



Animal Legal
Defense Fund

MODEL ANIMAL PROTECTION LAWS

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I. DEFINITIONS

A. ANIMAL

“Animal” means any nonhuman living creature.

B. GUARDIAN

“Guardian” means a person who has control, custody, possession, title or other legal interest in an animal.

C. MINIMUM CARE

“Minimum care” means care sufficient to preserve the health and well-being of an animal and, except for emergencies or circumstances beyond the reasonable control of the guardian, includes, but is not limited to, the following requirements:

1. Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight.
2. Open or adequate access to potable water of a drinkable temperature in sufficient quantity to satisfy the animal's needs.
3. Access to a barn, house or other enclosed structure sufficient to protect the animal from wind, rain, snow or sun, and which has adequate bedding to protect against cold and dampness.
4. Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.
5. Continuous access to an area:
 - a. With adequate space for exercise necessary for the health of the animal. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.
 - b. With air temperature suitable for the health of the animal.
 - c. With adequate ventilation.
 - d. With regular diurnal lighting cycles of either natural or artificial light.
 - e. Kept reasonably clean and free from excess waste or other contaminants that could affect the animal's health.

D. PERSON

“Person” means an individual, corporation, trust, partnership, association, or any other legal entity.

E. PHYSICAL INJURY

“Physical injury” means physical trauma, impairment of condition, or pain inconsistent with reasonable handling or training techniques.

F. PHYSICAL TRAUMA

“Physical trauma” means fractures, cuts, burns, punctures, bruises, or other wounds or illnesses produced by violence or by a thermal or chemical agent.

G. POSSESSION

“Possession” means to have physical custody or to exercise dominion or control over an animal.

H. SERIOUS PHYSICAL INJURY

“Serious physical injury” means physical injury that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of a limb or bodily organ.

I. TORTURE

“Torture” means an action taken for the primary purpose of inflicting or prolonging pain.

II. GENERAL PROHIBITIONS

A. ANIMAL ABANDONMENT

1. A person commits the crime of ANIMAL ABANDONMENT if the person intentionally, knowingly, recklessly or with criminal negligence leaves an animal at a location without providing for the animal's continued care.
2. ANIMAL ABANDONMENT is a [Class __ misdemeanor].
3. Each act in violation of subsection (1) shall constitute a separate offense.

B. ANIMAL ABUSE IN THE SECOND DEGREE

1. A person commits the crime of ANIMAL ABUSE IN THE SECOND DEGREE if, except as otherwise authorized by law, the person intentionally, knowingly, recklessly or with criminal negligence causes physical injury to an animal.
2. ANIMAL ABUSE IN THE SECOND DEGREE is a [Class __ misdemeanor].
3. Each act in violation of subsection (1) shall constitute a separate offense.
4. Notwithstanding subsection (2) of this section, ANIMAL ABUSE IN THE SECOND DEGREE is a [Class __ misdemeanor] if:
 - a. The person committing the animal abuse has previously been convicted of [one] or more of the following offenses:
 - Any [animal protection statute] offense of this state or the equivalent laws of another jurisdiction; or
 - ii. Any [domestic violence –spouse, child, elder] offense of this state or the equivalent laws of another jurisdiction; or
 - b. The person knowingly commits the animal abuse in the immediate presence of a minor child. For purposes of this paragraph, a minor child is in the immediate presence of the animal abuse if the abuse is seen or directly perceived in any other manner by the minor child.

C. ANIMAL ABUSE IN THE FIRST DEGREE

1. A person commits the crime of ANIMAL ABUSE IN THE FIRST DEGREE if, except as otherwise authorized by law, the person intentionally, knowingly, recklessly, or with criminal negligence:
 - a. Causes serious physical injury to an animal; or
 - b. Causes the death of an animal.
2. ANIMAL ABUSE IN THE FIRST DEGREE is a [Class __ misdemeanor].
3. Each act in violation of subsection (1) shall constitute a separate offense.
4. Notwithstanding subsection (2) of this section, ANIMAL ABUSE IN THE FIRST DEGREE is a [Class __ felony] if:
 - a. The person committing the animal abuse has previously been convicted of one or more of the following offenses:
 - i. Any [animal protection statute] offense of this state or the equivalent laws of another jurisdiction; or
 - ii. Any [domestic violence – spouse, child, elder] offense of this state or the equivalent laws of another jurisdiction; or
 - b. The person knowingly commits the animal abuse in the immediate presence of a minor child. For purposes of this paragraph, a minor child is in the immediate presence of the animal abuse if the abuse is seen or directly perceived in any other manner by the minor child.

D. AGGRAVATED ANIMAL ABUSE

1. A person commits the crime of AGGRAVATED ANIMAL ABUSE if the person intentionally or knowingly:
 - a. Tortures an animal; or
 - b. Kills an animal under circumstances demonstrating malice aforethought.
2. AGGRAVATED ANIMAL ABUSE in the first degree is a [Class __ felony].
3. Each act in violation of subsection (1) shall constitute a separate offense.
4. Notwithstanding subsection (2) of this section, AGGRAVATED ANIMAL ABUSE is a [Class __ felony] if:
 - a. The person committing the animal abuse has previously been convicted of [one] or more of the following offenses:
 - i. Any [animal protection statute] offense of this state or the equivalent laws of another jurisdiction; or

- ii. Any [*domestic violence – spouse, child, elder*] offense of this state or the equivalent laws of another jurisdiction; or
- b. The person knowingly commits the animal abuse in the immediate presence of a minor child. For purposes of this paragraph, a minor child is in the immediate presence of the animal abuse if the abuse is seen or directly perceived in any other manner by the minor child.

E. ANIMAL FIGHTING

1. No person shall cause, sponsor, arrange, hold, or encourage any animal to fight, menace or injure another animal for the purpose of sport, amusement, or pecuniary gain.
2. For purposes of this section, a person encourages an animal to fight, menace or injure another animal for the purpose of sport, amusement, or pecuniary gain, if the person:
 - a. Is knowingly present at or wagers on such an occurrence of fighting, menacing or injuring for the purpose of sport, amusement, or pecuniary gain;
 - b. Owns, trains, transports, possesses, breeds, or equips an animal with the intent that such animal will be engaged in such an occurrence of fighting, menacing or injuring for the purpose of sport, amusement, or pecuniary gain;
 - c. Knowingly allows any such an occurrence of fighting, menacing or injuring for the purpose of sport, amusement, or pecuniary gain to occur on any property owned or controlled by the person;
 - d. Knowingly allows any animal used for such an occurrence of fighting, menacing or injuring for the purpose of sport, amusement, or pecuniary gain to be kept, boarded, housed, or trained on, or transported in, any property owned or controlled by the person;
 - e. Knowingly uses any means of communication for the purpose of promoting such an occurrence of fighting, menacing or injuring for the purpose of sport, amusement, or pecuniary gain; or
 - f. Knowingly possesses any animal used for fighting, menacing or injuring for the purpose of sport, amusement, or pecuniary gain; or any device intended to enhance the animal's fighting, menacing or injuring ability for the purpose of sport, amusement, or pecuniary gain.
3. Each act or omission in violation of subsection (1) shall constitute a separate offense.
4. ANIMAL FIGHTING is a [*Class __felony*].

5. Notwithstanding subsection (4) of this section, ANIMAL FIGHTING is a [Class __felony] if:
 - a. The person committing the offense has previously been convicted of ANIMAL FIGHTING in this state or the equivalent laws of another jurisdiction, or one or more of the following offenses:
 - i. Any [animal protection statute] offense of this state or the equivalent laws of another jurisdiction; or
 - ii. Any [domestic violence –spouse, child, elder] offense of this state or the equivalent laws of another jurisdiction; or
 - iii. The person knowingly commits the offense of ANIMAL FIGHTING in the immediate presence of a minor child. For purposes of this paragraph, a minor child is in the immediate presence of the offense if the offense is seen or directly perceived in any other manner by the minor child.

F. ANIMAL NEGLECT IN THE SECOND DEGREE

1. A person commits the crime of ANIMAL NEGLECT IN THE SECOND DEGREE if, except as otherwise authorized by law, the person intentionally, knowingly, recklessly or with criminal negligence fails to provide minimum care for an animal in the person's possession.
2. ANIMAL NEGLECT IN THE SECOND DEGREE is a [Class __misdemeanor].
3. Notwithstanding subsection (2), ANIMAL NEGLECT IN THE SECOND DEGREE is a [more serious misdemeanor] if the offense occurred on premises where there were eight or more animals, including the victim.
4. Each act or omission in violation of subsection (1) shall constitute a separate offense.

G. ANIMAL NEGLECT IN THE FIRST DEGREE

1. A person commits the crime of ANIMAL NEGLECT IN THE FIRST DEGREE if, except as otherwise authorized by law, the person intentionally, knowingly, recklessly or with criminal negligence:
 - a. Fails to provide minimum care for an animal in the person's possession; and
 - b. The failure to provide care results in serious physical injury to the animal.
2. ANIMAL NEGLECT IN THE FIRST DEGREE is a [Class __ misdemeanor].
3. Notwithstanding subsection (2), ANIMAL NEGLECT IN THE FIRST DEGREE is a [felony] if the offense occurred on premises where there were eight or more animals, including the victim.
4. Each act or omission in violation of subsection (1) shall constitute a separate offense.

H. AGGRAVATED ANIMAL NEGLECT

1. A person commits the crime of AGGRAVATED ANIMAL NEGLECT if, except as otherwise authorized by law, the person intentionally, knowingly, recklessly or with criminal negligence:
 - a. Fails to provide minimum care for an animal in the person's possession; and
 - b. The failure to provide care results in the death of the animal.
2. AGGRAVATED ANIMAL NEGLECT is a [Class __ felony].
3. Notwithstanding subsection (2), AGGRAVATED ANIMAL NEGLECT is a [more serious felony] if the offense occurred on premises where there were eight or more animals, including the victim.
4. Each act or omission in violation of subsection (1) shall constitute a separate offense.

I. SEXUAL ASSAULT OF AN ANIMAL

1. A person commits the crime of SEXUAL ASSAULT OF AN ANIMAL if the person:
 - a. Touches or contacts, or causes an object or another person to touch or contact, the mouth, anus or sex organs of an animal or animal carcass for the purpose of arousing or gratifying the sexual desire of a person; or
 - b. Causes an animal or animal carcass to touch or contact, the mouth, anus or sex organs of a person for the purpose of arousing or gratifying the sexual desire of a person.
2. SEXUAL ASSAULT OF AN ANIMAL is a [Class __felony].
3. SEXUAL ASSAULT OF AN ANIMAL is a sex crime.
4. Each act in violation of subsection (1) shall constitute a separate offense.

III. DEFENSES

- A. It is an affirmative defense in a prosecution for violation of ANIMAL CRUELTY IN THE FIRST DEGREE that the defendant reasonably and humanely caused the death of an animal to end the immediate and intractable suffering of the animal.
- B. Ownership shall not be a defense.
- C. Guardianship shall not be a defense.
- D. Trespass shall not be a defense.
- E. Corporations and other nonhuman legal entities may be concurrently charged for acts in violation of [*any animal protection statute*] committed by their employees or agents when the act is committed in the normal course and scope of the employment or agency.
- F. It is no defense to the crime of ANIMAL ABANDONMENT that the defendant abandoned the animal at or near an animal shelter, veterinary clinic or other place of shelter if the defendant did not make reasonable arrangements for the care of the animal.

IV. PRE-CONVICTION PROVISIONS

A. COSTS-OF-CARE BONDS

1. The guardian of an animal that has been impounded pending outcome of a criminal action charging a violation of the [*animal protection statutes*] may prevent disposition of the animal by an animal shelter, humane society or other animal care agency that has temporary custody of the animal, by posting a bond with the court in an amount the court determines is sufficient to provide for the animal's minimum care for at least thirty days, including the day on which the animal was taken into custody. Such bond shall be filed with the court within ten days after the animal is impounded. If a bond is not so posted, the animal shall be deemed abandoned and the custodial animal care agency shall determine final disposition of the animal in accordance with reasonable practices for the humane treatment of animals. At the end of the time for which expenses are covered by the bond, if the guardian desires to prevent disposition of the animal by the custodial animal care agency, the guardian shall post a new bond with the court within ten days following the prior bond's expiration. If a new bond is not so posted, the animal shall be deemed abandoned and the custodial animal care agency shall determine final disposition of the animal in accordance with reasonable practices for the humane treatment of animals. However, nothing in this subsection shall prohibit the immediate disposition of the animal by euthanasia if, in the opinion of a licensed veterinarian, the animal is experiencing intractable extreme pain or suffering. The guardian shall be liable for all costs of providing minimum care, or disposal of the animal.
2. If a bond has been posted in accordance with subsection (1) of this section, the custodial animal care agency may draw from the bond the actual reasonable costs incurred by the agency in providing minimum care to the impounded animal from the date of initial impoundment to the date of final disposition of the animal in the criminal action.

B. LAW ENFORCEMENT POLICIES

1. All peace officers shall have the duty and responsibility to enforce the [*animal protection statutes*] of this state.
2. Municipal and county animal control and care agencies and any societies incorporated in this state for the purpose of preventing the criminal mistreatment of animals, may appoint special humane agents to enforce the [*animal protection statutes*] of this state. Any such appointee must be approved by a court in the jurisdiction in which the agency or society is located. The court shall approve the appointment of a special humane agent if the appointee has demonstrated a satisfactory level of knowledge and training in the animal protection laws and the constitutional and statutory restrictions concerning the execution of police powers imposed on law enforcement officers.
 - a. Special humane agents shall have the same duty, responsibility, power and authority to enforce the [*animal protection statutes*] of this state as any peace officer. This includes the power and authority:
 - i. To arrest and take into custody any person the special humane agent has probable cause to believe has committed or is committing a violation of the [*animal protection statutes*];
 - ii. To carry firearms;
 - iii. To prepare and execute search and arrest warrants.
 - b. The power and authority of special humane agents in the discharge of their duties shall extend throughout the entire state.
 - c. Any person who shall interfere with or obstruct any special humane agent in the discharge of their duties shall be guilty of obstructing a peace officer in violation of the [*applicable obstruction statute*].

C. LIENS

Any expense incurred in providing minimum care to an impounded animal shall become a lien on the animal and must be discharged before the animal is released to the guardian following the acquittal of the guardian or withdrawal of the criminal complaint. If the lien is not satisfied within seven days following the resolution of the criminal case, the guardian's legal interest in the impounded animal shall immediately transfer to the custodial agency or person for further disposition in accordance with reasonable practices for the humane treatment of animals. The custodial agency or person in a civil action may recover any additional expense above the value of the transferred interest in the animal.

D. REPORTING & IMMUNITY

1. The following designees, having probable cause to believe that any animal with whom the designee comes in contact has suffered a violation of the [*animal protection statutes*] or that any person with whom the designee comes in contact has committed a violation of the [*animal protection statutes*] shall immediately report or cause a report to be made to the nearest law enforcement agency:
 - a. Peace officer;
 - b. Veterinarian, including any intern or resident;
 - c. Veterinary or animal care technician;
 - d. Employee of a humane society, animal shelter or other animal control agency;
 - e. Employee of a business engaged in the sale of animals, animal-related merchandise, or in the providing of services, transportation or housing for animals;
 - f. Employee of the State Department of Fish & Wildlife, State Department of Agriculture, State Department of Social Services, State Commission on Children and Families, Child Care Division of the Employment Department, State Youth Authority, any county health department, community mental health and developmental disabilities program, county juvenile department, licensed child-caring agency or an alcohol and drug treatment program;
 - g. Zoo or circus employee;
 - h. Physician, including any intern or resident;
 - i. Licensed practical nurse, registered nurse, physician's assistant, or nurse practitioner;
 - j. Employee of any public or private school;
 - k. Psychologist;
 - l. Member of the clergy;
 - m. Licensed clinical social worker;
 - n. Certified provider of foster care, including any employee;
 - o. Attorney;
 - p. Licensed professional counselor or marriage and family therapist;
 - q. Firefighter or emergency medical technician;
 - r. Public utility employee;
 - s. Photographer or photographic finisher;
 - t. News media employee;
 - u. A registered or certified child care provider.

2. Any psychiatrist, psychologist, member of the clergy or attorney shall not be required to report such information communicated by a person if the communication is privileged under state law.

3. Any designee making a report under this section is immune from any civil or criminal liability by reason of making the report, unless the report was made in bad faith.
4. A violation of this act is a [Class __ *misdemeanor*].

E. IMPOUNDMENT

1. IMPOUNDMENT WITH A WARRANT:
If there is probable cause to believe that an animal is being subjected to treatment in violation of the [*animal protection statutes*], a special humane agent or other peace officer, after obtaining a search warrant, shall enter the premises where the animal is located and impound the animal.
2. IMPOUNDMENT WITHOUT A WARRANT:
If a special humane agent or other peace officer witnesses a situation in which the special humane agent or peace officer determines that an animal's life is in jeopardy and immediate action is required to protect the animal's health or safety, the special humane agent or peace officer may impound the animal without a warrant. The special humane agent or peace officer shall immediately take an animal impounded under this section to a licensed veterinarian for medical attention to stabilize the animal's condition and to assess the health of the animal.
3. Any person or facility receiving an animal impounded pursuant to this section shall provide the animal with minimum care.
4. A special humane agent or other peace officer is not liable for any damages for an entry under this section.
5. Any guardian of an animal that is impounded pursuant to this section shall, within 72 hours following the impoundment, be given written notice of the impoundment and legal remedies available to the guardian. The notice shall be given by posting at the place of impoundment, by delivery to a person residing at the place of impoundment, or by registered mail if the guardian is unknown.

F. TERMINATION OF UNFIT GUARDIAN'S INTEREST IN AN ANIMAL

1. If an animal is in the custody of an animal care agency as a result of alleged conduct in violation of the [*animal protection statutes*], exigent circumstances, or for any other reason authorized by law, the custodial agency may file a petition for termination of the guardian's legal interest in the animal.
2. The petitioner shall serve a true copy of the petition upon the guardian of the animal, and to the prosecuting attorney if a prosecution pursuant to the [*animal protection statutes*] arising out of the same facts is currently pending.
3. Upon receipt of the petition pursuant to subsection (1), the court shall set a hearing on the petition. The hearing shall be conducted within 14 days of the filing of the petition. The animal is not subject to any other civil action pending the final judgment of the court under this section.
4. The guardian's interest in the animal shall be terminated if the court finds the petitioner has established, by a preponderance of the evidence, that the guardian is unfit to possess the animal by reason of a single or recurrent incident of conduct or condition detrimental to the animal. In making such determination, the court shall consider, but is not limited to, the following:
 - a. Emotional illness, mental illness or mental deficiency of the guardian of such nature and duration as to render the guardian incapable of providing minimum care to the animal for extended periods of time.
 - b. Conduct toward any animal of an abusive, neglectful, or sexual nature.
 - c. Addictive or habitual use of intoxicating or controlled substances to the extent that the guardian's ability to provide minimum care has been impaired.
 - d. Failure of the guardian to provide minimum care to the animal.
 - e. Criminal conduct that impairs the guardian's ability to provide minimum care to the animal.
 - f. Abuse, neglect, abandonment or the sexual assault of the animal by the guardian.
 - g. Conduct by the guardian to aid or abet another person in the abuse, neglect, abandonment or sexual assault of the animal.
 - h. A conviction under the [*animal protection statutes*] resulting from the treatment of the animal is prima facie evidence that the guardian is unfit to possess the animal.

5. Upon a finding by the court that the petitioner has established by a preponderance of the evidence that the guardian of the animal is unfit to possess the animal, the court, in consideration of the best interest of the animal:
 - a. Shall immediately terminate the guardian's legal interest in the animal and transfer such interest to the petitioner for further disposition in accordance with reasonable practices for humane treatment of animals. A transfer of legal interest under this subsection constitutes a transfer of ownership.
 - b. Shall enjoin the guardian's possession of any animal for a period of not less than three years from the date the petition was granted.
 - c. Shall order the guardian to repay the reasonable costs incurred by any person or agency in providing minimum care to the animal.
 - d. May order that other animals that are in the possession of the guardian and that were not taken into actual or constructive custody by the petitioner be transferred to the permanent custody of the petitioner or an appropriate person or animal care agency for further disposition in accordance with reasonable practices for the humane treatment of animals.

6. In placing an animal with a new guardian, the petitioner shall give placement preference to any person who had prior contact with the animal, including but not limited to family members and friends of the former guardian whom the petitioner determines are capable of providing necessary, adequate and appropriate levels of care to the animal.

G. PROTECTIVE ORDERS

1.
 - a. A mandatory restraining order is created against any person charged with a violation of this section.
 - b. The order shall remain in effect from the time that the defendant is advised of his or her rights at arraignment or the defendant's first appearance before the court and informed of such order, until final disposition of the action.
 - c. The order shall restrain the defendant from harassing, molesting, intimidating, retaliating against, or tampering with:
 - i. Any animal(s) victimized by the acts charged;
 - ii. Any guardian or owner, other than the defendant, of such animal(s);
 - iii. Any witness to the acts charged.
 - d. The restraining order issued pursuant to this section shall be on a standardized form prescribed by the judicial department.
 - e. A copy of the restraining order shall be provided to the protected parties.
2. A court may include an animal in any protective order authorized by this code.

V. POST-CONVICTION PROVISIONS

A. COMMUNITY SERVICE

In addition to any other sentence it may impose, a court may order the defendant to participate in community service. If the court does order community service participation, no such participation shall occur at any humane society, animal shelter or other facility where an animal is present.

B. EVALUATION & TREATMENT

1. In addition to any other sentence it may impose, a court shall order the defendant to undergo a psychiatric, psychological or mental health evaluation, and if warranted by the condition of the defendant, shall order the defendant to undergo appropriate care or treatment.
2. All costs of the evaluation, care and treatment shall be borne by the defendant.

C. FORFEITURE

In addition to any other sentence it may impose, a court shall require a defendant convicted under [*any animal protection statute*] to forfeit all legal interest of the defendant in the animal subjected to the violation. The court shall award all such interest to the animal to a humane society, animal shelter or other organization that has as its principal purpose the humane treatment of animals.

D. OFFENDER REGISTRATION & COMMUNITY NOTIFICATION

1. For purposes of this section, an “animal abuser” means a person over eighteen years of age who has been convicted of a felony violation of [*any animal protection statute*] of this state or of the comparable statutes of another state.
2. Any animal abuser physically within the boundaries of this state for more than ten consecutive days shall register with the county sheriff for the county in which the animal abuser is located before the end of the eleventh day in the state.
3. Any previously-registered animal abuser shall reregister with the county sheriff for the county in which the animal abuser is located no later than ten days after moving to a new location within the state.
4. When an animal abuser registers with the county sheriff, the animal abuser shall provide the following registration information:
 - a. The legal name and any other names or aliases that the animal abuser is using or has used;
 - b. The date of birth of the animal abuser;
 - c. The social security number of the animal abuser;
 - d. The current address or location of the animal abuser;
 - e. The place of employment of the animal abuser;
 - f. The animal protection offense for which the animal abuser was convicted; and
 - g. The date and place of the animal protection offense conviction of the animal abuser.
5. When an animal abuser registers with a county sheriff, the sheriff shall obtain:
 - a. A photograph of the animal abuser and a complete set of the animal abuser’s fingerprints; and
 - b. A description of any tattoos, scars or other distinguishing features on the animal abuser’s body that would assist in identifying the animal abuser.
6. Following an animal abuser’s initial registration pursuant to the provisions of this section, an animal abuser shall annually renew the animal abuser’s registration with the county sheriff prior to December 31 of each subsequent calendar year for a period of fifteen years.

7. An animal abuser who intentionally or knowingly fails to comply with the registration requirements, or provides false information when complying with the registration requirements set forth in this section, is guilty of a [Class __felony].
8. Each county sheriff shall maintain a local registry of animal abusers in the sheriff's jurisdiction required to register pursuant to this section.
 - a. The county sheriff shall forward all registration information obtained from animal abusers to the [State Department of Justice].
 - b. Within ten days of receiving initial registration information from an animal abuser, the county sheriff shall contact every residence, school, humane society, animal shelter and any other business within a half-mile radius of the animal abuser's residence or location and provide them with the animal abuser's registration information, with the exception of the animal abuser's social security number.
9. The [State Department of Justice] shall maintain a central registry of animal abusers required to register pursuant to the provisions of this section. The central registry of animal abusers shall be made available to the public through internet access, telephone access, written access and in-person access. All of the information contained in an animal abuser's registration, with the exception of the animal abuser's social security number, shall be made available. Records of each animal abuser's registration shall be maintained for the duration of the fifteen year period in which the animal abuser is required to be registered.

E. POSSESSION OF ANIMALS

1. In addition to any other penalty imposed by law, a person convicted of any misdemeanor violation of the [animal protection statutes], shall not possess or reside with any animal for a period of five years following entry of the conviction. An offense under this subsection is a [Class __ misdemeanor] punishable by a fine not exceeding \$1,000 and forfeiture of the animal as provided in [STATUTE xxx.xxx].
2. In addition to any other penalty imposed by law, a person convicted of any felony violation of the [animal protection statutes], shall not possess or reside with any animal for a period of 15 years following entry of the conviction. An offense under this subsection is a [Class __ misdemeanor] punishable by a fine not exceeding \$5000 and forfeiture of the animal as provided under [STATUTE xxx.xxx].

F. REIMBURSEMENT OF COSTS

In addition to any other sentence it may impose, a court shall require a defendant convicted under [*any animal protection statute*] to repay all reasonable costs incurred by any person or organization prior to judgment in impounding and providing minimum care for each animal subjected to mistreatment in violation of the [*animal protection statute*], and for all costs of prosecution.

G. RESTITUTION

In addition to any other sentence it may impose, a court shall order that restitution be made by the defendant to the guardian of any animal subjected to mistreatment by the defendant in violation of [*any animal protection statute*]. The measure for restitution shall be the actual pecuniary value of such loss, including but not limited to, the actual veterinary expenses, special supplies, and other costs incurred by the animal's guardian in treating the animal and in attempting to restore the animal to good health or to otherwise ameliorate the effects of the violation.

VI. OTHER PROVISIONS

A. BODILY ALTERATIONS, DISABLEMENTS OR REMOVALS

1. It is unlawful for any person to remove or permanently alter or disable, or cause or procure to be removed or permanently altered or disabled, any part or organ, or the function of any part or organ, of an animal except as necessary for proper veterinary care or population control.
2. A violation of subsection (1) is a [Class __ misdemeanor].
3. Each act in violation of subsection (1) shall constitute a separate offense.

B. CIVIL RIGHT OF ACTION FOR THE WRONGFUL INJURY OR DEATH OF AN ANIMAL

1. Any person who, with no lawful authority, intentionally, knowingly, recklessly or negligently causes physical injury to, or the death of, an animal shall be liable to the animal's guardian for the damages sustained by the animal and the guardian. The guardian of the animal may bring a civil action to recover such damages. Damages may include the pecuniary value of the animal; veterinary expenses incurred on behalf of the animal; any other expenses incurred by the guardian in attempting to mollify the effects of, or as a consequence of, the pain, suffering or injuries of the animal; any emotional distress and loss of companionship suffered by the guardian; all court costs and reasonable attorney's fees incurred in the prosecution of any action under this section; and any other reasonable damages resulting from the physical injury or death.
2. In addition to any damages that may be awarded under section (1), the guardian is also entitled to punitive or exemplary damages of not less than \$1000 for every intentional act under section (1) to which the animal was subjected.
3. Restraining orders and other injunctive relief may be issued by a court of competent jurisdiction as appropriate.
4. The remedies provided in this section are in addition to, and do not replace or supplant, any other remedies allowed by law.
5. Commencement of a cause of action under this section shall occur within three years from the date on which injuries were first identified by the guardian.

C. CIVIL INJUNCTIVE RELIEF FOR CRIMINAL VIOLATIONS

1. Purpose

It is the purpose of this Act to provide a civil action for the protection and humane treatment of animals, in addition to any criminal remedies that are available. It shall be proper in any action to combine causes of action against one or more defendants for the protection of one or more animals. A real party in interest as plaintiff shall include any person even if the person does not have any legal interest or possessory rights in an animal. Such person has standing to bring an action under this Act based on the public policy against animal mistreatment as embodied in the [*animal protection statutes*]. A real party in interest as defendant shall include any guardian who has allegedly engaged in, or is engaging in, a violation of the [*animal protection statutes*].

2. Temporary/Preliminary Injunctive Relief; Bond; Costs

- a. Upon the filing of a verified complaint in the [*designated court*] in the county in which a violation of the [*animal protection statutes*] has allegedly occurred, a temporary restraining order or preliminary injunction may be granted.
 - i. Every such order or injunction, if the plaintiff so requests, shall give the plaintiff, and any agents of the plaintiff, unrestricted access to the premises where the animal is located to evaluate, monitor and provide minimum care to the animal.
 - ii. Any such order or injunction shall also permit the plaintiff's veterinarian to remove the animal if the veterinary care necessary cannot be reasonably completed on the premises where the animal is located.
 - iii. If it appears on the face of the complaint that the condition giving rise to the violation of the [*animal protection statutes*] requires the animal to be removed from the defendant, then it shall be proper for the court in the order or injunction to allow the plaintiff to take possession of the animal and provide minimum care.

- b. If the court allows the plaintiff to take possession of the animal, the defendant shall post a bond with the court in an amount the court determines is sufficient to provide for the animal's minimum care for at least thirty days, including the day on which the plaintiff took possession of the animal. Such bond shall be filed with the court within ten days after the plaintiff takes possession of the animal. If a bond is not so posted, the court shall deem the animal to have been abandoned, terminate all of the defendant's interest and possessory rights in the animal, and transfer all interest and possessory rights to the plaintiff or other appropriate successor guardian. At the end of the time for which expenses are covered by the bond, if the defendant desires to preserve the defendant's interest and possessory rights in the animal, the defendant shall post a new bond with the court within ten days following the prior bond's expiration. If a new bond is not so posted, the court shall deem the animal to have been abandoned, terminate all of the defendant's interest and possessory rights in the animal, and transfer all interest and possessory rights to the plaintiff or other appropriate successor guardian.
- c. Nothing in subsection (b) shall prohibit the immediate euthanasia of the animal if, in the opinion of a licensed veterinarian, the animal is experiencing intractable extreme pain or suffering.
- d. The defendant shall be liable for all costs of providing minimum care, euthanasia and disposal of the animal.
- e. If a bond has been posted in accordance with subsection (b) of this section, the plaintiff may draw from the bond, and any additional bonds so posted, the actual reasonable costs incurred by the plaintiff in providing minimum care to the impounded animal from the date of initial possession to the date of final disposition of the animal in the civil action.

3. Permanent Injunction; Costs

- a. A [*designated court*] in the county in which the original action was brought shall determine the merits of the action by trial without a jury, and upon hearing such evidence as may be presented, shall enter orders as the court deems appropriate, including permanent injunction. In addition, if the court finds by a preponderance of the evidence that even if a permanent injunction were issued there would exist a substantial risk that the animal would be subjected to further violations of the [*animal protection statutes*] if returned to the possession of the defendant, the court shall terminate the defendant's interest and possessory rights in the animal and transfer all interest and possessory rights to the plaintiff or other appropriate successor guardian.

- b. If the court issues a permanent injunction or terminates the defendant's interest and possessory rights in the animal, the defendant shall be liable for all costs and fees incurred by the plaintiff in bringing the action.

D. DYEING OR COLORING OF AN ANIMAL

1. It is unlawful for any person to dye or artificially color an animal.
2. A violation of subsection (1) is a [Class __ misdemeanor].
3. Each act in violation of subsection (1) shall constitute a separate offense.

E. EUTHANASIA PROCEDURES

1. Unless otherwise authorized by law, sodium pentobarbital and such other agents as may be specifically approved by the rules of the board of veterinary medicine shall be the only methods used for euthanasia of an animal. A lethal solution shall be used in the following order of preference:
 - a. Intravenous injection by hypodermic needle;
 - b. Intraperitoneal injection by hypodermic needle;
 - c. Intracardial injection by hypodermic needle, but only if performed on heavily sedated, anesthetized or comatose animals; or
 - d. Solution or powder added to food.
2. An animal may be tranquilized with an approved and humane substance before euthanasia is performed.
3. Succinylcholine chloride, curare, curariform mixtures, strychnine, nicotine, chloral hydrate, magnesium or potassium or any substance which acts as a neuromuscular blocking agent, or any chamber which causes a change in body oxygen may not be used on any animal for the purpose of euthanasia.
4. Euthanasia shall be performed only by a licensed veterinarian, veterinarian medical technician or an employee or agent of a public or private agency, animal shelter or other animal care facility, provided that the veterinarian medical technician, employee or agent has successfully completed a euthanasia-technician certification course. The curriculum for such course must be approved by the board of veterinary medical examiners and must include, at a minimum, knowledge of animal anatomy, behavior and physiology; animal restraint and handling as it pertains to euthanasia; the pharmacology, proper dosages, administration techniques of euthanasia solution, verification of death techniques, laws regulating the storage,

security and accountability of euthanasia solutions; euthanasia technician stress management and the proper disposal of euthanized animals.

5. An animal may not be left unattended between the time euthanasia procedures are first begun and the time that death occurs, nor may its body be disposed of until a qualified person confirms death.
6. Notwithstanding the provisions of this section or any other law to the contrary, whenever an emergency situation exists which requires the immediate euthanasia of an injured, dangerous or severely diseased animal, a peace officer, veterinarian, special humane agent, or the designee of such, may humanely destroy the animal.
7. Any violation of this act is a [*Class __ misdemeanor*].
8. Each act or omission in violation of this act shall constitute a separate offense.

F. FAILURE OF A MOTORIST TO RENDER AID TO AN INJURED ANIMAL

1. A person commits the crime of FAILURE OF A MOTORIST TO RENDER AID TO AN INJURED ANIMAL if the person, while operating a motor vehicle, knowingly injures an animal and does not do all of the following:
 - a. Immediately stop the vehicle at the scene of the accident or as close thereto as safely possible;
 - b. Make a reasonable effort to ascertain the extent of the animal's injuries;
 - c. Give reasonable attention to the injured animal;
 - d. Immediately report the injury to the guardian of the animal if the identity of the guardian is known or is discovered;
 - e. If unable to contact the guardian of the animal, or when the animal is of a species unlikely to have a guardian, immediately notify a peace officer or animal care agency, and provide the location of the injured animal, the motor vehicle operator's name, address, operator's license and vehicle registration number.
2. FAILURE OF A MOTORIST TO RENDER AID TO AN INJURED ANIMAL is a [*Class __ misdemeanor*].

G. SALE OR TRANSFER OF AN ANIMAL TO RESEARCH OR EDUCATIONAL FACILITIES

1. It is unlawful for any person to receive with intent to sell or transfer, or sell or transfer directly or through a third party, an animal to a research or educational facility in this state.
2. A violation of subsection (1) is a [*Class __ misdemeanor*].
3. Each act in violation of subsection (1) shall constitute a separate offense.