

TETHERING OF ANIMALS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gene Davis

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Utah Criminal Code regarding animal cruelty.

Highlighted Provisions:

This bill:

▶ prohibits the ~~§~~→ [tethering] restraining ←~~§~~ of a dog ~~§~~→ by a tether ←~~§~~ for more than 10 hours in a 24-hour period ~~§~~→ and applies this offense only in a first or second class county ←~~§~~ ;

▶ prohibits ~~§~~→ [tethering] use of a tether ←~~§~~ that causes harm to the dog ~~§~~→ and applies this offense only in a first or second class county ←~~§~~ ; and

▶ defines a tether.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-9-301, as last amended by Laws of Utah 2008, Chapter 292

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-9-301** is amended to read:

76-9-301. Cruelty to animals.

(1) As used in this section:

(a) (i) "Abandon" means to intentionally deposit, leave, or drop off any live animal:

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90 (d) causes any animal, not including a dog, to fight with another animal of like kind for
91 amusement or gain; [or]

92 (e) causes any animal, including a dog, to fight with a different kind of animal or
93 creature for amusement or gain[-];

94 (f) ~~§~~ → [uses] in counties of the first or second class, restrains a dog by use of ← ~~§~~ a
94a tether that is not:

95 (i) of sufficient weight or strength to restrain the dog;

96 (ii) of an appropriate design for the ~~§~~ → [breed,] ← ~~§~~ age, size, and weight of the dog for
96a which
97 the tether is used; or

98 (iii) attached to the dog by a collar, halter, or harness in a manner that protects the dog
99 from injury or entanglement with objects or other animals;

100 (g) ~~§~~ → in counties of the first or second class, [tethers] restrains ← ~~§~~ a dog ~~§~~ → by
100a means of a tether ← ~~§~~ in any manner that could reasonably be expected to:

101 (i) cause injury or damage to the dog;

102 (ii) endanger the dog due to restrictions to the dog's movement; or

103 (iii) not provide sufficient length of tether to allow the dog adequate space for
104 reasonable exercise and to make normal postural movements, including sitting, laying down,
105 and turning around; or

106 (h) ~~§~~ → [tethers] in counties of the first or second class, restrains ← ~~§~~ a dog ~~§~~ → by use
106a of a tether ← ~~§~~ for longer than 10 hours within a 24-hour period.

107 (3) Except as provided in Section 76-9-301.7, a violation of Subsection (2) is:

108 (a) a class B misdemeanor if committed intentionally or knowingly; and

109 (b) a class C misdemeanor if committed recklessly or with criminal negligence.

110 (4) A person is guilty of aggravated cruelty to an animal if the person:

111 (a) tortures an animal;

112 (b) administers, or causes to be administered, poison or a poisonous substance to an
113 animal; or

114 (c) kills an animal or causes an animal to be killed without having a legal privilege to
115 do so.

116 (5) Except as provided in Subsection (6) or Section 76-9-301.7, a violation of
117 Subsection (4) is:

118 (a) a class A misdemeanor if committed intentionally or knowingly;

119 (b) a class B misdemeanor if committed recklessly; and

120 (c) a class C misdemeanor if committed with criminal negligence.