

**Representative Curtis Oda** proposes the following substitute bill:

**ANIMAL CRUELTY AMENDMENTS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis Oda**

Senate Sponsor: Dennis E. Stowell

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ removes "pests" from the definition of an animal if the pests are exterminated or controlled in accordance with recognized pest extermination or control practices;
- ▶ adds as an element of the crime of animal cruelty that the conduct of the actor towards the animal was not reasonable and necessary to protect the actor or another person from injury or death or to protect certain property from damage or loss;
- ▶ provides that the provisions of this bill do not affect or prohibit the humane shooting of an animal in an unincorporated area of a county **H→ where hunting is not prohibited, ←H** if the person doing the shooting has a reasonable belief that the animal is a feral animal; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**



150 purpose of lawful animal training, lawful hunting practices, or protecting against loss of that  
151 animal; or

152 (c) the lawful hunting of, fishing for, or trapping of, wildlife[-]; or

153 (d) the humane shooting of an animal in an unincorporated area of a county

153a ~~H~~→ where hunting is not prohibited, ←~~H~~ if the

154 person doing the shooting has a reasonable belief that the animal is a feral animal.

155 (10) County and municipal governments may not prohibit the use of an electronic  
156 locating or training collar.

157 (11) Upon conviction under this section, the court may in its discretion, in addition to  
158 other penalties:

159 (a) order the defendant to be evaluated to determine the need for psychiatric or  
160 psychological counseling, to receive counseling as the court determines to be appropriate, and  
161 to pay the costs of the evaluation and counseling;

162 (b) require the defendant to forfeit any rights the defendant has to the animal subjected  
163 to a violation of this section and to repay the reasonable costs incurred by any person or agency  
164 in caring for each animal subjected to violation of this section;

165 (c) order the defendant to no longer possess or retain custody of any animal, as  
166 specified by the court, during the period of the defendant's probation or parole or other period  
167 as designated by the court; and

168 (d) order the animal to be placed for the purpose of adoption or care in the custody of a  
169 county and municipal animal control agency, an animal welfare agency registered with the  
170 state, sold at public auction, or humanely destroyed.

171 (12) This section does not prohibit the use of animals in lawful training.

172 (13) A veterinarian who, acting in good faith, reports a violation of this section to law  
173 enforcement may not be held civilly liable for making the report.