

76-9-301.7 Cruelty to animals -- Enhanced penalties.

- (1) As used in this section, "conviction" means a conviction by plea or by verdict, including a plea of guilty or no contest that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, regardless of whether the charge was, or is, subsequently reduced or dismissed in accordance with the plea in abeyance agreement.
- (2) Except as provided in Subsection (4), a person who commits any violation of Section 76-9-301, Section 76-9-301.5, or Subsection 76-9-301.1(4) within the state and on at least one previous occasion has been convicted of violating Section 76-9-301, Section 76-9-301.5, or Subsection 76-9-301.1(4) shall be subject to an enhanced penalty as provided in Subsection (3).
- (3) The enhanced degree of offense for offenses committed under this section are:
 - (a) if the offense is a class C misdemeanor, it is a class B misdemeanor; and
 - (b) if the offense is a class B misdemeanor, it is a class A misdemeanor.
- (4) The penalty enhancements described in this section do not apply to a conviction for the offense described in Subsection 76-9-301(6).

Amended by Chapter 292, 2008 General Session