

S.B. 1001
ANIMAL TORTURE OFFENSE

Senator **Gene Davis** proposes the following amendments:

1. *Page 1, Lines 23 through 25:*

23 {~~→provides that the court shall state on the record the reasons a person convicted of~~
24 ~~animal cruelty is not required to receive treatment, pay restitution, or to not have~~
25 ~~possession of animals for a specified period;~~}

2. *Page 4, Lines 100 through 102:*

100 (D) ~~{protected and unprotected}~~ wildlife , as defined in Section 23-13-2 , including
protected and unprotected wildlife ; and
101 (E) animals kept or owned for the purpose of training hunting dogs or ~~{falcons}~~ raptors and
102 cared for in accordance with accepted husbandry practices.

3. *Page 6, Line 180 through Page 7, Line 186:*

180 [(9)] (11)(a) ~~{(i)}~~ Upon conviction under this section, the court [may in its discretion, in
181 addition to other] ~~{shall}~~ may:
(i) order that the defendant comply with the requirements in Subsections
182 (11)(b) and (c) {unless the court states on the record the reasons the court finds imposition of
183 any of the provisions to be inappropriate.} ; and
184 (ii) ~~{The court may}~~ impose any additional penalties[?] as the court finds appropriate to
185 the case before it.
186 [(a)] (b) The court ~~{shall}~~ may order the defendant;

4. *Page 7, Lines 198 through 199:*

(c) The court may enter an order disposing of an animal subjected to a violation of this section.
198 ~~{+}~~ (d) ~~{+}~~ ~~{-(c) The court shall order the animal to be [placed] cared for or disposed~~
~~of}~~ An order disposing of an animal under Subsection (11)(c) shall provide for disposition in the
199 following order of priority, with Subsection (11) {-(c)} (d) (i) being the first priority:

5. *Page 10, Lines 282 through 292:*

282 ~~{(4)(a) The prosecuting attorney, or grand jury if an indictment is returned, shall~~
283 ~~provide written notice upon the information or indictment that the defendant is subject to an~~
284 ~~enhanced degree of offense or penalty under Subsection (3). The notice shall be served upon~~

285 ~~the defendant or his attorney not later than ten days prior to trial:~~
286 ~~—— (b) If the notice is not included initially, the court may subsequently allow the~~
287 ~~prosecutor to amend the charging document to include the notice if the court finds:~~
288 ~~—— (i) that the amended charging documents, including any statement of probable cause,~~
289 ~~provide notice that the defendant is subject to an enhanced penalty provided under this section;~~
290 ~~and~~
291 ~~—— (ii) that the defendant has not otherwise been substantially prejudiced by the~~
292 ~~amendment.}~~