

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 149

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO CRUELTY TO ANIMALS; AMENDING THE HEADING FOR CHAPTER 35, TITLE 25, IDAHO CODE, TO REVISE THE HEADING NAME; AMENDING SECTION 25-3501, IDAHO CODE, TO PROVIDE THAT THE DIVISION OF ANIMAL INDUSTRIES SHALL BE RESPONSIBLE FOR ADMINISTERING SPECIFIED LAW AS IT PERTAINS TO PRODUCTION ANIMALS, LOCAL LAW ENFORCEMENT AGENCIES SHALL BE RESPONSIBLE FOR ADMINISTERING SPECIFIED LAW AS IT PERTAINS TO COMPANION ANIMALS AND TO AUTHORIZE LOCAL LAW ENFORCEMENT TO CALL ON THE DIVISION FOR AID; AND AMENDING SECTION 25-3502, IDAHO CODE, TO REVISE THE DEFINITIONS OF "COMPANION ANIMAL" AND "PRODUCTION ANIMAL."

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

SECTION 1. That the Heading for Chapter 35, Title 25, Idaho Code, be, and the same is hereby amended to read as follows:

CHAPTER 35
~~CRUELTY TO ANIMALS~~ CARE

SECTION 2. That Section 25-3501, Idaho Code, be, and the same is hereby amended to read as follows:

25-3501. ADMINISTRATION. The Idaho state department of agriculture, division of animal industries shall be responsible for the administration of the provisions of this chapter as they pertain to production animals and shall inform the public and animal owners concerning their legal responsibilities, and in cooperation with local law enforcement, investigate and develop cases for prosecution. The division Local law enforcement agencies shall be responsible for the administration of the provisions of this chapter as they pertain to companion animals and shall be authorized to call upon ~~any peace officer in the state~~ the division to aid in fulfillment of the requirements of this chapter and refer cases for prosecution to the appropriate authority. The foregoing shall not be construed to preclude county or local officials, acting upon their own authority, from investigating, developing cases and prosecuting violations of this chapter that occur in their jurisdiction. The cost to the department for administering the provisions of this chapter shall be borne by the citizens of this state through the appropriation of general funds for administration, personnel, travel, equipment and supplies. No provision of this chapter relating to law enforcement agencies and animal care and control agencies shall be construed to preclude the authority of agencies or entities recognized in this section.

SECTION 3. That Section 25-3502, Idaho Code, be, and the same is hereby amended to read as follows:

1 25-3502. DEFINITIONS. The following words and terms, when used in this
 2 chapter, shall have the following meanings, unless the context clearly indi-
 3 cates otherwise:

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

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

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

13 (4) "Companion animal" means those animals including, but not limited
 14 to, domestic dogs, domestic cats, rabbits, companion birds, equines not used
 15 in production of food and fiber and other animals commonly kept as pets.

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

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

19 (b) To maliciously kill, maim, wound, overdrive, overload, drive when
 20 overloaded, overwork, torture, torment, deprive of necessary suste-
 21 nance, drink or shelter, cruelly beat, mutilate or cruelly kill an
 22 animal;

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

25 (d) To abandon an animal;

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

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

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

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

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

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

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

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

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

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

48 (a) The following animals if ~~kept by the owner~~ owned for the express
 49 purpose of producing food or fiber, in furtherance of the production of
 50 food or fiber, or to be sold for the use by another for either such pur-

1 pose: cattle, sheep, goats, swine, poultry, ratites, equines, domestic
2 cervidae, camelidae, and guard and stock dogs used for the purpose of
3 livestock; and

4 (b) Furbearing animals kept for the purpose of commercial fur produc-
5 tion; and

6 ~~(c) Equines, domestic cervidae, and members of the camelidae family~~
7 ~~which includes llamas and alpacas.~~