

- 57 (d) "Custody" means ownership, possession, or control over an animal.
- 58 (e) "Legal privilege" means an act that:
- 59 (i) is authorized by state law, including Division of Wildlife Resources rules; and
- 60 (ii) is not in violation of a local ordinance.
- 61 (f) "Livestock" means:
- 62 (i) domesticated:
- 63 (A) cattle;
- 64 (B) sheep;
- 65 (C) goats;
- 66 (D) turkeys;
- 67 (E) swine;
- 68 (F) equines;
- 69 (G) camelidae;
- 70 (H) ratites; or
- 71 (I) bison;
- 72 (ii) domesticated elk, as defined in Section 4-39-102; or
- 73 (iii) any domesticated nonhuman vertebrate creature, domestic furbearer, or domestic
- 74 poultry, raised, kept, or used for agricultural purposes.
- 75 (g) "Necessary food, water, care, or shelter" means the following, taking into account
- 76 the species, age, and physical condition of the animal:
- 77 (i) appropriate and essential food and water;
- 78 (ii) adequate protection, including appropriate shelter, against extreme weather
- 79 conditions; and
- 80 (iii) other essential care.

80a **Ŝ→ (h) "Residence" means a dwelling, whether owned or rented, and the land appurtenant to**
 80b **the dwelling, that an individual maintains as the individual's place of abode. ←Ŝ**

81 **Ŝ→ [tr] (i) ←Ŝ (i) "Shelter," as the term relates to an animal other than a dog or cat, means**

81a **Ŝ→ , in**

81a **counties of the first class, ←Ŝ natural**

82 **or artificial protection against inclement weather and direct sunlight.**

83 **(ii) "Shelter," as it relates to a dog Ŝ→ [or-cat] ←Ŝ , means Ŝ→ , in counties of the first**
 83a **class, ←Ŝ a**

83a **barn, dog house, or other enclosed**

84 **structure that:**

85 **(A) is sufficiently sound to protect against inclement weather and extreme**
 86 **temperatures;**

87 **(B) prevents penetration by moisture;**

- 88 (C) includes, in an appropriate size for the dog ~~§→ [or-cat] ←§~~ , a floor with a solid
 88a surface, a
 89 roof, coverage on all sides, a door or entry portal, and sufficient space to allow for freedom of
 90 movement;
- 91 (D) contains hay, straw, bedding, or a safe, artificial heat source, that allows the dog ~~§→ [or~~
 92 cat] ←§ to maintain a normal body temperature; and
- 93 (E) is adequately ventilated and clean.
- 94 (iii) "Shelter" does not include ~~§→~~ , in counties of the first class ←§ :
- 95 (A) a crawl space;
- 96 (B) the space under a vehicle;
- 97 (C) an animal carrier or crate designed for temporary transport or temporary housing;
- 98 (D) a structure made of cardboard or another material that is easily degradable; or
- 99 (E) a structure with a wire or chain link floor.
- 100 [~~(h)~~] (i) "Torture" means intentionally or knowingly causing or inflicting extreme
 101 physical pain to an animal in an especially heinous, atrocious, cruel, or exceptionally depraved
 102 manner.
- 103 (2) Except as provided in Subsection (4) or (6), a person is guilty of cruelty to an
 104 animal if the person, without legal privilege to do so, intentionally, knowingly, recklessly, or
 105 with criminal negligence:
- 106 (a) fails to provide necessary food, water, care, or shelter for an animal in the person's
 107 custody;
- 108 (b) abandons an animal in the person's custody;
- 109 (c) injures an animal;
- 110 (d) leaves an animal in the person's custody tethered and unattended ~~§→~~ **at any residence**
 110a ←§ in a manner that
 111 prevents the animal from reaching shelter ~~§→~~ [:] ←§
 112 ~~§→ [(i) when the temperature is below 32 degrees Fahrenheit or above 85 degrees~~
 113 **Fahrenheit; or**
 114 ———(ii) ~~§→~~ [(ii)] ←§ ←§ when the animal is exposed to ~~§→~~ [rain;] ←§ hail, snow, or severe
 114a weather;
- 115 [~~(d)~~] (e) causes any animal, not including a dog or game fowl, to fight with another
 116 animal of like kind for amusement or gain; or
- 117 [~~(e)~~] (f) causes any animal, including a dog or game fowl, to fight with a different kind
 118 of animal or creature for amusement or gain.