or an Arizona incorporated humane  
16 society that has entered into a cooperative agreement with a county  
17 pursuant to subsection A of this section shall be thoroughly scanned for  
18 the presence of a microchip on being impounded, and a reasonable effort  
19 shall be made to contact the owner.

20 D. All deceased dogs and cats found in a public place and brought  
21 to a county pound or to a city or town facility, a veterinarian or an  
22 Arizona incorporated humane society that has entered into a cooperative  
23 agreement with a county pursuant to subsection A of this section shall be  
24 scanned for the presence of a microchip, and a reasonable effort shall be  
25 made to contact the owner.

26 E. Each stray dog or any cat impounded and not eligible for a  
27 sterilization program shall be kept and maintained at the county pound for  
28 a minimum of seventy-two hours or one hundred twenty hours for an animal  
29 that is impounded with a microchip or wearing a license or any other  
30 discernible form of owner identification, unless claimed or surrendered by  
31 its owner. Any person may purchase a dog or cat on expiration of the  
32 impoundment period, if the person pays all pound fees established by the  
33 county board of supervisors and complies with the licensing and  
34 vaccinating provisions of this article. If the dog or cat is to be used  
35 for medical research, a license or vaccination is not required. Any  
36 impounded cat that is eligible for a sterilization program and that will  
37 be returned to the vicinity where the cat was originally captured may be  
38 exempted from the mandatory holding period required by this subsection.  
39 For the purposes of this subsection, "eligible" means a cat that is living  
40 outdoors, lacks discernible identification, is of sound health and  
41 possesses its claws.

42 F. Any impounded licensed dog or any cat may be reclaimed by its  
43 owner or the owner's agent if the person reclaiming the dog or cat  
44 furnishes proof of the person's right to do so and pays all pound fees

1 established by the board of supervisors. Any person purchasing a dog or  
2 cat shall pay all pound fees established by the board of supervisors.

3 G. If the dog or cat is not reclaimed within the impoundment  
4 period, the county enforcement agent shall take possession of and may  
5 place the dog or cat for sale or may dispose of the dog or cat in a humane  
6 manner. The county enforcement agent may euthanize impounded sick or  
7 injured dogs or cats if necessary to prevent the dog or cat from suffering  
8 or to prevent the spread of disease.

9 Sec. 2. Section 13-2910, Arizona Revised Statutes, is amended to  
10 read:

11 13-2910. Cruelty to animals; interference with working or  
12 service animal; release conditions;  
13 classification; definitions

14 A. A person commits cruelty to animals if the person does any of  
15 the following:

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

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

21 3. Intentionally, knowingly or recklessly inflicts unnecessary  
22 physical injury to any animal.

23 4. Recklessly subjects any animal to cruel mistreatment.

24 5. Intentionally, knowingly or recklessly kills any animal under  
25 the custody or control of another person without either legal privilege or  
26 consent of the owner.

27 6. Recklessly interferes with, kills or harms a working or service  
28 animal without either legal privilege or consent of the owner.

29 7. Intentionally, knowingly or recklessly leaves an animal  
30 unattended and confined in a motor vehicle and physical injury to or death  
31 of the animal is likely to result.

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

35 9. Intentionally or knowingly subjects any animal to cruel  
36 mistreatment.

37 10. Intentionally or knowingly interferes with, kills or harms a  
38 working or service animal without either legal privilege or consent of the  
39 owner.

40 11. Intentionally or knowingly allows any dog that is under the  
41 person's custody or control to interfere with, kill or cause physical  
42 injury to a service animal.

43 12. Recklessly allows any dog that is under the person's custody or  
44 control to interfere with, kill or cause physical injury to a service  
45 animal.

1 13. Intentionally or knowingly obtains or exerts unauthorized  
2 control over a service animal with the intent to deprive the service  
3 animal handler of the service animal.

4 14. Intentionally or knowingly subjects a domestic animal to cruel  
5 mistreatment.

6 15. Intentionally or knowingly kills a domestic animal without  
7 either legal privilege or consent of the domestic animal's owner or  
8 handler.

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

12 17. INTENTIONALLY OR KNOWINGLY RELEASES A DOMESTIC ANIMAL OR HORSE  
13 INTO THE WILD OR A REMOTE AREA OR ON LAND OR PROPERTY THAT IS NOT UNDER  
14 THE DIRECT OWNERSHIP OR CONTROL OF THE OWNER OR OWNER'S AGENT OR OTHERWISE  
15 INTENTIONALLY OR KNOWINGLY ABANDONS AN ANIMAL.

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

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

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

33 C. This section does not prohibit or restrict:

34 1. The taking of wildlife or other activities permitted by or  
35 pursuant to title 17.

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

37 3. Activities regulated by the Arizona game and fish department or  
38 the Arizona department of agriculture.

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

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

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

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

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

9           F. An incorporated city or town or a county may adopt an ordinance  
10 with misdemeanor provisions at least as stringent as the misdemeanor  
11 provisions of this section, except that any ordinance adopted shall not  
12 prohibit or restrict any activity involving a dog, whether the dog is  
13 restrained or not, if the activity is directly related to the business of  
14 shepherding or herding livestock and the activity is necessary for the  
15 safety of a human, the dog or livestock or is permitted by or pursuant to  
16 title 3.

17           G. If a judicial officer orders the release of a person who is  
18 currently serving a term of probation for a violation of this section and  
19 who is charged with a new violation of this section on the person's own  
20 recognizance or on the execution of bail, the judicial officer shall  
21 impose a condition of release that prohibits the person from possessing or  
22 having contact with any animal.

23           H. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, 6,  
24 7, 12, ~~OR~~ 16 OR 17 of this section is guilty of a class 1 misdemeanor. A  
25 person who violates subsection A, paragraph 8, 9, 10, 11 or 13 of this  
26 section is guilty of a class 6 felony. A person who violates subsection  
27 A, paragraph 14 or 15 of this section is guilty of a class 5 felony.

28           I. NOTWITHSTANDING SECTION 13-802, A PERSON WHO IS CONVICTED OF A  
29 VIOLATION OF SUBSECTION A, PARAGRAPH 17 OF THIS SECTION IS SUBJECT TO THE  
30 FOLLOWING:

31           1. FOR A FIRST OFFENSE, THE COURT SHALL:

32           (a) IMPOSE A FINE OF NOT LESS THAN \$500 PER ANIMAL.

33           (b) ORDER RESTITUTION TO EACH RESPECTIVE RESCUER, FIRST RESPONDER,  
34 ANIMAL SHELTER, POUND AND VETERINARIAN FOR ALL COSTS INCURRED BY EACH  
35 PERSON OR ENTITY TO RESCUE, RECEIVE, RESUSCITATE OR REHABILITATE OR  
36 ATTEMPT TO RESCUE, RECEIVE, RESUSCITATE OR REHABILITATE EACH ANIMAL.

37           (c) SUSPEND THE PERSON'S DRIVER LICENSE FOR SEVEN DAYS.

38           2. FOR A SECOND OR SUBSEQUENT OFFENSE, THE COURT SHALL:

39           (a) IMPOSE A FINE OF NOT LESS THAN \$1,000 PER ANIMAL.

40           (b) ORDER RESTITUTION TO EACH RESPECTIVE RESCUER, FIRST RESPONDER,  
41 ANIMAL SHELTER, POUND AND VETERINARIAN FOR ALL COSTS INCURRED BY EACH  
42 PERSON OR ENTITY TO RESCUE, RECEIVE, RESUSCITATE OR REHABILITATE OR  
43 ATTEMPT TO RESCUE, RECEIVE, RESUSCITATE OR REHABILITATE EACH ANIMAL.

44           (c) SUSPEND OF THE PERSON'S DRIVER LICENSE FOR FOURTEEN DAYS.

45           (d) PROHIBIT CONTACT WITH ANIMALS FOR FIVE YEARS.

1 (e) ADD THE PERSON'S NAME TO THE ANIMAL CRUELTY REGISTRY.  
2 ~~1.~~ J. For the purposes of this section:  
3 1. "ABANDONMENT" MEANS EITHER:  
4 (a) TO FORSAKE ENTIRELY OR TO NEGLECT, REFUSE OR OTHERWISE CEASE TO  
5 PROVIDE OR PERFORM THE LEGAL OBLIGATIONS OF CARE AND SUPPORT FOR AN ANIMAL  
6 BY ITS OWNER OR THE OWNER'S AGENT.  
7 (b) TO RELINQUISH, RENOUNCE OR OTHERWISE WAIVE ALL LEGAL RIGHTS OR  
8 CLAIMS OF OWNERSHIP, POSSESSION OR TITLE TO AN ANIMAL BY AN OWNER, WHETHER  
9 IMPLICITLY OR EXPRESSLY, WITHOUT HAVING FIRST PROVIDED FOR THE LAWFUL  
10 TRANSFER OR SUCCESSION OF OWNERSHIP AND CARE TO A SUBSEQUENT OWNER.  
11 ~~1.~~ 2. "Animal" means a mammal, bird, reptile or amphibian.  
12 ~~2.~~ 3. "Cruel mistreatment" means to torture or otherwise inflict  
13 unnecessary serious physical injury on an animal or to kill an animal in a  
14 manner that causes protracted suffering to the animal.  
15 ~~3.~~ 4. "Cruel neglect" means to fail to provide an animal with  
16 necessary food, water or shelter.  
17 ~~4.~~ 5. "Domestic animal" means a mammal, not regulated by title 3,  
18 that is kept primarily as a pet or companion or that is bred to be a pet  
19 or companion.  
20 ~~5.~~ 6. "Handler" means a law enforcement officer or any other  
21 person who has successfully completed a course of training prescribed by  
22 the person's agency or the service animal owner and who used a specially  
23 trained animal under the direction of the person's agency or the service  
24 animal owner.  
25 ~~6.~~ 7. "Harass" means to engage in conduct that a reasonable person  
26 would expect to impede or interfere with a working animal's performance of  
27 its duties.  
28 ~~7.~~ 8. "Service animal" means an animal that has completed a formal  
29 training program, that assists its owner in one or more daily living tasks  
30 that are associated with a productive lifestyle and that is trained to not  
31 pose a danger to the health and safety of the general public.  
32 ~~8.~~ 9. "Working animal" means a horse or dog that is used by a law  
33 enforcement agency, that is specially trained for law enforcement work and  
34 that is under the control of a handler.  
35 Sec. 3. Title 32, chapter 20, article 3.1, Arizona Revised  
36 Statutes, is amended by adding section 32-2177, to read:  
37 32-2177. Property managers; duty to report abandoned animals;  
38 civil penalty  
39 A. A PROPERTY MANAGER SHALL REPORT ALL ABANDONED ANIMALS TO THE  
40 APPROPRIATE LAW ENFORCEMENT AGENCY.  
41 B. A PROPERTY MANAGER WHO FAILS TO REPORT AN ABANDONED ANIMAL TO  
42 THE APPROPRIATE LAW ENFORCEMENT AGENCY IS SUBJECT TO A CIVIL PENALTY OF  
43 \$1,000.

1           Sec. 4. Title 33, chapter 3, article 1, Arizona Revised Statutes,  
2 is amended by adding section 33-304, to read:

3           33-304. Landlords; duty to report abandoned animals; civil  
4                           penalty

5           A. A LANDLORD SHALL REPORT ALL ABANDONED ANIMALS TO THE APPROPRIATE  
6 LAW ENFORCEMENT AGENCY.

7           B. A LANDLORD WHO FAILS TO REPORT AN ABANDONED ANIMAL TO THE  
8 APPROPRIATE LAW ENFORCEMENT AGENCY IS SUBJECT TO A CIVIL PENALTY OF  
9 \$1,000.