

1 **ANIMAL CRUELTY AMENDMENTS**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Curtis Oda**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions of the Utah Criminal Code relating to animal cruelty and
10 animal torture.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ removes "pests" from the definition of an animal;

15 ~~H→ [→ provides that "torture" does not include shooting an animal with the intent to~~
16 ~~humanely kill the animal;]~~ ←H

17 ▶ provides that it is a defense to prosecution for animal cruelty if the conduct of the
18 actor towards the animal was reasonable and necessary to protect the actor or
19 another person from injury or death;

20 ~~H→ [→ provides that the provisions of this bill do not affect or prohibit the humane~~
21 ~~shooting or killing of an animal if the person doing the shooting or killing has a~~
22 ~~reasonable belief that the animal is a feral animal;]~~ ←H and

- 23 ▶ makes technical changes.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 None



59 (D) wildlife, as defined in Section 23-13-2, including protected and unprotected
60 wildlife, if the conduct toward the wildlife is in accordance with lawful hunting, fishing, or
61 trapping practices or other lawful practices[-]; or

62 (E) a pest, as defined in the Federal Insecticide, Fungicide, and Rodenticide Act, 7
63 U.S.C. 136, as amended.

64 (c) "Companion animal" means an animal that is a domestic dog or a domestic cat.

65 (d) "Custody" means ownership, possession, or control over an animal.

66 ~~H→ [(e) "Feral" is as defined in Section 23-13-2.~~

67 ~~— [(e)+(f)] (e) ←H "Legal privilege" means an act that:~~

68 (i) is authorized by state law, including Division of Wildlife Resources rules; and

69 (ii) is not in violation of a local ordinance.

70 ~~H→ [(f)+(g)] (f) ←H "Livestock" means:~~

71 (i) domesticated:

72 (A) cattle;

73 (B) sheep;

74 (C) goats;

75 (D) turkeys;

76 (E) swine;

77 (F) equines;

78 (G) camelidae;

79 (H) ratites; or

80 (I) bison;

81 (ii) domesticated elk, as defined in Section 4-39-102; or

82 (iii) any domesticated nonhuman vertebrate creature, domestic furbearer, or domestic

83 poultry, raised, kept, or used for agricultural purposes.

84 ~~H→ [(g)+(h)] (g) ←H "Necessary food, water, care, or shelter" means the following, taking~~

84a into

85 account the species, age, and physical condition of the animal:

86 (i) appropriate and essential food and water;

87 (ii) adequate protection, including appropriate shelter, against extreme weather

88 conditions; and

89 (iii) other essential care.

90 ~~H→ [(h)] (i) (i) (h) ←H~~ "Torture" means intentionally or knowingly causing or inflicting
 90a extreme
 91 physical pain to an animal in an especially heinous, atrocious, cruel, or exceptionally depraved
 92 manner.

93 ~~H→ [(ii) "Torture" does not include shooting an animal with the intent to humanely kill the~~
 94 ~~animal.] ←H~~

95 (2) Except as provided in Subsection (4) or (6), a person is guilty of cruelty to an
 96 animal if the person, without legal privilege to do so, intentionally, knowingly, recklessly, or
 97 with criminal negligence:

98 (a) fails to provide necessary food, water, care, or shelter for an animal in the person's
 99 custody;

100 (b) abandons an animal in the person's custody;

101 (c) injures an animal;

102 (d) causes any animal, not including a dog, to fight with another animal of like kind for
 103 amusement or gain; or

104 (e) causes any animal, including a dog, to fight with a different kind of animal or
 105 creature for amusement or gain.

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

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

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

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

110 (a) tortures an animal;

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

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

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

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

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

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

120 (6) A person is guilty of a third degree felony if the person intentionally or knowingly

121 tortures a companion animal.

122 (7) It is a defense to prosecution under this section that the conduct of the actor towards
123 the animal was:

124 (a) by a licensed veterinarian using accepted veterinary practice;

125 (b) directly related to bona fide experimentation for scientific research, provided that if
126 the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless
127 directly necessary to the veterinary purpose or scientific research involved;

128 (c) permitted under Section 18-1-3;

129 (d) by a person who humanely destroys any animal found suffering past recovery for
130 any useful purpose; ~~or~~

131 (e) by a person who humanely destroys any apparently abandoned animal found on the
132 person's property~~[-]; or~~

133 (f) reasonable and necessary to protect the actor or another person from injury or death.

134 (8) For purposes of Subsection (7)(d), before destroying the suffering animal, the
135 person who is not the owner of the animal shall obtain:

136 (a) the judgment of a veterinarian of the animal's nonrecoverable condition;

137 (b) the judgment of two other persons called by the person to view the unrecoverable
138 condition of the animal in the person's presence;

139 (c) the consent from the owner of the animal to the destruction of the animal; or

140 (d) a reasonable conclusion that the animal's suffering is beyond recovery, through the
141 person's own observation, if the person is in a location or circumstance where the person is
142 unable to contact another person.

143 (9) This section does not affect or prohibit:

144 (a) the training, instruction, and grooming of animals, if the methods used are in
145 accordance with accepted animal husbandry practices or customary farming practices;

146 (b) the use of an electronic locating or training collar by the owner of an animal for the
147 purpose of lawful animal training, lawful hunting practices, or protecting against loss of that
148 animal; ~~or~~ or

149 (c) the lawful hunting of, fishing for, or trapping of, wildlife ~~or~~ .

150 ~~[(d) the humane shooting or killing of an animal if the person doing the shooting or~~
151 ~~killing has a reasonable belief that the animal is a feral animal.]~~ ~~or~~