

H.B. 242

CRIMINAL PENALTY FOR ANIMAL CRUELTY

HOUSE FLOOR AMENDMENTS

AMENDMENT 5

FEBRUARY 23, 2005 3:52 PM

Representative **Scott L Wyatt** proposes the following amendments:

1. *Page 1, Lines 11 through 12*

House Committee Amendments

2-11-2005:

11 certain definitions. { ~~This bill also increases the penalty by one degree if cruelty to an~~
12 ~~animal is committed in the presence of a juvenile~~ }

2. *Page 1, Lines 17c through 17d*

House Committee Amendments

2-11-2005:

17c ▶ provides an exemption for animals kept and used for training hunting dogs and
17d falcons and also for animals kept or owned by a zoological park ; ←H

3. *Page 1, Line 24 through Page 2, Line 28*

House Committee Amendments

2-11-2005:

24 option of offering the animal for sale at auction precedes the option of euthanasia; and
25 ▶ amends the definition of conviction to include pleas in abeyance or of nolo
26 contendere { ~~and~~
27 → provides that an animal cruelty penalty is increased by one degree if the offense is
28 committed in the presence of a person younger than 18 years of age } .

4. *Page 2, Lines 54 through 55a*

House Committee Amendments

2-11-2005:

54 husbandry practices; H→ [and] ←H =
(C) animals kept or owned by a zoological park that is accredited by the American
Zoo and Aquarium Association and cared for in accordance with accepted husbandry practices;
55 { ~~(C)~~ } (D) protected and unprotected wildlife as defined in Section 23-13-2 H→ and
55a { ~~(D)~~ } (E) animals kept or owned for the purpose of hunting dog or falcon training and

5. *Page 8, Lines 220 through 223:*

220 Subsection {+} (3) {+} ~~{(4)}~~ .
221 ~~{(3) A person who commits any violation of Section 76-9-301, or Subsection~~
222 ~~76-9-301.1 (1) or (4) in the immediate presence of a person younger than 18 years of age,~~
223 ~~regardless of where the act occurs, is subject to an enhanced penalty under Subsection (4). }~~

6. Page 8, Lines 228 through 231:

228 (d) if the offense is a third degree felony, it is a second degree felony.
229 {+} (4) {+} ~~{(5)}~~ (a) The prosecuting attorney, or grand jury if an indictment is returned,
shall
230 provide written notice upon the information or indictment that the defendant is subject to an
231 enhanced degree of offense or penalty under Subsection {+} (3) {+} ~~{(4)}~~ . The notice shall be
served