

REFERENCE TITLE: animal cruelty; failure to treat

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1047

Introduced by
Senator Shope

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~~ UNREASONABLE suffering to any
13 animal under 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.

1 F. An incorporated city or town or a county may adopt an ordinance
2 with misdemeanor provisions at least as stringent as the misdemeanor
3 provisions of this section, except that any ordinance adopted shall not
4 prohibit or restrict any activity involving a dog, whether the dog is
5 restrained or not, if the activity is directly related to the business of
6 shepherding or herding livestock and the activity is necessary for the
7 safety of a human, the dog or livestock or is permitted by or pursuant to
8 title 3.

9 G. If a judicial officer orders the release of a person who is
10 currently serving a term of probation for a violation of this section and
11 who is charged with a new violation of this section on the person's own
12 recognizance or on the execution of bail, the judicial officer shall
13 impose a condition of release that prohibits the person from possessing or
14 having contact with any animal.

15 H. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, 6,
16 7, 12 or 16 of this section is guilty of a class 1 misdemeanor. A person
17 who violates subsection A, paragraph 8, 9, 10, 11 or 13 of this section is
18 guilty of a class 6 felony. A person who violates subsection A, paragraph
19 14 or 15 of this section is guilty of a class 5 felony.

20 I. For the purposes of this section:

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

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

25 3. "Cruel neglect" means to fail to provide an animal with
26 ~~necessary~~ ALL OF THE FOLLOWING:

27 (a) Food, GIVEN DAILY, THAT IS APPROPRIATE FOR THE SPECIES AND THAT
28 IS FIT FOR CONSUMPTION.

29 (b) Water ~~or~~ THAT IS SUITABLE FOR DRINKING.

30 (c) FOR AN ANIMAL, OTHER THAN A DOG THAT PRIMARILY RESIDES
31 OUTDOORS, ACCESS TO shelter THAT IS NECESSARY AND ADEQUATE.

32 (d) FOR A DOG THAT PRIMARILY RESIDES OUTDOORS, EXCEPT WHILE A DOG
33 IS ENGAGED IN OR TRAINING FOR LAWFUL HUNTING, POLICE, MILITARY OR PATROL
34 WORK, SEARCH AND RESCUE, HERDING OR LIVESTOCK GUARDING, TRIALS AND OTHER
35 LAWFUL COMPETITIONS, SERVICE AND ASSISTANCE WORK AND OTHER WORKING,
36 SPORTING AND COMPETITIVE FUNCTIONS OR IS UNDER THE CUSTODY OR CONTROL OF A
37 PERSON WHO HAS NO PERMANENT PLACE OF RESIDENCE, ACCESS TO SHELTER THAT
38 MEETS ALL OF THE FOLLOWING REQUIREMENTS:

39 (i) HAS A NATURAL OR ARTIFICIAL COVER THAT IS ACCESSIBLE THROUGHOUT
40 THE YEAR.

41 (ii) IS STRUCTURALLY SOUND, MAINTAINED IN GOOD REPAIR AND OF
42 SUFFICIENT SIZE TO PROTECT THE DOG FROM INJURY, ALLOWS THE DOG TO STAND,
43 TURN AROUND, LIE DOWN IN A NATURAL MANNER AND ALLOWS THE DOG TO MAINTAIN
44 NORMAL BODY TEMPERATURE.

1 (iii) HAS BEDDING MATERIAL THAT PROTECTS THE DOG FROM EXTREME
2 WEATHER CONDITIONS AND THAT HAS ADEQUATE VENTILATION AND DRAINAGE.

3 (iv) IS MAINTAINED IN A MANNER THAT MINIMIZES THE RISK OF DISEASE,
4 INFESTATION OR PARASITES.

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

8 5. "EXTREME WEATHER CONDITIONS" MEANS ANY OF THE FOLLOWING:

9 (a) THE ACTUAL OR EFFECTIVE OUTDOOR TEMPERATURE IS BELOW THIRTY-TWO
10 DEGREES FAHRENHEIT OR ABOVE ONE HUNDRED DEGREES FAHRENHEIT.

11 (b) A HEAT ADVISORY HAS BEEN ISSUED BY A LOCAL, STATE OR NATIONAL
12 AUTHORITY FOR THE AREA.

13 (c) A MONSOON, HURRICANE, TROPICAL STORM, DUST STORM OR TORNADO
14 WARNING HAS BEEN ISSUED FOR THE AREA BY A LOCAL, STATE OR NATIONAL
15 AUTHORITY.

16 ~~5.~~ 6. "Handler" means a law enforcement officer or any other
17 person who has successfully completed a course of training prescribed by
18 the person's agency or the service animal owner and who used a specially
19 trained animal under the direction of the person's agency or the service
20 animal owner.

21 ~~6.~~ 7. "Harass" means to engage in conduct that a reasonable person
22 would expect to impede or interfere with a working animal's performance of
23 its duties.

24 ~~7.~~ 8. "Service animal" means an animal that has completed a formal
25 training program, that assists its owner in one or more daily living tasks
26 that are associated with a productive lifestyle and that is trained to not
27 pose a danger to the health and safety of the general public.

28 ~~8.~~ 9. "Working animal" means a horse or dog that is used by a law
29 enforcement agency, that is specially trained for law enforcement work and
30 that is under the control of a handler.