

IN THE SENATE

SENATE BILL NO. 1309

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO ANIMALS; AMENDING SECTION 25-3520A, IDAHO CODE, TO PROVIDE THAT
THE COURT MAY ORDER PRESENTENCE PSYCHOLOGICAL EVALUATIONS PRIOR TO SEN-
TENCING FOR VIOLATIONS OF SPECIFIED LAW.

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

SECTION 1. That Section 25-3520A, Idaho Code, be, and the same is hereby
amended to read as follows:

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

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

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

(b) Except as provided in section 25-3503, Idaho Code, any person con-
victed of a third or subsequent violation who previously has been found
guilty of or has pled guilty to two (2) violations of section 25-3504,
Idaho Code, provided the violations were for conduct as defined by sec-
tion 25-3502(5)(a), Idaho Code, within fifteen (15) years of the first
conviction, shall be guilty of a felony and punished for each offense
by a jail sentence of not more than twelve (12) months or a fine of not
less than five hundred dollars (\$500) or not more than nine thousand
dollars (\$9,000) or by both fine and imprisonment. All other violations
of section 25-3504, Idaho Code, for conduct as defined by any other
paragraphs, other than paragraph (a) of section 25-3502(5), Idaho Code,
shall constitute misdemeanors and shall be punishable as provided in
paragraph (a) of this subsection.

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

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

16 (5) Prior to sentencing pursuant to the provisions of this chapter the
17 court may in its discretion order a presentence psychological evaluation.
18 If the prosecutor requests a presentence psychological evaluation prior to
19 sentencing, the court shall determine whether a presentence psychological
20 evaluation is warranted.