

S.B. 1002

ANIMAL CRUELTY AMENDMENTS

Senator **Allen M. Christensen** proposes the following amendments:

1. *Page 5, Lines 131 through 134:*

131 (2) (a) A person is guilty of animal torture if the person, without having a legal
132 privilege to do so, intentionally {~~.~~} or knowingly, and with depraved or sadistic intent, inflicts or
133 causes to be inflicted upon an animal or livestock severe physical pain or prolonged suffering,
134 regardless of whether the animal or livestock dies.

2. *Page 5, Lines 139 through 150:*

139 { ~~(d) (i) The prosecuting attorney, or grand jury if an indictment is returned, shall provide~~
140 ~~written notice upon the information or indictment that the defendant is subject to a third degree~~
141 ~~felony under Subsection (2)(c);~~
142 ~~—— (ii) The notice described in Subsection (2)(d)(i) shall be served upon the defendant or~~
143 ~~the defendant's attorney no later than ten days prior to trial.~~
144 ~~—— (iii) If the notice described in Subsection (2)(d)(i) is not included initially, the court~~
145 ~~may subsequently allow the prosecutor to amend the charging document to include the notice if~~
146 ~~the court finds:~~
147 ~~—— (A) that the amended charging documents, including any statement of probable cause,~~
148 ~~provide notice that the defendant is subject to a third degree felony under this section; and~~
149 ~~—— (B) that the defendant has not otherwise been substantially prejudiced by the~~
150 ~~amendment. }~~

3. *Page 6, Lines 177 through 180:*

177 (4) (a) A person is guilty of animal neglect, if, under circumstances not constituting
178 animal torture or cruelty to an animal, and without having a legal privilege to do so, the person,
179 in a manner not in keeping with accepted husbandry practices, intentionally, knowingly, {~~or~~}
180 recklessly , or with criminal negligence :

4. *Page 11, Line 331 through Page 12, Line 341:*

331 { ~~(4) (a) The prosecuting attorney, or grand jury if an indictment is returned, shall~~
332 ~~provide written notice upon the information or indictment that the defendant is subject to an~~
333 ~~enhanced degree of offense or penalty under Subsection (3). The notice shall be served upon~~
334 ~~the defendant or his attorney not later than ten days prior to trial.~~

335 ~~—— (b) If the notice is not included initially, the court may subsequently allow the~~
336 ~~prosecutor to amend the charging document to include the notice if the court finds:~~
337 ~~—— (i) that the amended charging documents, including any statement of probable cause,~~
338 ~~provide notice that the defendant is subject to an enhanced penalty provided under this section;~~
339 ~~and~~
340 ~~—— (ii) that the defendant has not otherwise been substantially prejudiced by the~~
341 ~~amendment. }~~