

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 64

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO CRUELTY TO ANIMALS; AMENDING SECTION 25-3502, IDAHO CODE, TO
FURTHER DEFINE A TERM.

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

SECTION 1. That Section 25-3502, Idaho Code, be, and the same is hereby
amended to read as follows:

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

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

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

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

(4) "Companion animal" means those animals including, but not limited
to, domestic dogs, domestic cats, rabbits, companion birds, and other ani-
mals commonly kept as pets.

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

(a) The intentional and malicious infliction of pain, physical suffer-
ing, injury or death upon an animal;

(b) To maliciously kill, maim, wound, overdrive, overload, drive when
overloaded, overwork, torture, torment, deprive of necessary suste-
nance, drink or shelter, cruelly beat, mutilate or cruelly kill an
animal;

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

(d) To abandon an animal;

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

(6) "Department" means the Idaho state department of agriculture.

(7) "Department investigator" means a person employed by, or approved
by, the Idaho state department of agriculture, division of animal indus-
tries, to determine whether there has been a violation of this chapter.

(8) "Division" means the division of animal industries of the Idaho
state department of agriculture.

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

1 (10) "Malicious" or "maliciously" means the intentional doing of a
2 wrongful act without just cause or excuse, with an intent to inflict an in-
3 jury or death.

4 (11) "Owner" means any person who has a right of property in an animal.

5 (12) "Person" means any individual, firm, corporation, partnership,
6 other business unit, society, association or other legal entity, any public
7 or private institution, the state of Idaho, or any municipal corporation or
8 political subdivision of the state.

9 (13) "Pound" means a place enclosed by public authority for the deten-
10 tion of stray animals.

11 (14) "Production animal" means, for purposes of this chapter:

12 (a) The following animals if owned for the express purpose of producing
13 food or fiber, or other commercial activity, in furtherance of the pro-
14 duction of food or fiber, or other commercial activity, or to be sold for
15 the use by another for such purpose: cattle, sheep, goats, swine, poul-
16 try, ratites, equines, domestic cervidae, camelidae, fish and other
17 aquatic animals and guard and stock dogs; and

18 (b) Furbearing animals kept for the purpose of commercial fur produc-
19 tion.