

Redfern, Hansen, King

SSB 3108  
Judiciary

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY CHAIRPERSON  
MADDOX)

Succeeded By  
HF 2268

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to animals other than livestock, including the  
2 taking of such animals, providing for their disposition, and  
3 providing for the reimbursement of dispositional expenses.

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

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1 Section 1. Section 351.37, Code 2001, is amended to read  
2 as follows:

3 351.37 RUNNING AT LARGE -- APPREHENSION AND IMPOUNDAGE.

4 Any A dog found may be apprehended and impounded by a local  
5 board of health or law enforcement official if the dog is  
6 running at large and the dog is not wearing a valid rabies  
7 vaccination tag and-for-which-no or a rabies vaccination  
8 certificate can-be-produced-shall-be-apprehended-and-impounded  
9 is not presented to the local board of health or law  
10 enforcement official.

11 When-such If a dog has been apprehended-and impounded, the  
12 local board of health or law enforcement official shall give  
13 provide written notice in-not-less-than-two-days to the known  
14 owner,-if-known of the dog. If The notice shall be sent  
15 within two days after the dog has been impounded. The notice  
16 shall provide that if the owner does not redeem the dog within  
17 seven days of from the date of the-notice impoundment, the dog  
18 may be humanely destroyed or otherwise disposed of in  
19 accordance with law. An owner may redeem a dog by having it  
20 immediately vaccinated and by paying the cost of impoundment.

21 If the owner of a the impounded dog apprehended-or  
22 impounded-cannot-be-located fails to redeem the dog within  
23 seven days from the date that the dog is impounded, the animal  
24 dog may be humanely-destroyed-or-otherwise disposed of in  
25 accordance with law. If the dog is destroyed, it must be  
26 destroyed by euthanasia as defined in section 162.2.

27 Sec. 2. Section 717B.1, Code 2001, is amended by adding  
28 the following new subsections:

29 NEW SUBSECTION. 3A. "Dispositional expenses" means  
30 expenses incurred by a local authority in rescuing an animal  
31 as provided in section 717B.5, maintaining the animal until  
32 the conclusion of a dispositional proceeding as provided in  
33 section 717B.4, or disposing of the animal as provided in  
34 section 717B.4.

35 NEW SUBSECTION. 7. "Responsible party" means a person who

1 owns or maintains an animal.

2 NEW SUBSECTION. 8. "Threatened animal" means an animal  
3 that is abused as provided in section 717B.2, neglected as  
4 provided in section 717B.3, or tortured as provided in section  
5 717B.3A.

6 Sec. 3. Section 717B.4, Code 2001, is amended to read as  
7 follows:

8 717B.4 ~~DISPOSITION-OF-NEGLECTED-ANIMALS~~ DISPOSITIONAL  
9 PROCEEDINGS.

10 1. A Upon a petition brought by a local authority, a court  
11 in the county where an animal is maintained by a responsible  
12 party or a local authority shall determine if the animal is a  
13 threatened animal and order the its disposition of-an-animal  
14 neglected-as-provided-in-section-717B-3 after a hearing upon  
15 application-or-petition-to-the-court-by-a-local-authority-or  
16 the-person-owning-or-caring-for-the-animal.

17 a. The matter shall be heard within ten days from the  
18 filing of the petition for disposition by the local authority.

19 b. If the animal has been rescued, the court may order  
20 that the animal be placed under the custody of the local  
21 authority and maintained in the same manner as a rescued  
22 animal under section 717B.5.

23 c. The court may continue the hearing for up to forty  
24 thirty days upon petition by the person responsible party.  
25 However, the court shall not grant a continuance unless the  
26 animal is maintained by the local authority. the-person-shall  
27 The responsible party must post a bond or other security with  
28 the local authority in-an as a condition of the continuance.  
29 The amount of the bond or other security shall be determined  
30 by the court, which shall not be more than the amount  
31 sufficient to provide maintenance of the animal for forty  
32 thirty days. The court may grant a subsequent continuance by  
33 the-person upon petition by the responsible party. The  
34 continuance shall be for the-same-length-of-time-if-the-person  
35 submits not more than thirty days. The responsible party must

1 post a new bond or security as a condition of the subsequent  
2 continuance in the same manner as the original bond or  
3 security or as otherwise ordered by the court. However, the  
4 court shall order the immediate disposition of the animal if  
5 the animal is permanently distressed by disease or injury to a  
6 degree that would result in severe or prolonged suffering.

7 2. The hearing to determine if the animal ~~has-been~~  
8 neglected is a threatened animal for purposes of disposition  
9 shall be a civil proceeding. If the case is related to a  
10 criminal proceeding, the disposition shall not be part of that  
11 proceeding and shall not be considered a criminal penalty  
12 imposed on a person found in violation of ~~section-717B-3~~ this  
13 chapter.

14 3. A If the court determines that an animal is not a  
15 threatened animal, the court shall order that the animal be  
16 returned to the custody of the responsible party. If the  
17 court determines that an animal is a threatened animal, the  
18 court shall order the local authority to dispose of the  
19 threatened animal in any manner deemed appropriate for the  
20 welfare of the animal. In addition, all of the following  
21 apply:

22 a. The court may order a-person-owning the neglected  
23 animal responsible party to pay an amount which shall not be  
24 more than the dispositional expenses incurred in-maintaining  
25 the-neglected-animal-rescued-pursuant-to-section-717B-57-and  
26 by the local authority. The court may also award the local  
27 authority court costs, reasonable attorney fees and expenses  
28 related to the investigation and prosecution of the case,  
29 which shall be taxed as part of the costs of the action. The  
30 remaining-amount-of-a-bond-or-other-security-posted-pursuant  
31 to-this-chapter-shall-be-used-to-reimburse

32 c. If a bond or other security was posted as a condition  
33 for a continuance of a disposition hearing as provided in this  
34 section, the local authority may use the posted amount to  
35 offset the local authority's dispositional expenses. ~~if more~~

1 than-one-person-has-a-divisible-interest-in-the-animal, the  
2 amount-required-to-be-paid-shall-be-prorated-based-on-the  
3 percentage-of-interest-in-the-animal-owned-by-each-person.  
4 The-moneys-shall-be-paid-to-the-local-authority-incurring-the  
5 expense.--The-amount-shall-be-subtracted-from-proceeds-owed-to  
6 the-owner-or-owners-of-the-animal, which-are-received-from-the  
7 sale-of-the-animal-ordered-by-the-court.

8 d. Moneys-owed-to-the-local-authority If any moneys are  
9 realized from the sale disposition of a neglected threatened  
10 animal, the moneys shall be paid used to offset the local  
11 authority authority's dispositional expenses before satisfying  
12 indebtedness secured by any security interest in or lien on  
13 the threatened animal.

14 e. If the threatened animal is owned by more than one  
15 responsible party, the amount required to offset the local  
16 authority's dispositional expenses shall be prorated among the  
17 responsible parties based on the percentage of interest owned  
18 in the threatened animal attributable to the responsible  
19 parties as the threatened animal's titleholders. For purposes  
20 of this paragraph, a responsible party who does not own an  
21 interest in the threatened animal shall be deemed to be an  
22 owner holding a percentage interest in the animal equal to the  
23 largest percentage interest held by a landowner who is  
24 attributed an interest as the threatened animal's titleholder.  
25 If an-owner-of the animal responsible party is a landowner,  
26 the local authority may submit an the amount to reimburse the  
27 local authority for its dispositional expenses to the clerk of  
28 the county board of supervisors who shall report the amount to  
29 the county treasurer. The-amount-shall-equal-the-balance  
30 remaining-after-the-sale-of-the-animal. If the threatened  
31 animal owner-owns-a-percentage-of-the-animal, the-reported  
32 amount-shall-equal-the-remaining-balance-owed-by-all  
33 landowners-who-own-a-percentage-of-the-animal.--That is owned  
34 by more than one landowner, the amount shall be prorated among  
35 the landowners based on the percentage of interest owned in

1 the threatened animal attributable to each landowner as the  
2 animal's titleholders. The amount shall be placed upon the  
3 tax books, and collected with interest and penalties after  
4 due, in the same manner as other unpaid property taxes. The  
5 county shall reimburse a city within thirty days from the  
6 collection of the property taxes.

7 4. ~~Neglected-animals~~ A threatened animal that is ordered  
8 by a court to be destroyed under this section shall be  
9 destroyed only by ~~a-humane-method, including~~ euthanasia as  
10 defined in section 162.2.

11 Sec. 4. Section 717B.5, Code 2001, is amended to read as  
12 follows:

13 717B.5 RESCUE OF NEGLECTED THREATENED ANIMALS.

14 A local authority may provide for the rescue of an animal  
15 as follows:

16 1. A The rescue must be made by a law enforcement officer,  
17 having cause to believe that the animal is a threatened animal  
18 after consulting with a veterinarian licensed pursuant to  
19 chapter 169, ~~may~~. The law enforcement officer may rescue an  
20 ~~animal-neglected-as-provided-in-section-717B-3~~ the animal by  
21 entering on public or private property, as provided in this  
22 subsection. The officer may enter onto property of a person  
23 to rescue ~~a-neglected~~ the animal, if the officer obtains a  
24 search warrant issued by a court, or enters onto the premises  
25 in a manner consistent with the laws of this state and the  
26 United States, including Article I, section 8, of the  
27 Constitution of the State of Iowa, or the fourth amendment to  
28 the Constitution of the United States.

29 2. If an animal is rescued pursuant to this section, the  
30 local authority shall provide for the maintenance of the  
31 neglected animal. The local authority may contract with an  
32 animal care provider for the maintenance of the neglected  
33 animal. The local authority shall ~~post~~ provide the  
34 responsible party for the animal with notice of the rescue.  
35 The notice may be accomplished by doing any of the following:

1 a. Delivering written notice to the responsible party's  
2 last known address by the United States postal service or  
3 personal service.

4 b. Posting a notice in a conspicuous place at the location  
5 where the animal was rescued.

6 The notice shall state that the animal has been rescued by  
7 the local authority pursuant to this section.

8 3. Within ten days after the date that an animal is  
9 rescued, the local authority shall initiate a dispositional  
10 proceeding pursuant to section 717B.4.

11 4. The local authority shall pay the animal care provider  
12 for the animal's maintenance regardless of proceeds received  
13 from the ~~sale-of-the~~ disposition of the animal or any  
14 reimbursement ordered by a court, pursuant to section 717B.4.

15 ~~3.--The animal shall be subject to disposition as required~~  
16 ~~by a court, pursuant to section 717B.4.~~

17 EXPLANATION

18 This bill provides for the taking and disposition of  
19 animals other than livestock by local authorities.  
20 Specifically, the bill amends two Code chapters: Code chapter  
21 351 providing for the regulation of dogs, including dogs  
22 running at large, and Code chapter 717B providing offenses  
23 involving nonlivestock animals, including abuse, neglect, and  
24 torture, and the rescue and disposition of such animals.

25 DOGS RUNNING AT LARGE. The bill amends Code section 351.37  
26 that provides that a dog may be apprehended and impounded if  
27 the dog is running at large and there is no proof that the dog  
28 has a valid rabies vaccination. According to Code section  
29 351.36, local health and law enforcement officials are  
30 responsible for enforcing the Code section. The Code section  
31 provides that once a dog has been impounded, a local board of  
32 health or law enforcement official is required to send a  
33 notice to the dog's owner, if known, notifying the owner of  
34 the impoundment. The notice must be sent within two days  
35 following the apprehension and impoundment. After seven days

1 following delivery of the notice, the board or official may  
2 dispose of the dog.

3 The bill makes a number of stylistic changes for purposes  
4 of enhancing the readability of the Code section. In  
5 addition, the bill provides that if the owner of an impounded  
6 dog fails to redeem the dog within seven days from the date  
7 that the dog is impounded, the dog may be disposed of in  
8 accordance with law. The bill provides that if the dog is  
9 destroyed, it must be destroyed by euthanasia as defined in  
10 Code section 162.2.

11 OFFENSES INVOLVING ANIMALS. In 1994, the general assembly  
12 enacted House File 637 (1994 Iowa Acts, ch. 1103) which  
13 created two Code chapters prohibiting animal abuse and  
14 neglect: Code chapter 717 which governs the abuse and neglect  
15 of livestock and Code chapter 717B which governs the abuse and  
16 neglect of other animals. In 2000, the general assembly  
17 enacted House File 723 (2000 Iowa Acts, ch. 1152), creating a  
18 new offense referred to as "animal torture" in Code section  
19 717B.3A.

20 Code chapter 717B prohibits a person from abusing,  
21 neglecting, or torturing animals (other than livestock), with  
22 certain exceptions, and imposes criminal penalties upon  
23 violators. Abuse occurs when a person other than the animal's  
24 owner acts to injure or destroy the animal. Neglect occurs  
25 when the owner injures, destroys, or otherwise fails to care  
26 properly for an animal. Torture occurs when any person  
27 inflicts upon an animal severe physical pain with a depraved  
28 or sadistic intent to cause prolonged suffering or death. The  
29 Code chapter authorizes a local authority (i.e., a county or  
30 city) to rescue an animal in cases of neglect. The rescue  
31 must be performed by a peace officer after consulting with a  
32 licensed veterinarian. The local authority must post a notice  
33 of the rescue at the rescue site. The Code chapter also  
34 provides for the maintenance of rescued animals. The  
35 disposition of the animals must be determined by a court in a

1 civil proceeding on an expedited basis. The Code chapter  
2 provides for the payment of costs by the owner of maintaining  
3 the animal by the local authority. It also provides for the  
4 disposition of the animal including by humane destruction.

5 The bill makes a number of changes to Code section 717B.4  
6 providing for the disposition of neglected animals and Code  
7 section 717B.5 providing for the rescue of those animals.  
8 Many of the changes are made to enhance the readability of the  
9 section. There are also a number of substantive changes. The  
10 bill provides that the local authority may rescue and a court  
11 may provide for the disposition of a "threatened animal" which  
12 is defined to mean an animal that is abused, neglected, or  
13 tortured. The bill provides that both the owner of the animal  
14 and a person who is not the owner, but who maintains the  
15 animal, are responsible parties in a dispositional proceeding.  
16 Thus, a nonowner may be liable for the maintenance of the  
17 animal under the custody or supervision of a local authority.  
18 The bill provides that the responsible party is liable for  
19 dispositional expenses which include expenses incurred by a  
20 local authority in rescuing an animal, maintaining the animal  
21 until the conclusion of a dispositional proceeding, and  
22 disposing of the animal. The bill also reduces the time that  
23 the responsible party may be granted a continuance from 40 to  
24 30 days. It provides that the local authority may provide  
25 notice of a rescue by mail or personal service. Finally, the  
26 bill requires that following a rescue, a local authority must  
27 petition a court for disposition of the animal within 10 days  
28 of the rescue.

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FILED FEB 21 2002

SENATE FILE 2268  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3108)

Passed Senate, Date <sup>(P. 568)</sup> 3-11-02 Passed House, Date <sup>(P. 1096)</sup> 4/1/02  
Vote: Ayes 49 Nays 0 Vote: Ayes 94 Nays 0  
Approved April 26, 2002

A BILL FOR

1 An Act relating to animals other than livestock, including the  
2 taking of such animals, providing for their disposition, and  
3 providing for the reimbursement of dispositional expenses.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 351.37, Code 2001, is amended to read  
2 as follows:

3 351.37 RUNNING AT LARGE -- APPREHENSION AND IMPOUNDAGE.

4 Any A dog found may be apprehended and impounded by a local  
5 board of health or law enforcement official if the dog is  
6 running at large and the dog is not wearing a valid rabies  
7 vaccination tag and-for-which-no or a rabies vaccination  
8 certificate can-be-produced-shall-be-apprehended-and-impounded  
9 is not presented to the local board of health or law  
10 enforcement official.

11 When-such If a dog has been apprehended-and impounded, the  
12 local board of health or law enforcement official shall give  
13 provide written notice in-not-less-than-two-days to the known  
14 owner,-if-known of the dog. If The notice shall be sent  
15 within two days after the dog has been impounded. The notice  
16 shall provide that if the owner does not redeem the dog within  
17 seven days of from the date of the-notice impoundment, the dog  
18 may be humanely destroyed or otherwise disposed of in  
19 accordance with law. An owner may redeem a dog by having it  
20 immediately vaccinated and by paying the cost of impoundment.

21 If the owner of a the impounded dog apprehended-or  
22 impounded-cannot-be-located fails to redeem the dog within  
23 seven days from the date that the dog is impounded, the animal  
24 dog may be humanely-destroyed-or-otherwise disposed of in  
25 accordance with law. If the dog is destroyed, it must be  
26 destroyed by euthanasia as defined in section 162.2.

27 Sec. 2. Section 717B.1, Code 2001, is amended by adding  
28 the following new subsections:

29 NEW SUBSECTION. 3A. "Dispositional expenses" means  
30 expenses incurred by a local authority in rescuing an animal  
31 as provided in section 717B.5, maintaining the animal until  
32 the conclusion of a dispositional proceeding as provided in  
33 section 717B.4, or disposing of the animal as provided in  
34 section 717B.4.

35 NEW SUBSECTION. 7. "Responsible party" means a person who

1 owns or maintains an animal.

2 NEW SUBSECTION. 8. "Threatened animal" means an animal  
3 that is abused as provided in section 717B.2, neglected as  
4 provided in section 717B.3, or tortured as provided in section  
5 717B.3A.

6 Sec. 3. Section 717B.4, Code 2001, is amended to read as  
7 follows:

8 717B.4 ~~DISPOSITION-OF-NEGLECTED-ANIMALS~~ DISPOSITIONAL  
9 PROCEEDINGS.

10 1. A Upon a petition brought by a local authority, a court  
11 in the county where an animal is maintained by a responsible  
12 party or a local authority shall determine if the animal is a  
13 threatened animal and order the its disposition of-an-animal  
14 ~~neglected-as-provided-in-section-717B-3~~ after a hearing upon  
15 ~~application-or-petition-to-the-court-by-a-local-authority-or~~  
16 ~~the-person-owning-or-caring-for-the-animal.~~

17 a. The matter shall be heard within ten days from the  
18 filing of the petition for disposition by the local authority.

19 b. If the animal has been rescued, the court may order  
20 that the animal be placed under the custody of the local  
21 authority and maintained in the same manner as a rescued  
22 animal under section 717B.5.

23 c. The court may continue the hearing for up to forty  
24 thirty days upon petition by the person responsible party.  
25 However, the court shall not grant a continuance unless the  
26 animal is maintained by the local authority. the-person-shall  
27 The responsible party must post a bond or other security with  
28 the local authority in-an as a condition of the continuance.  
29 The amount of the bond or other security shall be determined  
30 by the court, which shall not be more than the amount  
31 sufficient to provide maintenance of the animal for forty  
32 thirty days. The court may grant a subsequent continuance by  
33 the-person upon petition by the responsible party. The  
34 continuance shall be for the-same-length-of-time-if-the-person  
35 submits not more than thirty days. The responsible party must

1 post a new bond or security as a condition of the subsequent  
2 continuance in the same manner as the original bond or  
3 security or as otherwise ordered by the court. However, the  
4 court shall order the immediate disposition of the animal if  
5 the animal is permanently distressed by disease or injury to a  
6 degree that would result in severe or prolonged suffering.

7 2. The hearing to determine if the animal ~~has-been~~  
8 neglected is a threatened animal for purposes of disposition  
9 shall be a civil proceeding. If the case is related to a  
10 criminal proceeding, the disposition shall not be part of that  
11 proceeding and shall not be considered a criminal penalty  
12 imposed on a person found in violation of ~~section-717B-3~~ this  
13 chapter.

14 3. A If the court determines that an animal is not a  
15 threatened animal, the court shall order that the animal be  
16 returned to the custody of the responsible party. If the  
17 court determines that an animal is a threatened animal, the  
18 court shall order the local authority to dispose of the  
19 threatened animal in any manner deemed appropriate for the  
20 welfare of the animal. In addition, all of the following  
21 apply:

22 a. The court may order a-person-owning the neglected  
23 animal responsible party to pay an amount which shall not be  
24 more than the dispositional expenses incurred in-maintaining  
25 the-neglected-animal-rescued-pursuant-to-section-717B-5,-and  
26 by the local authority. The court may also award the local  
27 authority court costs, reasonable attorney fees and expenses  
28 related to the investigation and prosecution of the case,  
29 which shall be taxed as part of the costs of the action. The  
30 remaining-amount-of-a-bond-or-other-security-posted-pursuant  
31 to-this-chapter-shall-be-used-to-reimburse

32 c. If a bond or other security was posted as a condition  
33 for a continuance of a disposition hearing as provided in this  
34 section, the local authority may use the posted amount to  
35 offset the local authority's dispositional expenses. If-more

1 ~~than one person has a divisible interest in the animal, the~~  
2 ~~amount required to be paid shall be prorated based on the~~  
3 ~~percentage of interest in the animal owned by each person.~~  
4 ~~The moneys shall be paid to the local authority incurring the~~  
5 ~~expense. The amount shall be subtracted from proceeds owed to~~  
6 ~~the owner or owners of the animal, which are received from the~~  
7 ~~sale of the animal ordered by the court.~~

8 d. Moneys owed to the local authority If any moneys are  
9 realized from the sale disposition of a neglected threatened  
10 animal, the moneys shall be paid used to offset the local  
11 authority's dispositional expenses before satisfying  
12 indebtedness secured by any security interest in or lien on  
13 the threatened animal.

14 e. If the threatened animal is owned by more than one  
15 responsible party, the amount required to offset the local  
16 authority's dispositional expenses shall be prorated among the  
17 responsible parties based on the percentage of interest owned  
18 in the threatened animal attributable to the responsible  
19 parties as the threatened animal's titleholders. For purposes  
20 of this paragraph, a responsible party who does not own an  
21 interest in the threatened animal shall be deemed to be an  
22 owner holding a percentage interest in the animal equal to the  
23 largest percentage interest held by a landowner who is  
24 attributed an interest as the threatened animal's titleholder.  
25 If an owner of the animal responsible party is a landowner,  
26 the local authority may submit an the amount to reimburse the  
27 local authority for its dispositional expenses to the clerk of  
28 the county board of supervisors who shall report the amount to  
29 the county treasurer. ~~The amount shall equal the balance~~  
30 ~~remaining after the sale of the animal.~~ If the threatened  
31 animal owner owns a percentage of the animal, the reported  
32 amount shall equal the remaining balance owed by all  
33 landowners who own a percentage of the animal. That is owned  
34 by more than one landowner, the amount shall be prorated among  
35 the landowners based on the percentage of interest owned in

1 the threatened animal attributable to each landowner as the  
2 animal's titleholders. The amount shall be placed upon the  
3 tax books, and collected with interest and penalties after  
4 due, in the same manner as other unpaid property taxes. The  
5 county shall reimburse a city within thirty days from the  
6 collection of the property taxes.

7 4. ~~Neglected-animals~~ A threatened animal that is ordered  
8 by a court to be destroyed under this section shall be  
9 destroyed only by ~~a-humane-method~~including euthanasia as  
10 defined in section 162.2.

11 Sec. 4. Section 717B.5, Code 2001, is amended to read as  
12 follows:

13 717B.5 RESCUE OF NEGLECTED THREATENED ANIMALS.

14 A local authority may provide for the rescue of an animal  
15 as follows:

16 1. A The rescue must be made by a law enforcement officer  
17 having cause to believe that the animal is a threatened animal  
18 after consulting with a veterinarian licensed pursuant to  
19 chapter 169may. The law enforcement officer may rescue an  
20 animal-neglected-as-provided-in-section-717B-3 the animal by  
21 entering on public or private property, as provided in this  
22 subsection. The officer may enter onto property of a person  
23 to rescue ~~a-neglected~~ the animal, if the officer obtains a  
24 search warrant issued by a court, or enters onto the premises  
25 in a manner consistent with the laws of this state and the  
26 United States, including Article I, section 8, of the  
27 Constitution of the State of Iowa, or the fourth amendment to  
28 the Constitution of the United States.

29 2. If an animal is rescued pursuant to this section, the  
30 local authority shall provide for the maintenance of the  
31 neglected animal. The local authority may contract with an  
32 animal care provider for the maintenance of the neglected  
33 animal. The local authority shall ~~post~~ provide the  
34 responsible party for the animal with notice of the rescue.  
35 The notice may be accomplished by doing any of the following:

1 a. Delivering written notice to the responsible party's  
2 last known address by the United States postal service or  
3 personal service.

4 b. Posting a notice in a conspicuous place at the location  
5 where the animal was rescued.

6 The notice shall state that the animal has been rescued by  
7 the local authority pursuant to this section.

8 3. Within ten days after the date that an animal is  
9 rescued, the local authority shall initiate a dispositional  
10 proceeding pursuant to section 717B.4.

11 4. The local authority shall pay the animal care provider  
12 for the animal's maintenance regardless of proceeds received  
13 from the ~~sale of the~~ disposition of the animal or any  
14 reimbursement ordered by a court, pursuant to section 717B.4.

15 ~~3.---The animal shall be subject to disposition as required~~  
16 ~~by a court, pursuant to section 717B.4.~~

17 EXPLANATION

18 This bill provides for the taking and disposition of  
19 animals other than livestock by local authorities.  
20 Specifically, the bill amends two Code chapters: Code chapter  
21 351 providing for the regulation of dogs, including dogs  
22 running at large, and Code chapter 717B providing offenses  
23 involving nonlivestock animals, including abuse, neglect, and  
24 torture, and the rescue and disposition of such animals.

25 DOGS RUNNING AT LARGE. The bill amends Code section 351.37  
26 that provides that a dog may be apprehended and impounded if  
27 the dog is running at large and there is no proof that the dog  
28 has a valid rabies vaccination. According to Code section  
29 351.36, local health and law enforcement officials are  
30 responsible for enforcing the Code section. The Code section  
31 provides that once a dog has been impounded, a local board of  
32 health or law enforcement official is required to send a  
33 notice to the dog's owner, if known, notifying the owner of  
34 the impoundment. The notice must be sent within two days  
35 following the apprehension and impoundment. After seven days

1 following delivery of the notice, the board or official may  
2 dispose of the dog.

3 The bill makes a number of stylistic changes for purposes  
4 of enhancing the readability of the Code section. In  
5 addition, the bill provides that if the owner of an impounded  
6 dog fails to redeem the dog within seven days from the date  
7 that the dog is impounded, the dog may be disposed of in  
8 accordance with law. The bill provides that if the dog is  
9 destroyed, it must be destroyed by euthanasia as defined in  
10 Code section 162.2.

11 OFFENSES INVOLVING ANIMALS. In 1994, the general assembly  
12 enacted House File 637 (1994 Iowa Acts, ch. 1103) which  
13 created two Code chapters prohibiting animal abuse and  
14 neglect: Code chapter 717 which governs the abuse and neglect  
15 of livestock and Code chapter 717B which governs the abuse and  
16 neglect of other animals. In 2000, the general assembly  
17 enacted House File 723 (2000 Iowa Acts, ch. 1152), creating a  
18 new offense referred to as "animal torture" in Code section  
19 717B.3A.

20 Code chapter 717B prohibits a person from abusing,  
21 neglecting, or torturing animals (other than livestock), with  
22 certain exceptions, and imposes criminal penalties upon  
23 violators. Abuse occurs when a person other than the animal's  
24 owner acts to injure or destroy the animal. Neglect occurs  
25 when the owner injures, destroys, or otherwise fails to care  
26 properly for an animal. Torture occurs when any person  
27 inflicts upon an animal severe physical pain with a depraved  
28 or sadistic intent to cause prolonged suffering or death. The  
29 Code chapter authorizes a local authority (i.e., a county or  
30 city) to rescue an animal in cases of neglect. The rescue  
31 must be performed by a peace officer after consulting with a  
32 licensed veterinarian. The local authority must post a notice  
33 of the rescue at the rescue site. The Code chapter also  
34 provides for the maintenance of rescued animals. The  
35 disposition of the animals must be determined by a court in a

1 civil proceeding on an expedited basis. The Code chapter  
2 provides for the payment of costs by the owner of maintaining  
3 the animal by the local authority. It also provides for the  
4 disposition of the animal including by humane destruction.

5 The bill makes a number of changes to Code section 717B.4  
6 providing for the disposition of neglected animals and Code  
7 section 717B.5 providing for the rescue of those animals.  
8 Many of the changes are made to enhance the readability of the  
9 section. There are also a number of substantive changes. The  
10 bill provides that the local authority may rescue and a court  
11 may provide for the disposition of a "threatened animal" which  
12 is defined to mean an animal that is abused, neglected, or  
13 tortured. The bill provides that both the owner of the animal  
14 and a person who is not the owner, but who maintains the  
15 animal, are responsible parties in a dispositional proceeding.  
16 Thus, a nonowner may be liable for the maintenance of the  
17 animal under the custody or supervision of a local authority.  
18 The bill provides that the responsible party is liable for  
19 dispositional expenses which include expenses incurred by a  
20 local authority in rescuing an animal, maintaining the animal  
21 until the conclusion of a dispositional proceeding, and  
22 disposing of the animal. The bill also reduces the time that  
23 the responsible party may be granted a continuance from 40 to  
24 30 days. It provides that the local authority may provide  
25 notice of a rescue by mail or personal service. Finally, the  
26 bill requires that following a rescue, a local authority must  
27 petition a court for disposition of the animal within 10 days  
28 of the rescue.

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SENATE FILE 2268

S-5135

1 Amend Senate File 2268 as follows:

2 1. Page 1, line 4, by striking the word "may" and  
3 inserting the following: "shall".

4 2. Page 1, by striking lines 11 through 19 and  
5 inserting the following:

6 ~~"When such dog has been apprehended and impounded,~~  
7 ~~the~~ The local board of health or law enforcement  
8 official shall give provide written notice in not less  
9 ~~than two days~~ to the owner, if known the local board  
10 of health or law enforcement official can reasonably  
11 determine the owner's name and current address by  
12 accessing a tag or other device that is on or a part  
13 of the dog. If The notice shall be sent within two  
14 days after the dog has been impounded. The notice  
15 shall provide that if the owner does not redeem the  
16 dog within seven days of from the date of that the  
17 notice is delivered, the dog may be humanely destroyed  
18 or otherwise disposed of in accordance with law. For  
19 purposes of this section, notice is delivered when the  
20 local board of health or law enforcement official  
21 mails the notice which may be by regular mail. An  
22 owner may redeem a dog by having it".

23 3. Page 1, line 23, by striking the words "that  
24 the dog is impounded" and inserting the following:  
25 "of the delivery of the notice to the dog's owner as  
26 provided in this section,".

By DONALD B. REDFERN

S-5135 FILED MARCH 7, 2002

*Adopted*  
*3-11-02 (p. 568)*



1 Section 1. Section 351.37, Code 2001, is amended to read  
2 as follows:

3 351.37 RUNNING AT LARGE -- APPREHENSION AND IMPOUNDAGE.

4 Any A dog found shall be apprehended and impounded by a  
5 local board of health or law enforcement official if the dog  
6 is running at large and the dog is not wearing a valid rabies  
7 vaccination tag and-for-which-no or a rabies vaccination  
8 certificate can-be-produced-shall-be-apprehended-and-impounded  
9 is not presented to the local board of health or law  
10 enforcement official.

11 When-such-dog-has-been-apprehended-and-impounded,-the The  
12 local board of health or law enforcement official shall give  
13 provide written notice in-not-less-than-two-days to the owner,  
14 if known the local board of health or law enforcement official  
15 can reasonably determine the owner's name and current address  
16 by accessing a tag or other device that is on or a part of the  
17 dog. If The notice shall be sent within two days after the  
18 dog has been impounded. The notice shall provide that if the  
19 owner does not redeem the dog within seven days of from the  
20 date of that the notice is delivered, the dog may be humanely  
21 destroyed or otherwise disposed of in accordance with law.  
22 For purposes of this section, notice is delivered when the  
23 local board of health or law enforcement official mails the  
24 notice which may be by regular mail. An owner may redeem a  
25 dog by having it immediately vaccinated and by paying the cost  
26 of impoundment.

27 If the owner of a the impounded dog apprehended-or  
28 impounded-cannot-be-located fails to redeem the dog within  
29 seven days from the date of the delivery of the notice to the  
30 dog's owner as provided in this section, the animal dog may be  
31 humanely-destroyed-or-otherwise disposed of in accordance with  
32 law. If the dog is destroyed, it must be destroyed by  
33 euthanasia as defined in section 162.2.

34 Sec. 2. Section 717B.1, Code 2001, is amended by adding  
35 the following new subsections:

1 NEW SUBSECTION. 3A. "Dispositional expenses" means  
2 expenses incurred by a local authority in rescuing an animal  
3 as provided in section 717B.5, maintaining the animal until  
4 the conclusion of a dispositional proceeding as provided in  
5 section 717B.4, or disposing of the animal as provided in  
6 section 717B.4.

7 NEW SUBSECTION. 7. "Responsible party" means a person who  
8 owns or maintains an animal.

9 NEW SUBSECTION. 8. "Threatened animal" means an animal  
10 that is abused as provided in section 717B.2, neglected as  
11 provided in section 717B.3, or tortured as provided in section  
12 717B.3A.

13 Sec. 3. Section 717B.4, Code 2001, is amended to read as  
14 follows:

15 717B.4 ~~DISPOSITION-OF-NEGLECTED-ANIMALS~~ DISPOSITIONAL  
16 PROCEEDINGS.

17 1. A Upon a petition brought by a local authority, a court  
18 in the county where an animal is maintained by a responsible  
19 party or a local authority shall determine if the animal is a  
20 threatened animal and order the its disposition of-an-animal  
21 neglected-as-provided-in-section-717B-3 after a hearing upon  
22 application-or-petition-to-the-court-by-a-local-authority-or  
23 the-person-owning-or-caring-for-the-animal.

24 a. The matter shall be heard within ten days from the  
25 filing of the petition for disposition by the local authority.

26 b. If the animal has been rescued, the court may order  
27 that the animal be placed under the custody of the local  
28 authority and maintained in the same manner as a rescued  
29 animal under section 717B.5.

30 c. The court may continue the hearing for up to forty  
31 thirty days upon petition by the person responsible party.  
32 However, the court shall not grant a continuance unless the  
33 animal is maintained by the local authority. the-person-shall  
34 The responsible party must post a bond or other security with  
35 the local authority in-an as a condition of the continuance.

1 The amount of the bond or other security shall be determined  
2 by the court, which shall not be more than the amount  
3 sufficient to provide maintenance of the animal for forty  
4 thirty days. The court may grant a subsequent continuance by  
5 the-person upon petition by the responsible party. The  
6 continuance shall be for the-same-length-of-time-if-the-person  
7 submits not more than thirty days. The responsible party must  
8 post a new bond or security as a condition of the subsequent  
9 continuance in the same manner as the original bond or  
10 security or as otherwise ordered by the court. However, the  
11 court shall order the immediate disposition of the animal if  
12 the animal is permanently distressed by disease or injury to a  
13 degree that would result in severe or prolonged suffering.

14 2. The hearing to determine if the animal has-been  
15 neglected is a threatened animal for purposes of disposition  
16 shall be a civil proceeding. If the case is related to a  
17 criminal proceeding, the disposition shall not be part of that  
18 proceeding and shall not be considered a criminal penalty  
19 imposed on a person found in violation of section-717B-3 this  
20 chapter.

21 3. A If the court determines that an animal is not a  
22 threatened animal, the court shall order that the animal be  
23 returned to the custody of the responsible party. If the  
24 court determines that an animal is a threatened animal, the  
25 court shall order the local authority to dispose of the  
26 threatened animal in any manner deemed appropriate for the  
27 welfare of the animal. In addition, all of the following  
28 apply:

29 a. The court may order a-person-owning the neglected  
30 animal responsible party to pay an amount which shall not be  
31 more than the dispositional expenses incurred in-maintaining  
32 the-neglected-animal-rescued-pursuant-to-section-717B-5,-and  
33 by the local authority. The court may also award the local  
34 authority court costs, reasonable attorney fees and expenses  
35 related to the investigation and prosecution of the case,

1 which shall be taxed as part of the costs of the action. The  
2 remaining-amount-of-a-bond-or-other-security-posted-pursuant  
3 to-this-chapter-shall-be-used-to-reimburse

4 c. If a bond or other security was posted as a condition  
5 for a continuance of a disposition hearing as provided in this  
6 section, the local authority may use the posted amount to  
7 offset the local authority's dispositional expenses. If more  
8 than-one-person-has-a-divisible-interest-in-the-animal, the  
9 amount-required-to-be-paid-shall-be-prorated-based-on-the  
10 percentage-of-interest-in-the-animal-owned-by-each-person.  
11 The-moneys-shall-be-paid-to-the-local-authority-incurring-the  
12 expense.--The-amount-shall-be-subtracted-from-proceeds-owed-to  
13 the-owner-or-owners-of-the-animal, which-are-received-from-the  
14 sale-of-the-animal-ordered-by-the-court.

15 d. Moneys-owed-to-the-local-authority If any moneys are  
16 realized from the sale disposition of a neglected threatened  
17 animal, the moneys shall be paid used to offset the local  
18 authority authority's dispositional expenses before satisfying  
19 indebtedness secured by any security interest in or lien on  
20 the threatened animal.

21 e. If the threatened animal is owned by more than one  
22 responsible party, the amount required to offset the local  
23 authority's dispositional expenses shall be prorated among the  
24 responsible parties based on the percentage of interest owned  
25 in the threatened animal attributable to the responsible  
26 parties as the threatened animal's titleholders. For purposes  
27 of this paragraph, a responsible party who does not own an  
28 interest in the threatened animal shall be deemed to be an  
29 owner holding a percentage interest in the animal equal to the  
30 largest percentage interest held by a landowner who is  
31 attributed an interest as the threatened animal's titleholder.  
32 If an-owner-of the animal responsible party is a landowner,  
33 the local authority may submit an the amount to reimburse the  
34 local authority for its dispositional expenses to the clerk of  
35 the county board of supervisors who shall report the amount to

1 the county treasurer. ~~The amount shall equal the balance~~  
2 ~~remaining after the sale of the animal.~~ If the threatened  
3 animal owner owns a percentage of the animal, the reported  
4 amount shall equal the remaining balance owed by all  
5 landowners who own a percentage of the animal. ~~That is owned~~  
6 by more than one landowner, the amount shall be prorated among  
7 the landowners based on the percentage of interest owned in  
8 the threatened animal attributable to each landowner as the  
9 animal's titleholders. The amount shall be placed upon the  
10 tax books, and collected with interest and penalties after  
11 due, in the same manner as other unpaid property taxes. The  
12 county shall reimburse a city within thirty days from the  
13 collection of the property taxes.

14 4. ~~Neglected animals~~ A threatened animal that is ordered  
15 by a court to be destroyed under this section shall be  
16 destroyed only by ~~a humane method, including~~ euthanasia as  
17 defined in section 162.2.

18 Sec. 4. Section 717B.5, Code 2001, is amended to read as  
19 follows:

20 717B.5 RESCUE OF NEGLECTED THREATENED ANIMALS.

21 A local authority may provide for the rescue of an animal  
22 as follows:

23 1. A The rescue must be made by a law enforcement officer,  
24 having cause to believe that the animal is a threatened animal  
25 after consulting with a veterinarian licensed pursuant to  
26 chapter 169, may. The law enforcement officer may rescue an  
27 animal neglected as provided in section 717B:3 the animal by  
28 entering on public or private property, as provided in this  
29 subsection. The officer may enter onto property of a person  
30 to rescue a neglected the animal, if the officer obtains a  
31 search warrant issued by a court, or enters onto the premises  
32 in a manner consistent with the laws of this state and the  
33 United States, including Article I, section 8, of the  
34 Constitution of the State of Iowa, or the fourth amendment to  
35 the Constitution of the United States.

1 2. If an animal is rescued pursuant to this section, the  
2 local authority shall provide for the maintenance of the  
3 neglected animal. The local authority may contract with an  
4 animal care provider for the maintenance of the neglected  
5 animal. The local authority shall ~~post~~ provide the  
6 responsible party for the animal with notice of the rescue.

7 The notice may be accomplished by doing any of the following:

8 a. Delivering written notice to the responsible party's  
9 last known address by the United States postal service or  
10 personal service.

11 b. Posting a notice in a conspicuous place at the location  
12 where the animal was rescued.

13 The notice shall state that the animal has been rescued by  
14 the local authority pursuant to this section.

15 3. Within ten days after the date that an animal is  
16 rescued, the local authority shall initiate a dispositional  
17 proceeding pursuant to section 717B.4.

18 4. The local authority shall pay the animal care provider  
19 for the animal's maintenance regardless of proceeds received  
20 from the ~~sale-of-the~~ disposition of the animal or any  
21 reimbursement ordered by a court, pursuant to section 717B.4.

22 ~~3.--The animal shall be subject to disposition as required~~  
23 ~~by a court, pursuant to section 717B.4.~~

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## SENATE FILE 2268

H-8297

1 Amend Senate File 2268, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 33 the  
4 following:

5 "Sec. \_\_\_\_ . Section 709A.1, subsection 2, paragraph  
6 c, Code 2001, is amended to read as follows:

7 c. Any premises the use of which constitutes a  
8 violation of ~~sections~~ section 725.5, or 725.10, or  
9 ~~725.11~~ chapter 717D."

10 2. Page 6, by inserting after line 23 the  
11 following:

12 "Sec. \_\_\_\_ . NEW SECTION. 717D.1 DEFINITIONS.

13 1. "Animal" means a nonhuman vertebrate.

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

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

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

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

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

33 7. "Local authority" means the same as defined in  
34 section 717B.1.

35 8. "Promoter" means a person who charges admission  
36 for entry into an establishment or organizes, holds,  
37 advertises, or otherwise conducts an event.

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

40 10. "Trainer" means a person who trains an animal  
41 for purposes of engaging in an event, regardless of  
42 where the event is located. A trainer includes a  
43 person who uses an event device.

44 11. "Transporter" means a person who moves an  
45 animal for delivery at a training location or an event  
46 location.

47 Sec. \_\_\_\_ . NEW SECTION. 717D.2 PROHIBITIONS --  
48 CONTEST EVENTS.

49 A person shall not do any of the following:

50 1. Own or operate an establishment located in this

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Page 2

1 state in which a contest event occurs or is to occur.

2 2. Act as a promoter of a contest event,  
3 regardless of whether the contest event occurs in this  
4 state or another state. For purposes of this  
5 subsection, a person who aids, abets, or assists in  
6 the promotion of a contest event shall be deemed to  
7 act as a promoter.

8 3. Act as a trainer of an animal engaged or to be  
9 engaged in a contest event conducted in this state or  
10 another state. For purposes of this subsection, a  
11 person who aids, abets, or assists in the training of  
12 an animal engaged or to be engaged in a contest event  
13 shall be deemed to act as a trainer.

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

16 5. Act as a spectator of a contest event conducted  
17 in this state, regardless of whether the person paid  
18 admission to witness the event.

19 Sec. \_\_\_\_ . NEW SECTION. 717D.3 PROHIBITIONS --  
20 NONCONTEST EVENTS.

21 1. This section shall apply to events other than  
22 contest events.

23 2. A person shall not do any of the following:

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

26 b. Act as a promoter of an event, regardless of  
27 whether the event occurs in this state or another  
28 state. For purposes of this subsection, a person who  
29 aids, abets, or assists in the promotion of an event  
30 shall be deemed to act as a promoter.

31 c. Act as a trainer of an animal engaged or to be  
32 engaged in an event conducted in this state or another  
33 state. For purposes of this subsection, a person who  
34 aids, abets, or assists in the training of an animal  
35 engaged or to be engaged in an event shall be deemed  
36 to act as a trainer.

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

39 e. Act as a spectator of an event conducted in  
40 this state, regardless of whether the person paid  
41 admission to witness the event.

42 Sec. \_\_\_\_ . NEW SECTION. 717D.4 EXCEPTIONS.

43 1. A person is not subject to this chapter if the  
44 person is not subject to the offense of livestock  
45 abuse as provided in section 717.1A or animal abuse as  
46 provided in section 717B.2.

47 2. This chapter shall not apply to any of the  
48 following functions:

49 a. A race, including but not limited to a race  
50 regulated under chapter 99D.

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Page 3

1 b. A fair as defined in section 174.1.

2 c. A rodeo or a rodeo event.

3 d. A 4-H function.

4 Sec. \_\_\_\_\_. NEW SECTION. 717D.5 PENALTIES.

5 A person who violates a provision of this chapter  
6 is guilty of a serious misdemeanor.

7 Sec. \_\_\_\_\_. NEW SECTION. 717D.6 CONFISCATION AND  
8 DISPOSITION OF ANIMALS.

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

31 Sec. \_\_\_\_\_. Sections 717B.7 and 725.11, Code 2001,  
32 are repealed."

33 2. Title page, line 2, by striking the word  
34 "and".

35 3. Title page, line 3, by inserting after the  
36 word "expenses" the following: ", providing for the  
37 protection of animals from injury or torment, and  
38 providing penalties".

By COMMITTEE ON JUDICIARY  
LARSON of Linn, Chairperson

H-8297 FILED MARCH 15, 2002

*Adopted*  
*4-1-02*  
*(P. 1096)*

## SENATE FILE 2268

## H-8425

- 1 Amend the amendment, H-8297, to Senate File 2268,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:
- 4 1. Page 1, by striking lines 3 through 9.  
5 2. Page 1, by striking lines 14 through 18, and  
6 inserting the following:  
7 "\_\_\_". "Contest animal" means a bull, bear, chicken,  
8 or dog.  
9 "\_\_\_". "Contest device" means equipment designed to  
10 enhance a contest animal's entertainment value during  
11 training or a contest event, including a device to  
12 improve the contest animal's competitiveness.  
13 "\_\_\_". "Contest event" means a function organized for  
14 the entertainment or profit of spectators where a  
15 contest animal is injured, tormented, or killed, if  
16 the contest animal is a bull involved in a bullfight  
17 or bull baiting, a bear involved in bear baiting, a  
18 chicken involved in cock fighting, or a dog involved  
19 in dog fighting."  
20 3. Page 1, line 19, by striking the words "where  
21 an" and inserting the following: "where a contest".  
22 4. Page 1, lines 20 and 21, by striking the words  
23 "an animal" and inserting the following: "a contest  
24 animal".  
25 5. Page 1, line 21, by striking the words "the  
26 animal" and inserting the following: "the contest  
27 animal".  
28 6. Page 1, by striking lines 24 through 30.  
29 7. Page 1, line 37, by striking the words "an  
30 event" and inserting the following: "a contest  
31 event".  
32 8. Page 1, line 39, by striking the words "an  
33 event" and inserting the following: "a contest  
34 event".  
35 9. Page 1, line 40, by striking the words "an  
36 animal" and inserting the following: "a contest  
37 animal".  
38 10. Page 1, line 41, by striking the words "an  
39 event" and inserting the following: "a contest  
40 event".  
41 11. Page 1, line 42, by striking the words "the  
42 event" and inserting the following: "the contest  
43 event".  
44 12. Page 1, line 43, by striking the words "an  
45 event" and inserting the following: "a contest".  
46 13. Page 1, lines 44 and 45, by striking the  
47 words "an animal" and inserting the following: "a  
48 contest animal".  
49 14. Page 1, line 45, by striking the words  
50 "delivery at" and inserting the following: "delivery

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Page 2

- 1 to".
- 2 15. Page 1, line 45, by striking the words "an  
3 event" and inserting the following: "a contest  
4 event".
- 5 16. Page 2, line 8, by striking the words "an  
6 animal" and inserting the following: "a contest  
7 animal".
- 8 17. Page 2, line 12, by striking the words "an  
9 animal" and inserting the following: "a contest  
10 animal".
- 11 18. Page 2, line 14, by striking the words "an  
12 animal" and inserting the following: "a contest  
13 animal".
- 14 19. Page 2, line 18, by striking the word "event"  
15 and inserting the following: "contest event".
- 16 20. Page 2, by striking lines 19 through 41.
- 17 21. By striking page 2, line 43 through page 3,  
18 line 3, and inserting the following:
- 19 "\_\_\_". This chapter does not apply to a function  
20 other than a contest event. A contest event does not  
21 involve any of the following events:
- 22 a. A race, including but not limited to a race  
23 regulated under chapter 99D.
- 24 b. A fair as defined in section 174.1.
- 25 c. A rodeo or rodeo event.
- 26 d. A 4-H function.
- 27 e. A hunting or fishing party.
- 28 f. A field meet or trial in which the skill of  
29 dogs is demonstrated in pointing, retrieving,  
30 trailing, or chasing any game bird, game animal, or  
31 fur-bearing animal.
- 32 g. The raising or selling of game or fur-bearing  
33 animals as provided in chapter 481A.
- 34 \_\_\_. This chapter shall not apply to any of the  
35 following:
- 36 a. An action to carry out an order issued by a  
37 court.
- 38 b. An action by a licensed veterinarian practicing  
39 veterinary medicine as provided in chapter 169.
- 40 c. An action that is consistent with animal  
41 husbandry practices.
- 42 d. An action allowed in order to carry out another  
43 provision of law which allows the action.
- 44 e. The taking, hunting, trapping, or fishing for a  
45 wild animal as provided in chapter 481A.
- 46 f. An action to protect the person's property from  
47 a wild animal as defined in section 481A.1.
- 48 g. An action to protect a person from injury or  
49 death caused by a wild animal as defined in section  
50 481A.1.

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1 h. A person reasonably acting to protect the  
2 person's property from damage caused by an unconfined  
3 animal.

4 i. A person reasonably acting to protect a person  
5 from injury or death caused by an unconfined animal.

6 j. A local authority reasonably acting to destroy  
7 an animal, if at the time of the destruction, the  
8 owner of the animal is absent or unable to care for  
9 the animal, and the animal is permanently distressed  
10 by disease or injury to a degree that would result in  
11 severe and prolonged suffering.

12 k. An institution, as defined in section 145B.1,  
13 or a research facility, as defined in section 162.2,  
14 provided that the institution or research facility  
15 performs functions within the scope of accepted  
16 practices and disciplines associated with the  
17 institution or research facility."

18 22. Page 3, line 9, by striking the words "an  
19 animal" and inserting the following: "a contest  
20 animal".

21 23. Page 3, by striking line 10, and inserting  
22 the following: "trained with a contest device or is  
23 part of a contest event."

24 24. Page 3, line 11, by striking the word  
25 "animal" and inserting the following: "contest  
26 animal".

27 25. Page 3, line 13, by striking the word  
28 "animal" and inserting the following: "contest  
29 animal".

30 26. Page 3, line 17, by striking the word  
31 "animal" and inserting the following: "contest  
32 animal".

33 27. Page 3, line 19, by striking the word  
34 "animal" and inserting the following: "contest  
35 animal".

36 28. Page 3, line 24, by striking the word  
37 "animal" and inserting the following: "contest  
38 animal".

39 29. Page 3, line 26, by striking the word  
40 "animal" and inserting the following: "contest  
41 animal".

42 30. Page 3, line 29, by striking the word  
43 "animal" and inserting the following: "contest  
44 animal".

45 31. Page 3, by striking lines 31 and 32, and  
46 inserting the following:

47 "Sec. \_\_\_\_ . Section 717B.7, Code 2001, is  
48 repealed."

49 32. By renumbering, redesignating, and correcting  
50 internal references as necessary.

*Adopted 4/1/02 (P. 1096)* By BAUDLER of Adair  
KREIMAN of Davis

H-8425 FILED MARCH 25, 2002

HOUSE AMENDMENT TO  
SENATE FILE 2268

S-5295

1 Amend Senate File 2268, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 6, by inserting after line 23 the  
4 following:  
5 "Sec. \_\_\_\_\_. NEW SECTION. 717D.1 DEFINITIONS.  
6 1. "Animal" means a nonhuman vertebrate.  
7 2. "Contest animal" means a bull, bear, chicken,  
8 or dog.  
9 3. "Contest device" means equipment designed to  
10 enhance a contest animal's entertainment value during  
11 training or a contest event, including a device to  
12 improve the contest animal's competitiveness.  
13 4. "Contest event" means a function organized for  
14 the entertainment or profit of spectators where a  
15 contest animal is injured, tormented, or killed, if  
16 the contest animal is a bull involved in a bullfight  
17 or bull baiting, a bear involved in bear baiting, a  
18 chicken involved in cock fighting, or a dog involved  
19 in dog fighting.  
20 5. "Establishment" means the location where a  
21 contest event occurs or is to occur, regardless of  
22 whether a contest animal is present at the  
23 establishment or the contest animal is witnessed by  
24 means of an electronic signal transmitted to the  
25 location.  
26 6. "Livestock" means the same as defined in  
27 section 717.1.  
28 7. "Local authority" means the same as defined in  
29 section 717B.1.  
30 8. "Promoter" means a person who charges admission  
31 for entry into an establishment or organizes, holds,  
32 advertises, or otherwise conducts a contest event.  
33 9. "Spectator" means a person who attends an  
34 establishment for purposes of witnessing a contest  
35 event.  
36 10. "Trainer" means a person who trains a contest  
37 animal for purposes of engaging in a contest event,  
38 regardless of where the contest event is located. A  
39 trainer includes a person who uses a contest device.  
40 11. "Transporter" means a person who moves a  
41 contest animal for delivery to a training location or  
42 a contest event location.  
43 Sec. \_\_\_\_\_. NEW SECTION. 717D.2 PROHIBITIONS --  
44 CONTEST EVENTS.  
45 A person shall not do any of the following:  
46 1. Own or operate an establishment located in this  
47 state in which a contest event occurs or is to occur.  
48 2. Act as a promoter of a contest event,  
49 regardless of whether the contest event occurs in this  
50 state or another state. For purposes of this

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1 subsection, a person who aids, abets, or assists in  
2 the promotion of a contest event shall be deemed to  
3 act as a promoter.

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

11 4. Act as a transporter moving a contest animal in  
12 this state.

13 5. Act as a spectator of a contest event conducted  
14 in this state, regardless of whether the person paid  
15 admission to witness the contest event.

16 Sec. \_\_\_\_ . NEW SECTION. 717D.4 EXCEPTIONS.

17 1. This chapter does not apply to a function other  
18 than a contest event. A contest event does not  
19 involve any of the following events:

20 a. A race, including but not limited to a race  
21 regulated under chapter 99D.

22 b. A fair as defined in section 174.1.

23 c. A rodeo or rodeo event.

24 d. A 4-H function.

25 e. A hunting or fishing party.

26 f. A field meet or trial in which the skill of  
27 dogs is demonstrated in pointing, retrieving,  
28 trailing, or chasing any game bird, game animal, or  
29 fur-bearing animal.

30 g. The raising or selling of game or fur-bearing  
31 animals as provided in chapter 481A.

32 2. This chapter shall not apply to any of the  
33 following:

34 a. An action to carry out an order issued by a  
35 court.

36 b. An action by a licensed veterinarian practicing  
37 veterinary medicine as provided in chapter 169.

38 c. An action that is consistent with animal  
39 husbandry practices.

40 d. An action allowed in order to carry out another  
41 provision of law which allows the action.

42 e. The taking, hunting, trapping, or fishing for a  
43 wild animal as provided in chapter 481A.

44 f. An action to protect the person's property from  
45 a wild animal as defined in section 481A.1.

46 g. An action to protect a person from injury or  
47 death caused by a wild animal as defined in section  
48 481A.1.

49 h. A person reasonably acting to protect the  
50 person's property from damage caused by an unconfined

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1 animal.

2 i. A person reasonably acting to protect a person  
3 from injury or death caused by an unconfined animal.

4 j. A local authority reasonably acting to destroy  
5 an animal, if at the time of the destruction, the  
6 owner of the animal is absent or unable to care for  
7 the animal, and the animal is permanently distressed  
8 by disease or injury to a degree that would result in  
9 severe and prolonged suffering.

10 k. An institution, as defined in section 145B.1,  
11 or a research facility, as defined in section 162.2,  
12 provided that the institution or research facility  
13 performs functions within the scope of accepted  
14 practices and disciplines associated with the  
15 institution or research facility.

16 Sec. \_\_\_\_ . NEW SECTION. 717D.5 PENALTIES.

17 A person who violates a provision of this chapter  
18 is guilty of a serious misdemeanor.

19 Sec. \_\_\_\_ . NEW SECTION. 717D.6 CONFISCATION AND  
20 DISPOSITION OF ANIMALS.

21 A local authority may confiscate a contest animal  
22 that is trained with a contest device or is part of a  
23 contest event. The contest animal may be rescued and  
24 disposed of as neglected livestock or other animal  
25 pursuant to section 717.5 or 717B.4. If the contest  
26 animal is not rescued and disposed of pursuant to  
27 section 717.5 or 717B.4, it shall be forfeited to the  
28 state and subject to disposition as ordered by the  
29 court. In addition, the court shall order the owner  
30 of the contest animal to pay an amount which shall not  
31 be more than the expenses incurred in maintaining or  
32 disposing of the contest animal. The court may also  
33 order that the person pay reasonable attorney fees and  
34 expenses related to the investigation of the case that  
35 shall be taxed as other court costs. If more than one  
36 person has a divisible interest in the contest animal,  
37 the amount required to be paid shall be prorated based  
38 on the percentage of interest in the contest animal  
39 owned by each person. The moneys shall be paid to the  
40 local authority incurring the expense. The amount  
41 shall be subtracted from proceeds which are received  
42 from the sale of the contest animal ordered by the  
43 court.

44 Sec. \_\_\_\_ . Section 717B.7, Code 2001, is repealed."

45 2. Title page, line 2, by striking the word  
46 "and".

47 3. Title page, line 3, by inserting after the  
48 word "expenses" the following: ", providing for the  
49 protection of animals from injury or torment, and  
50 providing penalties".

RECEIVED FROM THE HOUSE

S-5295 FILED APRIL 2, 2002

*Senate Concurred*  
4.12.02 (P. 1151)

SENATE FILE 2268

AN ACT

RELATING TO ANIMALS OTHER THAN LIVESTOCK, INCLUDING THE  
TAKING OF SUCH ANIMALS, PROVIDING FOR THEIR DISPOSITION,  
PROVIDING FOR THE REIMBURSEMENT OF DISPOSITIONAL EXPENSES,  
PROVIDING FOR THE PROTECTION OF ANIMALS FROM INJURY OR  
TORMENT, AND PROVIDING PENALTIES.

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

Section 1. Section 351.37, Code 2001, is amended to read  
as follows:

351.37 RUNNING AT LARGE -- APPREHENSION AND IMPOUNDAGE.

Any A dog found shall be apprehended and impounded by a local board of health or law enforcement official if the dog is running at large and the dog is not wearing a valid rabies vaccination tag and-for-which-no or a rabies vaccination certificate can-be-produced-shall-be-apprehended-and-impounded is not presented to the local board of health or law enforcement official.

When-such-dog-has-been-apprehended-and-impounded, the The local board of health or law enforcement official shall give provide written notice in-not-less-than-two-days to the owner, if known the local board of health or law enforcement official can reasonably determine the owner's name and current address by accessing a tag or other device that is on or a part of the dog. If The notice shall be sent within two days after the dog has been impounded. The notice shall provide that if the owner does not redeem the dog within seven days of from the date of that the notice is delivered, the dog may be humanely destroyed or otherwise disposed of in accordance with law. For purposes of this section, notice is delivered when the

local board of health or law enforcement official mails the notice which may be by regular mail. An owner may redeem a dog by having it immediately vaccinated and by paying the cost of impoundment.

If the owner of a the impounded dog apprehended-or impounded-cannot-be-located fails to redeem the dog within seven days from the date of the delivery of the notice to the dog's owner as provided in this section, the animal dog may be humanely-destroyed-or-otherwise disposed of in accordance with law. If the dog is destroyed, it must be destroyed by euthanasia as defined in section 162.2.

Sec. 2. Section 717B.1, Code 2001, is amended by adding the following new subsections:

NEW SUBSECTION. 3A. "Dispositional expenses" means expenses incurred by a local authority in rescuing an animal as provided in section 717B.5, maintaining the animal until the conclusion of a dispositional proceeding as provided in section 717B.4, or disposing of the animal as provided in section 717B.4.

NEW SUBSECTION. 7. "Responsible party" means a person who owns or maintains an animal.

NEW SUBSECTION. 8. "Threatened animal" means an animal that is abused as provided in section 717B.2, neglected as provided in section 717B.3, or tortured as provided in section 717B.3A.

Sec. 3. Section 717B.4, Code 2001, is amended to read as follows:

717B.4 DISPOSITION-OF-NEGLECTED-ANIMALS DISPOSITIONAL PROCEEDINGS.

1. A Upon a petition brought by a local authority, a court in the county where an animal is maintained by a responsible party or a local authority shall determine if the animal is a threatened animal and order the its disposition of-an-animal neglected-as-provided-in-section-717B:3 after a hearing upon application-or-petition-to-the-court-by-a-local-authority-or the-person-owning-or-caring-for-the-animal.

a. The matter shall be heard within ten days from the filing of the petition for disposition by the local authority.

b. If the animal has been rescued, the court may order that the animal be placed under the custody of the local authority and maintained in the same manner as a rescued animal under section 717B.5.

c. The court may continue the hearing for up to forty thirty days upon petition by the person responsible party. However, the court shall not grant a continuance unless the animal is maintained by the local authority, the person shall  
The responsible party must post a bond or other security with the local authority in-an as a condition of the continuance. The amount of the bond or other security shall be determined by the court, which shall not be more than the amount sufficient to provide maintenance of the animal for forty thirty days. The court may grant a subsequent continuance by the-person upon petition by the responsible party. The continuance shall be for the-same-length-of-time-if-the-person submits not more than thirty days. The responsible party must post a new bond or security as a condition of the subsequent continuance in the same manner as the original bond or security or as otherwise ordered by the court. However, the court shall order the immediate disposition of the animal if the animal is permanently distressed by disease or injury to a degree that would result in severe or prolonged suffering.

2. The hearing to determine if the animal has-been neglected is a threatened animal for purposes of disposition shall be a civil proceeding. If the case is related to a criminal proceeding, the disposition shall not be part of that proceeding and shall not be considered a criminal penalty imposed on a person found in violation of section-717B-3 this chapter.

3. A If the court determines that an animal is not a threatened animal, the court shall order that the animal be returned to the custody of the responsible party. If the court determines that an animal is a threatened animal, the court shall order the local authority to dispose of the

threatened animal in any manner deemed appropriate for the welfare of the animal. In addition, all of the following apply:

a. The court may order a-person-owning the neglected animal responsible party to pay an amount which shall not be more than the dispositional expenses incurred in-maintaining the-neglected-animal-rescued-pursuant-to-section-717B-57-and by the local authority. The court may also award the local authority court costs, reasonable attorney fees and expenses related to the investigation and prosecution of the case, which shall be taxed as part of the costs of the action. The remaining-amount-of-a-bond-or-other-security-posted-pursuant to-this-chapter-shall-be-used-to-reimburse

c. If a bond or other security was posted as a condition for a continuance of a disposition hearing as provided in this section, the local authority may use the posted amount to offset the local authority's dispositional expenses. If-more than-one-person-has-a-divisible-interest-in-the-animal, the amount-required-to-be-paid-shall-be-prorated-based-on-the percentage-of-interest-in-the-animal-owned-by-each-person. The-moneys-shall-be-paid-to-the-local-authority-incurring-the expense--The-amount-shall-be-subtracted-from-proceeds-owed-to the-owner-or-owners-of-the-animal, which-are-received-from-the sale-of-the-animal-ordered-by-the-court.

d. Moneys-owed-to-the-local-authority If any moneys are realized from the sale disposition of a neglected threatened animal, the moneys shall be paid used to offset the local authority authority's dispositional expenses before satisfying indebtedness secured by any security interest in or lien on the threatened animal.

e. If the threatened animal is owned by more than one responsible party, the amount required to offset the local authority's dispositional expenses shall be prorated among the responsible parties based on the percentage of interest owned in the threatened animal attributable to the responsible parties as the threatened animal's titleholders. For purposes of this paragraph, a responsible party who does not own an

interest in the threatened animal shall be deemed to be an owner holding a percentage interest in the animal equal to the largest percentage interest held by a landowner who is attributed an interest as the threatened animal's titleholder. If ~~an owner of the animal~~ responsible party is a landowner, the local authority may submit an the amount to reimburse the local authority for its dispositional expenses to the clerk of the county board of supervisors who shall report the amount to the county treasurer. ~~The amount shall equal the balance remaining after the sale of the animal.~~ If the threatened animal owner owns a percentage of the animal, the reported amount shall equal the remaining balance owed by all ~~landowners who own a percentage of the animal.~~ That is owned by more than one landowner, the amount shall be prorated among the landowners based on the percentage of interest owned in the threatened animal attributable to each landowner as the animal's titleholders. The amount shall be placed upon the tax books, and collected with interest and penalties after due, in the same manner as other unpaid property taxes. The county shall reimburse a city within thirty days from the collection of the property taxes.

4. ~~Neglected animals~~ A threatened animal that is ordered by a court to be destroyed under this section shall be destroyed only by ~~a humane method, including~~ euthanasia as defined in section 162.2.

Sec. 4. Section 717B.5, Code 2001, is amended to read as follows:

717B.5 RESCUE OF NEGLECTED THREATENED ANIMALS.

A local authority may provide for the rescue of an animal as follows:

1. A The rescue must be made by a law enforcement officer, having cause to believe that the animal is a threatened animal after consulting with a veterinarian licensed pursuant to chapter 169, may. The law enforcement officer may rescue an animal neglected as provided in section 717B.3 the animal by entering on public or private property, as provided in this subsection. The officer may enter onto property of a person

to rescue ~~a neglected~~ the animal, if the officer obtains a search warrant issued by a court, or enters onto the premises in a manner consistent with the laws of this state and the United States, including Article I, section 8, of the Constitution of the State of Iowa, or the fourth amendment to the Constitution of the United States.

2. If an animal is rescued pursuant to this section, the local authority shall provide for the maintenance of the neglected animal. The local authority may contract with an animal care provider for the maintenance of the neglected animal. The local authority shall post provide the responsible party for the animal with notice of the rescue. The notice may be accomplished by doing any of the following:

a. Delivering written notice to the responsible party's last known address by the United States postal service or personal service.

b. Posting a notice in a conspicuous place at the location where the animal was rescued.

The notice shall state that the animal has been rescued by the local authority pursuant to this section.

3. Within ten days after the date that an animal is rescued, the local authority shall initiate a dispositional proceeding pursuant to section 717B.4.

4. The local authority shall pay the animal care provider for the animal's maintenance regardless of proceeds received from the ~~sale of the~~ disposition of the animal or any reimbursement ordered by a court, pursuant to section 717B.4.

~~3. The animal shall be subject to disposition as required by a court, pursuant to section 717B.4.~~

Sec. 5. NEW SECTION. 717D.1 DEFINITIONS.

1. "Animal" means a nonhuman vertebrate.
2. "Contest animal" means a bull, bear, chicken, or dog.
3. "Contest device" means equipment designed to enhance a contest animal's entertainment value during training or a contest event, including a device to improve the contest animal's competitiveness.

4. "Contest event" means a function organized for the entertainment or profit of spectators where a contest animal is injured, tormented, or killed, if the contest animal is a bull involved in a bullfight or bull baiting, a bear involved in bear baiting, a chicken involved in cock fighting, or a dog involved in dog fighting.

5. "Establishment" means the location where a contest event occurs or is to occur, regardless of whether a contest animal is present at the establishment or the contest animal is witnessed by means of an electronic signal transmitted to the location.

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

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

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

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

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

11. "Transporter" means a person who moves a contest animal for delivery to a training location or a contest event location.

Sec. 6. NEW SECTION. 717D.2 PROHIBITIONS -- CONTEST EVENTS.

A person shall not do any of the following:

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

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

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

4. Act as a transporter moving a contest animal in this state.

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

Sec. 7. NEW SECTION. 717D.4 EXCEPTIONS.

1. This chapter does not apply to a function other than a contest event. A contest event does not involve any of the following events:

a. A race, including but not limited to a race regulated under chapter 99D.

b. A fair as defined in section 174.1.

c. A rodeo or rodeo event.

d. A 4-H function.

e. A hunting or fishing party.

f. A field meet or trial in which the skill of dogs is demonstrated in pointing, retrieving, trailing, or chasing any game bird, game animal, or fur-bearing animal.

g. The raising or selling of game or fur-bearing animals as provided in chapter 481A.

2. This chapter shall not apply to any of the following:

a. An action to carry out an order issued by a court.

b. An action by a licensed veterinarian practicing veterinary medicine as provided in chapter 169.

c. An action that is consistent with animal husbandry practices.

d. An action allowed in order to carry out another provision of law which allows the action.

e. The taking, hunting, trapping, or fishing for a wild animal as provided in chapter 481A.

f. An action to protect the person's property from a wild animal as defined in section 481A.1.

g. An action to protect a person from injury or death caused by a wild animal as defined in section 481A.1.

h. A person reasonably acting to protect the person's property from damage caused by an unconfined animal.

i. A person reasonably acting to protect a person from injury or death caused by an unconfined animal.

j. A local authority reasonably acting to destroy an animal, if at the time of the destruction, the owner of the animal is absent or unable to care for the animal, and the animal is permanently distressed by disease or injury to a degree that would result in severe and prolonged suffering.

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

Sec. 8. NEW SECTION. 717D.5 PENALTIES.

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

Sec. 9. NEW SECTION. 717D.6 CONFISCATION AND DISPOSITION OF ANIMALS.

A local authority may confiscate a contest animal that is trained with a contest device or is part of a contest event. The contest animal may be rescued and disposed of as neglected livestock or other animal pursuant to section 717.5 or 717B.4. If the contest animal is not rescued and disposed of pursuant to section 717.5 or 717B.4, it shall be forfeited to the state and subject to disposition as ordered by the court. In addition, the court shall order the owner of the contest animal to pay an amount which shall not be more than the expenses incurred in maintaining or disposing of the contest animal. The court may also order that the person pay reasonable attorney fees and expenses related to the investigation of the case that shall be taxed as other court costs. If more than one person has a divisible interest in

the contest animal, the amount required to be paid shall be prorated based on the percentage of interest in the contest animal owned by each person. The moneys shall be paid to the local authority incurring the expense. The amount shall be subtracted from proceeds which are received from the sale of the contest animal ordered by the court.

Sec. 10. Section 717B.7, Code 2001, is repealed.

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MARY E. KRAMER  
President of the Senate

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BRENT SIEGRIST  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2268, Seventy-ninth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved *ycj 26* 2002

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THOMAS J. VILSACK  
Governor