

IN THE SENATE

SENATE BILL NO. 1317

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO CRUELTY TO ANIMALS; AMENDING SECTION 25-3501A, IDAHO CODE,  
2 TO CLARIFY PROVISIONS RELATING TO THE ENFORCEMENT OF SPECIFIED LAW;  
3 AMENDING SECTION 25-3502, IDAHO CODE, TO REVISE DEFINITIONS AND TO  
4 DEFINE TERMS; AMENDING CHAPTER 35, TITLE 25, IDAHO CODE, BY THE ADDITION  
5 OF A NEW SECTION 25-3502A, IDAHO CODE, TO PROVIDE THAT THE IDAHO STATE  
6 DEPARTMENT OF AGRICULTURE SHALL DEVELOP AND MAINTAIN A LIST OF CERTAIN  
7 PUBLIC AND PRIVATE ANIMAL SHELTERS; AMENDING SECTION 25-3504, IDAHO  
8 CODE, TO REVISE VIOLATION PROVISIONS RELATING TO CRUELTY, TO PROVIDE  
9 FOR VIOLATIONS AND PENALTIES REGARDING TORTURE AND TO PROVIDE THAT  
10 OFFICERS MAY TAKE POSSESSION OF ANIMALS SUBJECT TO TORTURE; AMENDING  
11 SECTION 25-3505, IDAHO CODE, TO REVISE VIOLATION PROVISIONS RELATING  
12 TO CERTAIN CRUELTY; REPEALING SECTION 25-3506, IDAHO CODE, RELATING  
13 TO EXHIBITION OF COCKFIGHTS; AMENDING SECTION 25-3507, IDAHO CODE,  
14 TO PROVIDE FOR VIOLATIONS AND PENALTIES RELATING TO ANIMAL FIGHTS AND  
15 TO PROVIDE AN EXCEPTION RELATING TO THE CUSTOMARY AND LEGAL PRACTICE  
16 OF BREEDING AND REARING OF GAME FOWL; AMENDING SECTION 25-3509, IDAHO  
17 CODE, TO DELETE A SUPERFLUOUS REFERENCE; REPEALING SECTION 25-3510,  
18 IDAHO CODE, RELATING TO IMPOUNDING WITHOUT FOOD OR WATER; AMENDING  
19 SECTION 25-3511, IDAHO CODE, TO REVISE VIOLATION PROVISIONS RELATING  
20 TO THOSE THAT PERMIT ANIMALS TO GO WITHOUT CARE; AMENDING SECTION  
21 25-3512, IDAHO CODE, TO REVISE TIME LIMIT PROVISIONS RELATING TO THE  
22 ABANDONMENT OF ANIMALS LEFT WITH VETERINARIANS; AMENDING CHAPTER  
23 35, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3512A,  
24 IDAHO CODE, TO PROVIDE FOR VIOLATIONS AND PENALTIES RELATING TO  
25 ABANDONMENT; AMENDING SECTION 25-3513, IDAHO CODE, TO REVISE VIOLATION  
26 AND PENALTY PROVISIONS; AMENDING SECTION 25-3514, IDAHO CODE, TO  
27 CLARIFY PROVISIONS RELATING TO NORMAL AND ACCEPTED PRACTICES OF ANIMAL  
28 IDENTIFICATION AND ANIMAL HUSBANDRY; REPEALING SECTION 25-3516, IDAHO  
29 CODE, RELATING TO HIGH-ALTITUDE DECOMPRESSION CHAMBERS; REPEALING  
30 SECTION 25-3518, IDAHO CODE, RELATING TO BEATING AND HARASSING ANIMALS;  
31 REPEALING SECTION 25-3520A, IDAHO CODE, RELATING TO PENALTIES FOR  
32 VIOLATIONS AND THE TERMINATION OF CERTAIN RIGHTS; AMENDING CHAPTER 35,  
33 TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3520A, IDAHO  
34 CODE, TO PROVIDE PENALTY PROVISIONS, TO PROVIDE FOR THE REMITTANCE OF  
35 CERTAIN COLLECTED FINES AND TO PROVIDE FOR THE TERMINATION OF CERTAIN  
36 RIGHTS; AMENDING CHAPTER 35, TITLE 25, IDAHO CODE, BY THE ADDITION OF  
37 A NEW SECTION 25-3521, IDAHO CODE, TO PROVIDE FOR CONDUCT THAT IS NOT  
38 PROHIBITED; AMENDING CHAPTER 35, TITLE 25, IDAHO CODE, BY THE ADDITION  
39 OF A NEW SECTION 25-3522, IDAHO CODE, TO PROVIDE FOR THOSE THAT GIVE  
40 FALSE INFORMATION IN REPORTING ALLEGED VIOLATIONS; AMENDING SECTION  
41 25-3521, IDAHO CODE, TO REDESIGNATE THE SECTION; AND PROVIDING AN  
42 EFFECTIVE DATE.  
43

44 Be It Enacted by the Legislature of the State of Idaho:

1 SECTION 1. That Section 25-3501A, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 25-3501A. ENFORCEMENT -- ENFORCEMENT RESTRICTIONS. (1) No provisions  
4 in this chapter shall be construed to preclude law enforcement agencies and  
5 animal care and control agencies that provide law enforcement or animal care  
6 and control services to a municipality or county, ~~may enforce~~ from enforcing  
7 the provisions of this chapter in that municipality or county.

8 (2) Animal care and control officers enforcing this chapter shall  
9 comply with the same constitutional and statutory restrictions concerning  
10 the execution of police powers imposed on law enforcement officers who  
11 enforce this chapter and other criminal laws of the state of Idaho.

12 (3) In cases where production animals are subject to a violation of  
13 section 25-3504, 25-3505 or 25-3511, Idaho Code, law enforcement agencies  
14 and animal care and control agencies shall not:

15 (a) Enforce section 25-3504, 25-3505 or 25-3511, Idaho Code, without  
16 first obtaining an inspection and written determination from a  
17 department investigator that a violation of one (1) or more of the  
18 sections has occurred or is occurring; or

19 (b) Take a production animal from a production animal facility,  
20 pasture, or rangeland for a violation of section 25-3504, 25-3505 or  
21 25-3511, Idaho Code, without first obtaining an inspection and written  
22 determination from a department investigator that such action is in the  
23 best interest of the animal.

24 SECTION 2. That Section 25-3502, Idaho Code, be, and the same is hereby  
25 amended to read as follows:

26 25-3502. DEFINITIONS. The following words and terms, when used in  
27 this chapter, shall have the following meanings, unless the context clearly  
28 indicates otherwise:

29 (1) "Abandon" means to completely forsake and desert an animal  
30 previously under the custody or possession of a person without making  
31 reasonable arrangements for its proper care, sustenance and shelter.

32 (2) "Animal" means any vertebrate member of the animal kingdom, except  
33 man, including birds.

34 (3) "Animal care and control agency" means any agency incorporated  
35 under the laws of this state to which a county or municipality has conferred  
36 authority to exercise the powers and duties set forth in this chapter based  
37 upon the agency's ability to fulfill the purposes of this chapter.

38 (4) "Animal shelter" means a public or private facility that houses  
39 animals for impoundment purposes.

40 (5) "Companion animal" means those animals including, but not limited  
41 to, domestic dogs, domestic cats, rabbits, companion birds, and other  
42 animals commonly kept as pets.

43 (5) "Cruel" or "cruelty" shall mean any or all of the following:

44 (a) The intentional and malicious infliction of pain, physical  
45 suffering, injury or death upon an animal;

46 (b) To maliciously kill, maim, wound, overdrive, overload, drive  
47 when overloaded, overwork, torture, torment, deprive of necessary

1 sustenance, drink or shelter, cruelly beat, mutilate or cruelly kill an  
2 animal;

3 (c) To subject an animal to needless suffering, inflict unnecessary  
4 cruelty, drive, ride or otherwise use an animal when same is unfit;

5 (d) To abandon an animal;

6 (e) To negligently confine an animal in unsanitary conditions or to  
7 negligently house an animal in inadequate facilities; to negligently  
8 fail to provide sustenance, water, medical care or shelter to an animal.

9 ~~(67)~~ "Department" means the Idaho state department of agriculture.

10 ~~(78)~~ "Department investigator" means a person employed by, or  
11 approved by, the Idaho state department of agriculture, division of animal  
12 industries, to determine whether there has been a violation of this chapter.

13 ~~(89)~~ "Division" means the division of animal industries of the Idaho  
14 state department of agriculture.

15 ~~(910)~~ "Custodian" means any person who keeps or harbors an animal, has  
16 an animal in his care or acts as caretaker of an animal.

17 ~~(101)~~ "Malicious" or "maliciously" means the intentional doing of a  
18 wrongful act without just cause or excuse, with an intent to inflict an  
19 injury or death.

20 (12) "Neglect" means an act involving failure to provide for animal  
21 health or safety including, but not limited to, failure to provide adequate  
22 food, water, medical care or shelter to an animal or to adequately confine  
23 an animal in a manner appropriate to its species, breed, age and condition.  
24 The term "neglect" shall not include normal or legal practices as provided  
25 in section 25-3514, Idaho Code.

26 ~~(143)~~ "Owner" means any person who has a right of property in an animal.

27 ~~(124)~~ "Person" means any individual, firm, corporation, partnership,  
28 other business unit, society, association or other legal entity, any public  
29 or private institution, the state of Idaho, or any municipal corporation or  
30 political subdivision of the state.

31 ~~(135)~~ "Pound" means a place enclosed by public authority for the  
32 detention of stray animals.

33 ~~(146)~~ "Production animal" means, for purposes of this chapter:

34 (a) The following animals if ~~kept by the owner~~ owned for the express  
35 purpose of producing food or fiber, in furtherance of the production  
36 of food or fiber, or to be sold for the use by another for either such  
37 purpose: cattle, sheep, goats, swine, poultry, ratites, equines,  
38 domestic cervidae, camelidae, and guard and stock dogs used for the  
39 purpose of livestock; and

40 (b) Furbearing animals kept for the purpose of commercial fur  
41 production, ~~and~~

42 ~~(c) Equines, domestic cervidae, and members of the camelidae family~~  
43 ~~which includes llamas and alpacas.~~

44 (17) "Torture" means every act, omission or commission whereby the  
45 willful and malicious infliction of pain or suffering is caused, permitted  
46 or allowed to continue when there is a reasonable remedy or relief. The term  
47 "torture" shall not include normal or legal practices as defined in section  
48 25-3514, Idaho Code.

1 SECTION 3. That Chapter 35, Title 25, Idaho Code, be, and the same is  
2 hereby amended by the addition thereto of a NEW SECTION, to be known and  
3 designated as Section 25-3502A, Idaho Code, and to read as follows:

4 25-3502A. ANIMAL SHELTER FACILITIES -- LIST. On or before January 1,  
5 2011, the Idaho state department of agriculture shall develop and thereafter  
6 maintain a list of designated and/or recognized public and private animal  
7 shelter facilities.

8 SECTION 4. That Section 25-3504, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 25-3504. COMMITTING CRUELTY TO ANIMALS. (1) Every person who is cruel  
11 to any animal, or who causes or procures any animal to be cruelly treated, or  
12 who, having the charge or custody of any animal either as owner or otherwise,  
13 subjects any animal to cruelty, is, for every such offense, guilty of a  
14 misdemeanor violation of the provisions of this subsection (1) and shall,  
15 upon conviction, be punished in accordance with section 25-3520A, Idaho  
16 Code.

17 (2) Every person who tortures an animal or who causes or procures any  
18 animal to be tortured, shall be guilty of a misdemeanor and shall be punished  
19 by a jail sentence of not more than one (1) year or a fine of not less than  
20 eight hundred dollars (\$800) or more than nine thousand dollars (\$9,000), or  
21 by both such fine and imprisonment.

22 (3) Any law enforcement officer or animal care and control officer,  
23 subject to the restrictions of section 25-3501A, Idaho Code, may take  
24 possession of the animal cruelly treated or tortured, and provide care for  
25 the same, until final disposition of such animal is determined in accordance  
26 with section 25-3520A or 25-3520B, Idaho Code.

27 SECTION 5. That Section 25-3505, Idaho Code, be, and the same is hereby  
28 amended to read as follows:

29 25-3505. CARRYING IN A CRUEL MANNER -- SEIZURE, EXPENSES,  
30 LIEN. Whoever carries or causes to be carried in or upon any vehicle  
31 or otherwise any animal in a cruel manner, or knowingly and willfully  
32 authorizes or permits it to be subjected to cruelty of any kind, is guilty of  
33 a misdemeanor violation of the provisions of this section and shall, upon  
34 conviction, be punished in accordance with section 25-3520A, Idaho Code.  
35 Subject to the restrictions of section 25-3501A, Idaho Code, whenever any  
36 such person is taken into custody therefor by any officer, such officer  
37 must take charge of such vehicle, and its contents, and deposit them in some  
38 place of custody, and must take possession of the animal and deposit it in  
39 some place of custody until final disposition of the animal is determined in  
40 accordance with section 25-3520A or 25-3520B, Idaho Code.

41 SECTION 6. That Section 25-3506, Idaho Code, be, and the same is hereby  
42 repealed.

43 SECTION 7. That Section 25-3507, Idaho Code, be, and the same is hereby  
44 amended to read as follows:

1           25-3507. EXHIBITION OF ~~DOGFIGHTS~~ ANIMAL FIGHTS. (1) Every person who  
2 knowingly owns, possesses, keeps, trains, buys or sells ~~dogs~~ any animal for  
3 the purpose of a public or private display of combat between two (2) or more  
4 ~~dogs~~ animals in which the fighting, killing, maiming or injuring of ~~dogs~~  
5 animals is a significant feature is guilty of a felony.

6           (2) Every person who knowingly advertises, promotes, organizes,  
7 participates or knowingly has a monetary interest in a public or private  
8 display of combat between two (2) or more ~~dogs~~ animals in which the fighting,  
9 killing, maiming or injuring of ~~dogs~~ animals is a significant feature is  
10 guilty of a felony.

11           (3) Every person who is knowingly present as a spectator at any place  
12 where preparations are being made for an exhibition of the fighting of ~~dogs~~  
13 animals with the intent to be present at such preparations or to be knowingly  
14 present at such exhibition shall be guilty of a ~~misdemeanor~~ violation of the  
15 provisions of this subsection (3) and shall, upon conviction, be punished in  
16 accordance with section 25-3520A, Idaho Code.

17           (4) Nothing in this section prohibits: demonstrations of the hunting,  
18 herding, working or tracking skills of dogs or the lawful use of dogs for  
19 hunting, herding, working, tracking or self and property protection; the use  
20 of dogs in the management of livestock or the training, raising, breeding  
21 or keeping of dogs for any purpose not prohibited by law; or any customary  
22 and legal practice of breeding or rearing game fowl. An exhibition of  
23 dogfighting shall not be construed to mean the type of confrontation that  
24 happens unintentionally because of a chance encounter between two (2) or  
25 more uncontrolled dogs.

26           SECTION 8. That Section 25-3509, Idaho Code, be, and the same is hereby  
27 amended to read as follows:

28           25-3509. ARRESTS WITHOUT WARRANTS. Any sheriff, constable, police  
29 or peace officer, qualified under the provisions of law to make arrests may  
30 enter any place, building or tenement where there is an exhibition of the  
31 fighting of ~~birds or~~ animals or where preparations are being made for such an  
32 exhibition, and without a warrant, arrest all persons there present.

33           SECTION 9. That Section 25-3510, Idaho Code, be, and the same is hereby  
34 repealed.

35           SECTION 10. That Section 25-3511, Idaho Code, be, and the same is hereby  
36 amended to read as follows:

37           25-3511. PERMITTING ANIMALS TO GO WITHOUT CARE -- ABANDONED ANIMALS  
38 TO BE HUMANELY DESTROYED. Every owner, custodian or possessor of any  
39 animal, who shall permit the same to be in any building, enclosure, lane,  
40 street, square or lot of any city, county or precinct, without proper  
41 care and attention, as determined by an Idaho licensed veterinarian, or a  
42 representative of the division, shall, on conviction, be deemed guilty of  
43 a ~~misdemeanor~~ violation of the provisions of this section and shall, upon  
44 conviction, be punished in accordance with section 25-3520A, Idaho Code. It  
45 shall be the duty of any law enforcement officer or animal care and control  
46 officer, subject to the restrictions of section 25-3501A, Idaho Code, to

1 take possession of the animal so abandoned or neglected, and care for the  
 2 same until final disposition of such animal is determined in accordance with  
 3 section 25-3520A or 25-3520B, Idaho Code. Every sick, disabled, infirm or  
 4 crippled animal which shall be abandoned in any city, county or precinct, may  
 5 if after due search no owner can be found therefor, be humanely destroyed, or  
 6 other provision made for the animal by or on the order of such officer; and it  
 7 shall be the duty of all law enforcement officers or animal care and control  
 8 officers, to cause the same to be humanely destroyed, or other provision made  
 9 therefor, on information of such abandonment. Subject to the restrictions  
 10 of section 25-3501A, Idaho Code, such officer may likewise take charge of  
 11 any animal that by reason of lameness, sickness, feebleness or neglect,  
 12 is unfit for the activity it is performing, or that in any other manner is  
 13 being cruelly treated; and, if such animal is not then in custody of its  
 14 owner, such officer shall give notice thereof to such owner, if known, and  
 15 may provide suitable care for such animal until final disposition of such  
 16 animal is determined in accordance with section 25-3520A or 25-3520B, Idaho  
 17 Code. If, in accordance with this section, a responsible owner cannot be  
 18 found, the animal may be offered for adoption to a responsible person in lieu  
 19 of destruction.

20 SECTION 11. That Section 25-3512, Idaho Code, be, and the same is hereby  
 21 amended to read as follows:

22 25-3512. ABANDONMENT OF ANIMALS LEFT WITH VETERINARIAN. (1) Any  
 23 animal placed in the custody of a veterinarian licensed under the provisions  
 24 of chapter 21, title 54, Idaho Code, for treatment, boarding or other care,  
 25 and which is unclaimed by its owner or the agent of the owner for a period of  
 26 more than ~~ten~~ three (3) days after written notice by certified mail, return  
 27 receipt requested, is given to the addressee only at his last known address,  
 28 shall be deemed to be abandoned and may be turned over to the nearest pound or  
 29 to a peace officer, or disposed of as such custodian may deem proper.

30 (2) The giving of notice to the owner, or the agent of the owner, of  
 31 such animal by the licensed veterinarian, as provided in subsection (1) of  
 32 this section, shall relieve the licensed veterinarian and any custodian to  
 33 whom such animal may be given of any further liability for disposal. Such  
 34 procedure by the licensed veterinarian shall not constitute grounds for  
 35 discipline under the provisions of chapter 21, title 54, Idaho Code.

36 (3) For the purposes of this section, the term "abandoned" means to  
 37 forsake entirely, or to neglect or refuse to provide or perform the legal  
 38 obligations for treatment, care and support of an animal by its owner, or the  
 39 agent of the owner. Such abandonment shall constitute the relinquishment of  
 40 all rights and claims by the owner to such animal.

41 SECTION 12. That Chapter 35, Title 25, Idaho Code, be, and the same  
 42 is hereby amended by the addition thereto of a NEW SECTION, to be known and  
 43 designated as Section 25-3512A, Idaho Code, and to read as follows:

44 25-3512A. ABANDONMENT -- MISDEMEANOR. Abandonment of an animal shall  
 45 be a misdemeanor and shall, upon conviction, be punished in accordance with  
 46 section 25-3520A, Idaho Code.

1 SECTION 13. That Section 25-3513, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 25-3513. PROSECUTIONS. When complaint is made on oath, to any  
4 magistrate authorized to issue warrants in criminal cases, that there is  
5 probable cause to believe that any provision of law relating to or in any way  
6 affecting animals, is being, or is about to be violated in any particular  
7 building or place, such magistrate must issue and deliver immediately a  
8 warrant directed to any sheriff, police or peace officer, or animal control  
9 officer, authorizing him to enter and search such building or place, and  
10 to arrest any person there present violating or attempting to violate any  
11 law relating thereto, or in any way affecting animals and to bring such  
12 person before some court or magistrate of competent jurisdiction, within the  
13 city or county within which such offense has been committed or attempted,  
14 to be dealt with according to law, and such commission or attempt must be  
15 held to be a misdemeanor shall be considered a violation of the provisions  
16 of this chapter and persons so convicted shall be punished in accordance  
17 with section 25-3520A, Idaho Code, or in accordance with specific penalty  
18 provisions if so provided by statute.

19 SECTION 14. That Section 25-3514, Idaho Code, be, and the same is hereby  
20 amended to read as follows:

21 25-3514. CHAPTER CONSTRUED NOT TO INTERFERE WITH NORMAL OR LEGAL  
22 PRACTICES. No part of this chapter shall be construed as interfering with or  
23 allowing interference with:

- 24 (1) Normal or accepted veterinary practices;
  - 25 (2) The humane slaughter of any animal normally and commonly raised as  
26 food or for production of fiber;
  - 27 (3) Bona fide experiments or research carried out by professionally  
28 recognized private or public research facilities or institutions;
  - 29 (4) The humane destruction of an animal which is diseased or disabled  
30 beyond recovery for any useful purpose, or the humane destruction of animals  
31 for population control;
  - 32 (5) Normal or accepted practices of animal identification and animal  
33 husbandry as established by, but not limited to, guidelines developed and  
34 approved by the appropriate national or state commodity organizations;
  - 35 (6) The killing of any animal, by any person at any time, which may be  
36 found outside of the owned or rented property of the owner or custodian of  
37 such animal and which is found injuring or posing a threat to any person, farm  
38 animal or property;
  - 39 (7) The killing of an animal that is vicious by an animal control  
40 officer, law enforcement officer or veterinarian;
  - 41 (8) The killing or destruction of predatory animals, vermin or other  
42 animals or birds which are injuring or posing a threat to farm or privately  
43 owned animals or property, when such killing or destruction is conducted in  
44 accordance with laws and rules covering such animals;
  - 45 (9) Any other exhibitions, competitions, activities, practices or  
46 procedures normally or commonly considered acceptable.
- 47 The practices, procedures and activities described in this section shall not  
48 be construed to be cruel nor shall they be defined as cruelty to animals,

1 nor shall any person engaged in these practices, procedures or activities  
2 be charged with cruelty to animals.

3 SECTION 15. That Section 25-3516, Idaho Code, be, and the same is hereby  
4 repealed.

5 SECTION 16. That Section 25-3518, Idaho Code, be, and the same is hereby  
6 repealed.

7 SECTION 17. That Section 25-3520A, Idaho Code, be, and the same is  
8 hereby repealed.

9 SECTION 18. That Chapter 35, Title 25, Idaho Code, be, and the same  
10 is hereby amended by the addition thereto of a NEW SECTION, to be known and  
11 designated as Section 25-3520A, Idaho Code, and to read as follows:

12 25-3520A. PENALTY FOR VIOLATIONS -- TERMINATION OF RIGHTS. Unless a  
13 specific penalty is otherwise provided for a violation of any provision of  
14 this chapter, the following penalty provisions shall apply:

15 (1) Unless the provisions of subsection (2) or (3) of this section  
16 apply, any person who pleads guilty to or is found guilty of any of the  
17 provisions of this chapter shall be guilty of a misdemeanor and punished,  
18 for each offense, by a jail sentence of not more than six (6) months or by a  
19 fine of not less than four hundred dollars (\$400) or more than five thousand  
20 dollars (\$5,000), or by both such fine and imprisonment.

21 (2) Unless the provisions of subsection (3) of this section apply,  
22 any person who pleads guilty to or is found guilty of a violation of any of  
23 the provisions of this chapter, who previously has been found guilty of or  
24 has pled guilty to a violation of the provisions of this chapter, or any  
25 substantially conforming foreign criminal violation, or any combination  
26 thereof, shall be guilty of a misdemeanor and punished for each offense, by a  
27 jail sentence of not more than nine (9) months or a fine of not less than six  
28 hundred dollars (\$600) or more than seven thousand dollars (\$7,000), or by  
29 both such fine and imprisonment.

30 (3) Any person who pleads guilty to or is found guilty of a violation  
31 of the provisions of this chapter, who previously has been found guilty of  
32 or has pled guilty to two (2) or more violations of the provisions of this  
33 chapter, or any substantially conforming foreign criminal violation, or any  
34 combination thereof, shall be guilty of a misdemeanor and shall be punished  
35 by a jail sentence of not more than one (1) year or a fine of not less than  
36 eight hundred dollars (\$800) or more than nine thousand dollars (\$9,000), or  
37 by both such fine and imprisonment.

38 (4) All violations charged in the same complaint, or where the guilty  
39 plea was entered or found on the same date, shall be treated as one (1) prior  
40 violation for purposes of this section.

41 (5) Notwithstanding the provisions of section 19-4705, Idaho Code,  
42 fifty percent (50%) of any fine collected pursuant to subsections (1)  
43 through (3) of this section shall be divided equally with fifty percent (50%)  
44 thereof remitted to the Idaho state department of agriculture and fifty  
45 percent (50%) remitted to the jurisdiction prosecuting the misdemeanor.

1 (6) If a person pleads guilty to or is found guilty of a violation of  
2 the provisions of this chapter, the court may issue an order terminating the  
3 person's right to possession, title, custody or care of an animal that was  
4 involved in the offense or that was owned or possessed at the time of the  
5 offense. If a person's right to possession, title, custody or care of an  
6 animal is terminated, the court may award the animal to a humane society or  
7 other organization that has as its principal purpose treatment motivated by  
8 concern with alleviation of suffering of animals, or may award the animal  
9 to a law enforcement agency, animal shelter or animal care and control  
10 agency. The court's award of custody or care of an animal will grant to the  
11 organization or agency the authority to determine custody, adoption, sale or  
12 other disposition of the animal thereafter.

13 SECTION 19. That Chapter 35, Title 25, Idaho Code, be, and the same  
14 is hereby amended by the addition thereto of a NEW SECTION, to be known and  
15 designated as Section 25-3521, Idaho Code, and to read as follows:

16 25-3521. CONDUCT NOT PROHIBITED. Nothing in this chapter prohibits  
17 the lawful demonstrations of the hunting, herding, sledding, working or  
18 tracking skills of dogs, the lawful use of dogs for hunting, herding,  
19 working, sledding, tracking or self and property protection, the use of  
20 dogs in the management of livestock, or the training, raising, breeding or  
21 keeping of dogs for any purpose not prohibited by law.

22 SECTION 20. That Chapter 35, Title 25, Idaho Code, be, and the same  
23 is hereby amended by the addition thereto of a NEW SECTION, to be known and  
24 designated as Section 25-3522, Idaho Code, and to read as follows:

25 25-3522. PROVIDING FALSE INFORMATION. Any person knowingly giving or  
26 causing to be given false information in reporting an alleged violation of  
27 the provisions of this chapter shall be subject to the provisions of section  
28 18-5413, Idaho Code.

29 SECTION 21. That Section 25-3521, Idaho Code, be, and the same is hereby  
30 amended to read as follows:

31 25-3521~~3~~. SEVERABILITY. The provisions of this chapter are hereby  
32 declared to be severable and if any provision of this chapter or the  
33 application of such provision to any person or circumstance is declared  
34 invalid for any reason, such declaration shall not affect the validity of the  
35 remaining portions of this chapter.

36 SECTION 22. This act shall be in full force and effect on and after  
37 September 1, 2010.