

IN THE SENATE

SENATE BILL NO. 1303, As Amended in the House

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ANIMALS; AMENDING SECTION 25-3504, IDAHO CODE, TO REMOVE REFER-  
2 ENCE TO MISDEMEANORS; AMENDING SECTION 25-3506, IDAHO CODE, TO PROVIDE  
3 FOR VIOLATIONS AND PENALTIES RELATING TO CERTAIN DISPLAYS OF COMBAT  
4 BETWEEN GAMECOCKS; AND AMENDING SECTION 25-3520A, IDAHO CODE, TO RE-  
5 VISE PROVISIONS RELATING TO PENALTIES FOR VIOLATIONS, TO PROVIDE FOR  
6 VIOLATIONS OF SPECIFIED LAW, TO PROVIDE AN EXCEPTION, TO PROVIDE FOR  
7 MISDEMEANORS, TO PROVIDE THAT SPECIFIED CONDUCT UNDER CERTAIN CIRCUM-  
8 STANCES SHALL CONSTITUTE A FELONY, TO PROVIDE FOR PENALTIES, TO PROVIDE  
9 THAT OTHER SPECIFIED CONDUCT SHALL CONSTITUTE MISDEMEANORS, TO REFER-  
10 ENCE PENALTIES, TO PROVIDE THAT EACH PRIOR CONVICTION OR GUILTY PLEA  
11 SHALL CONSTITUTE ONE VIOLATION AND TO PROVIDE THAT SPECIFIED PRACTICES  
12 ARE NOT ANIMAL CRUELTY.  
13

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

15 SECTION 1. That Section 25-3504, Idaho Code, be, and the same is hereby  
16 amended to read as follows:

17 25-3504. COMMITTING CRUELTY TO ANIMALS. Every person who is cruel to  
18 any animal, or who causes or procures any animal to be cruelly treated, or  
19 who, having the charge or custody of any animal either as owner or otherwise,  
20 subjects any animal to cruelty, ~~is, for every such offense, guilty of a mis-~~  
21 ~~demeanor and shall, upon conviction, be punished in accordance with section~~  
22 25-3520A, Idaho Code. Any law enforcement officer or animal care and control  
23 officer, subject to the restrictions of section 25-3501A, Idaho Code, may  
24 take possession of the animal cruelly treated, and provide care for the same,  
25 until final disposition of such animal is determined in accordance with sec-  
26 tion 25-3520A or 25-3520B, Idaho Code.

27 SECTION 2. That Section 25-3506, Idaho Code, be, and the same is hereby  
28 amended to read as follows:

29 25-3506. EXHIBITION OF COCKFIGHTS. (1) Every person who participates  
30 in a public or private display of combat between two (2) or more gamecocks in  
31 which the fighting, killing, maiming or injuring of gamecocks is a signifi-  
32 cant feature is guilty of a misdemeanor and shall, upon conviction, be pun-  
33 ished in accordance with section 25-3520A, Idaho Code.

34 (2) Every person who knowingly advertises, promotes or organizes a pub-  
35 lic or private display of combat between two (2) or more gamecocks in which  
36 the fighting, killing, maiming or injuring of gamecocks is a significant  
37 feature and at which:

38 (a) Any controlled substance listed in section 37-2732C, Idaho Code, is  
39 present; and

1       (b) Any act of gambling, as defined in section 18-3801, Idaho Code, oc-  
 2       curs;  
 3       is guilty of a felony and shall, upon conviction, be punished in accordance  
 4       with the penalty provisions in section 25-3520A(3) (a), Idaho Code.

5       (3) Every person who knowingly advertises, promotes or organizes a pub-  
 6       lic or private display of combat between two (2) or more gamecocks in which  
 7       the fighting, killing, maiming or injuring of gamecocks is a significant  
 8       feature and at which:

9       (a) Gaffs or other artificial or mechanical means are used to enhance  
 10       pain, inflict injury or to cause death; or

11       (b) Any substance to enhance activity, aggressiveness or bodily energy  
 12       has been administered to a gamecock;

13       is guilty of a misdemeanor for a first violation and shall, upon convic-  
 14       tion, be punished in accordance with the penalty provisions of section  
 15       25-3520A(1), Idaho Code. Any person convicted of a second or subsequent vio-  
 16       lation of the provisions of this subsection is guilty of a felony and shall,  
 17       upon conviction, be punished in accordance with the penalty provisions of  
 18       section 25-3520A(3) (a), Idaho Code. Each prior conviction shall constitute  
 19       one (1) violation of the provisions of this subsection regardless of the  
 20       number of counts involved in the conviction.

21       (4) Nothing in this section prohibits any customary practice of breed-  
 22       ing or rearing game fowl, regardless of the subsequent uses of said game  
 23       fowl.

24       SECTION 3. That Section 25-3520A, Idaho Code, be, and the same is hereby  
 25       amended to read as follows:

26       25-3520A. PENALTY FOR VIOLATIONS -- TERMINATION OF RIGHTS. (1) Except  
 27       as otherwise provided in section 25-3503 or 25-3506, Idaho Code, any per-  
 28       son convicted for a first violation of any of the provisions of this chapter  
 29       shall be punished, for each offense, by a jail sentence of not more than six  
 30       (6) months or by a fine of not less than one hundred dollars (\$100) or more  
 31       than five thousand dollars (\$5,000), or by both such fine and imprisonment.

32       (2) Except as otherwise provided in section 25-3503 or 25-3506, Idaho  
 33       Code, any person convicted of a second violation of any of the provisions of  
 34       this chapter within ten (10) years of the first conviction, shall be punished  
 35       for each offense, by a jail sentence of not more than nine (9) months or a fine  
 36       of not less than two hundred dollars (\$200) or more than seven thousand dol-  
 37       lars (\$7,000) or both fine and imprisonment.

38       (3) (a) Except as otherwise provided in section 25-3503 or 25-3506,  
 39       Idaho Code, any person convicted of a third or subsequent violation of  
 40       any of the provisions of this chapter, except certain violations of  
 41       section 25-3504, Idaho Code, as provided in paragraph (b) of this sub-  
 42       section, within fifteen (15) years of the first conviction, shall be  
 43       guilty of a misdemeanor and punished for each offense by a jail sentence  
 44       of not more than twelve (12) months or a fine of not less than five hun-  
 45       dred dollars (\$500) or more than nine thousand dollars (\$9,000) or by  
 46       both fine and imprisonment.

47       (b) Except as provided in section 25-3503, Idaho Code, any person con-  
 48       vinced of a third or subsequent violation who previously has been found  
 49       guilty of or has pled guilty to two (2) violations of section 25-3504,

1 Idaho Code, provided the violations were for conduct as defined by sec-  
2 tion 25-3502(5) (a), Idaho Code, within fifteen (15) years of the first  
3 conviction, shall be guilty of a felony and punished for each offense  
4 by a jail sentence of not more than twelve (12) months or a fine of not  
5 less than five hundred dollars (\$500) or not more than nine thousand  
6 dollars (\$9,000) or by both fine and imprisonment. All other violations  
7 of section 25-3504, Idaho Code, for conduct as defined by any other  
8 paragraphs, other than paragraph (a) of section 25-3502(5), Idaho Code,  
9 shall constitute misdemeanors and shall be punishable as provided in  
10 paragraph (a) of this subsection.

11 (c) Each prior conviction or guilty plea shall constitute one (1) vi-  
12 olation of this chapter regardless of the number of counts involved in  
13 the conviction or guilty plea. Practices described in section 25-3514,  
14 Idaho Code, are not animal cruelty.

15 (4) If a person pleads guilty or is found guilty of an offense under this  
16 chapter, the court may issue an order terminating the person's right to pos-  
17 session, title, custody or care of an animal that was involved in the offense  
18 or that was owned or possessed at the time of the offense. If a person's right  
19 to possession, title, custody or care of an animal is terminated, the court  
20 may award the animal to a humane society or other organization that has as its  
21 principal purpose the humane treatment of animals, or may award the animal  
22 to a law enforcement agency or animal care and control agency. The court's  
23 award of custody or care of an animal will grant to the organization or agency  
24 the authority to determine custody, adoption, sale or other disposition of  
25 the animal thereafter.