

FEB 13 2002

JUDICIARY

HOUSE FILE 2313

BY KUHN and SENG

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the injury or torment of animals by
2 prohibiting events involving such injury or torment, providing
3 for the disposition of animals, and providing a penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HF 2313

1 Section 1. Section 99B.11, subsection 2, paragraph c, Code
2 2001, is amended to read as follows:

3 c. Contests, events, or exhibitions of cooking,
4 horticulture, livestock, poultry, fish or other animals,
5 artwork, hobbywork or craftwork, except those for events
6 prohibited by ~~section 725.11~~ chapter 717D.

7 Sec. 2. Section 709A.1, subsection 2, paragraph c, Code
8 2001, is amended to read as follows:

9 c. Any premises the use of which constitutes a violation
10 of sections section 725.57 or 725.10, or 725.11 chapter 717D.

11 Sec. 3. NEW SECTION. 717D.1 DEFINITIONS.

12 1. "Animal" means a creature having a vertebrate other
13 than a human.

14 2. "Contest event" means an event in which an animal is or
15 may be injured or tormented by another animal involving
16 physical combat, including but not limited to bull baiting,
17 bear baiting, cock fighting, or dog fighting.

18 3. "Establishment" means the location where an event
19 occurs or is to occur, regardless of whether an animal is
20 present at the establishment or the animal is witnessed by
21 means of an electronic signal transmitted to the location.

22 4. "Event" means a function organized for the
23 entertainment or profit of spectators for purposes of
24 witnessing an animal being injured or tormented.

25 5. "Event device" means equipment designed to enhance an
26 animal's entertainment value during training or an event,
27 including a device to improve the animal's competitiveness.

28 6. "Livestock" means the same as defined in section 717.1.

29 7. "Local authority" means the same as defined in section
30 717B.1.

31 8. "Promoter" means a person who charges admission for
32 entry into an establishment or organizes, holds, advertises,
33 or otherwise conducts an event.

34 9. "Spectator" means a person who attends an establishment
35 for purposes of witnessing an event.

1 10. "Trainer" means a person who trains an animal for
2 purposes of engaging in an event, regardless of where the
3 event is located. A trainer includes a person who uses an
4 event device.

5 11. "Transporter" means a person who moves an animal for
6 delivery at a training location or an event location.

7 Sec. 4. NEW SECTION. 717D.2 PROHIBITIONS -- CONTEST
8 EVENTS.

9 A person shall not do any of the following:

10 1. Own or operate an establishment located in this state
11 in which a contest event occurs or is to occur.

12 2. Act as a promoter of a contest event, regardless of
13 whether the contest event occurs in this state or another
14 state. For purposes of this subsection, a person who aids,
15 abets, or assists in the promotion of a contest event shall be
16 deemed to act as a promoter.

17 3. Act as a trainer of an animal engaged or to be engaged
18 in a contest event conducted in this state or another state.
19 For purposes of this subsection, a person who aids, abets, or
20 assists in the training of an animal engaged or to be engaged
21 in a contest event shall be deemed to act as a trainer.

22 4. Act as a transporter moving an animal in this state.

23 5. Act as a spectator of a contest event conducted in this
24 state, regardless of whether the person paid admission to
25 witness the event.

26 Sec. 5. NEW SECTION. 717D.3 PROHIBITIONS -- NONCONTEST
27 EVENTS.

28 1. This section shall apply to events other than contest
29 events. Except as provided in subsection 2, a person shall
30 not do any of the following:

31 a. Own or operate an establishment located in this state
32 in which an event occurs or is to occur.

33 b. Act as a promoter of an event, regardless of whether
34 the event occurs in this state or another state. For purposes
35 of this subsection, a person who aids, abets, or assists in

1 the promotion of an event shall be deemed to act as a
2 promoter.

3 c. Act as a trainer of an animal engaged or to be engaged
4 in an event conducted in this state or another state. For
5 purposes of this subsection, a person who aids, abets, or
6 assists in the training of an animal engaged or to be engaged
7 in an event shall be deemed to act as a trainer.

8 d. Act as a transporter moving an animal in this state.

9 e. Act as a spectator of an event conducted in this state,
10 regardless of whether the person paid admission to witness the
11 event.

12 2. This section shall not apply to an event in which an
13 injured or tormented animal is livestock, unless the event is
14 a bullfight.

15 Sec. 6. NEW SECTION. 717D.4 EXCEPTIONS.

16 This chapter does not apply to any of the following:

17 1. A person who is acting to do any of the following:

18 a. Carry out an order issued by a court.

19 b. Practice veterinarian medicine as provided in chapter
20 169.

21 c. Carry out another provision of law which allows the
22 conduct.

23 d. Reasonably protect the person's property from damage
24 caused by an estray animal.

25 e. Reasonably protect a person from injury or death caused
26 by an estray animal.

27 2. An institution, as defined in section 145B.1, or a
28 research facility, as defined in section 162.2, provided that
29 the institution or research facility performs functions within
30 the scope of accepted practices and disciplines associated
31 with the institution or research facility.

32 3. Any of the following functions:

33 a. A race.

34 b. A fair as defined in section 174.1.

35 c. A rodeo.

1 d. A 4-H function.

2 Sec. 7. NEW SECTION. 717D.5 PENALTIES.

3 A person who violates a provision of this chapter is guilty
4 of a serious misdemeanor.

5 Sec. 8. NEW SECTION. 717D.6 CONFISCATION AND DISPOSITION
6 OF ANIMALS.

7 A local authority may confiscate an animal that is or is to
8 be trained or is part of an event. The animal may be rescued
9 and disposed of as neglected livestock or other animal
10 pursuant to section 717.5 or 717B.4. If the animal is not
11 rescued and disposed of pursuant to section 717.5 or 717B.4,
12 it shall be forfeited to the state and subject to disposition
13 as ordered by the court. In addition, the court shall order
14 the owner of the animal to pay an amount which shall not be
15 more than the expenses incurred in maintaining or disposing of
16 the animal. The court may also order that the person pay
17 reasonable attorney fees and expenses related to the
18 investigation of the case that shall be taxed as other court
19 costs. If more than one person has a divisible interest in
20 the animal, the amount required to be paid shall be prorated
21 based on the percentage of interest in the animal owned by
22 each person. The moneys shall be paid to the local authority
23 incurring the expense. The amount shall be subtracted from
24 proceeds which are received from the sale of the animal
25 ordered by the court.

26 Sec. 9. Sections 717B.7 and 725.11, Code 2001, are
27 repealed.

28 EXPLANATION

29 Currently, Code section 717B.7 prohibits the promotion or
30 staging of an exhibition of animals (other than livestock) in
31 which an animal is tormented or in which there is a fight
32 between the animals. Code section 725.11 prohibits fighting
33 or baiting any animal including a bull, bear, dog, or cock.

34 This bill repeals those sections and combines those
35 provisions in a new Code chapter 717D which follows, Code

1 chapter 717 (prohibiting the abuse and neglect of livestock),
2 Code chapter 717A (prohibiting actions involving agricultural
3 facilities), Code chapter 717B (prohibiting the abuse and
4 neglect of animals other than livestock), and Code chapter
5 717C (prohibiting bestiality).

6 The bill applies to events organized for the entertainment
7 or profit of spectators for purposes of witnessing an animal
8 being injured or tormented. Specifically, the bill provides
9 for contest events (in which an animal is or may be injured or
10 tormented by another animal) and noncontest events (in which
11 spectators witness animals other than livestock being injured
12 or tormented by a person). The bill prohibits a person from
13 owning or operating an establishment located in this state in
14 which an event occurs or is to occur. It also prohibits a
15 person from acting as a promoter of an event, a trainer of an
16 animal engaged or to be engaged in an event, a transporter
17 moving an animal for delivery to a trainer or event, or a
18 spectator of an event. The bill specifically prohibits
19 bullfighting.

20 The bill provides a number of exceptions generally
21 consistent with exceptions from the offense of livestock abuse
22 under Code chapter 717.

23 A person who violates a provision of the bill is guilty of
24 a serious misdemeanor. A serious misdemeanor is punishable by
25 confinement for no more than one year and a fine of at least
26 \$250 but not more than \$1,500.

27 Finally, the bill provides for the confiscation and
28 disposition of an animal that is or is to be trained or is
29 part of an event. The bill provides that an animal may be
30 considered as neglected and disposed of in accordance with
31 Code chapter 717 or 717B depending on whether the animal is
32 livestock or another type of animal. Otherwise, the bill
33 provides that the livestock is forfeited to the state and the
34 owner is liable for costs associated with the animal's
35 maintenance and may be liable for costs associated with

1 reasonable attorney fees and expenses related to the
2 investigation of the case.

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35