

JAN 8 2001

JUDICIARY

HOUSE FILE 20
BY CORMACK

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to animal abuse, and providing for penalties.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 20

1 Section 1. Section 717B.3A, subsection 3, paragraph a,
2 Code 2001, is amended to read as follows:

3 a. The following shall apply to a person who commits
4 animal torture:

5 (1) For the first conviction, the person is guilty of an
6 ~~aggravated-misdemeanor~~ a class "D" felony. The sentencing
7 order shall provide that the person submit to psychological
8 evaluation and treatment according to terms required by the
9 court. The costs of the psychological evaluation and
10 treatment shall be paid by the person. In addition, the
11 sentencing order shall provide that the person complete a
12 community work requirement, which may include a work
13 requirement performed at an animal shelter or pound, as
14 defined in section 162.2, according to terms required by the
15 court.

16 (2) For a second or subsequent conviction, the person is
17 guilty of a class "B" "C" felony. The sentencing order shall
18 provide that the person submit to psychological evaluation and
19 treatment according to terms required by the court. The costs
20 of the psychological evaluation and treatment shall be paid by
21 the person.

22 EXPLANATION

23 During the 2000 legislative session, the general assembly
24 enacted H.F. 723 (2000 Acts, ch 1152), which created a new
25 section in Code chapter 717B prohibiting animal cruelty (the
26 chapter does not apply to livestock which is governed under
27 Code chapter 717). The new section provides that a person is
28 guilty of animal torture if the person inflicts upon an animal
29 severe physical pain with a depraved or sadistic intent to
30 cause prolonged suffering or death. For the first conviction,
31 the person is guilty of an aggravated misdemeanor, and must
32 undergo psychological evaluation and treatment according to
33 terms required by a court's sentencing order. The penalty is
34 increased to a class "D" felony for a second or subsequent
35 offense.

1 This bill provides that the first conviction is punishable
2 as a class "D" felony and a second or subsequent conviction is
3 punishable as a class "C" felony.

4 According to Code section 903.1, a person convicted of an
5 aggravated misdemeanor may be imprisoned for a term not to
6 exceed two years and subject to a fine of at least \$500 but
7 not to exceed \$5,000.

8 According to Code section 902.9, a person convicted of
9 committing a class "D" felony may be confined for not more
10 than five years, and in addition shall be sentenced to a fine
11 of at least \$750 but not more than \$7,500. A person convicted
12 of a class "C" felony can be confined for no more than 10
13 years, and in addition be sentenced to a fine of at least
14 \$1,000 but not more than \$10,000.

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