

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 111

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ANIMAL CARE; AMENDING SECTION 25-3502, IDAHO CODE, TO REVISE A  
2 DEFINITION AND TO DEFINE A TERM; AND AMENDING SECTION 25-3504, IDAHO  
3 CODE, TO ESTABLISH PROVISIONS RELATING TO COMMITTING TORTURE TO COMPAN-  
4 ION ANIMALS AND TO PROVIDE THAT CERTAIN OFFICERS MAY TAKE POSSESSION OF  
5 COMPANION ANIMALS SUBJECTED TO TORTURE.  
6

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

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

10 25-3502. DEFINITIONS. The following words and terms, when used in this  
11 chapter, shall have the following meanings, unless the context clearly indi-  
12 cates otherwise:

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

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

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

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

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

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

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

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

34 (d) To abandon an animal;

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

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

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

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

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

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

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

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

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

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

16 (a) The following animals if owned for the express purpose of produc-  
17 ing food or fiber, or other commercial activity, in furtherance of the  
18 production of food or fiber, or other commercial activity, or to be sold  
19 for the use by another for such purpose: cattle, sheep, goats, swine,  
20 poultry, ratites, equines, domestic cervidae, camelidae, and guard and  
21 stock dogs; and

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

24 (15) "Torture" means the knowing and willful infliction of unjusti-  
25 fiable and extreme or prolonged pain with the intent to cause suffering.  
26 "Torture" shall not mean acts committed by accident in doing any lawful act  
27 by lawful means and without unlawful intent, or when circumstances indicate  
28 that suffering or death may be the product of an accidental, unintentional  
29 occurrence. "Torture" shall also not mean or include normal or legal prac-  
30 tices as provided in section 25-3514, Idaho Code.

31 SECTION 2. That Section 25-3504, Idaho Code, be, and the same is hereby  
32 amended to read as follows:

33 25-3504. COMMITTING CRUELTY TO ANIMALS -- COMMITTING TORTURE TO COM-  
34 PANION ANIMALS. (1) Every person who is cruel to any animal, or who causes  
35 or procures any animal to be cruelly treated, or who, having the charge or  
36 custody of any animal either as owner or otherwise, subjects any animal  
37 to cruelty shall, upon conviction, be punished in accordance with section  
38 25-3520A, Idaho Code.

39 (2) Every person who tortures a companion animal, or who causes or pro-  
40 duces any companion animal to be tortured, is guilty of a misdemeanor for  
41 a first or second violation. Every person convicted of a third or subse-  
42 quent violation of the provisions of this subsection is guilty of a felony.  
43 Each prior conviction shall constitute one (1) violation of the provisions  
44 of this subsection regardless of the number of counts involved in the convic-  
45 tion.

46 (3) Any law enforcement officer or animal care and control officer,  
47 subject to the restrictions of section 25-3501A, Idaho Code, may take pos-  
48 session of the animal cruelly treated or the companion animal tortured, and

1 provide care for the same, until final disposition of such animal is deter-  
2 mined in accordance with section 25-3520A or 25-3520B, Idaho Code.