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States' Animal Cruelty Statutes

State of Arizona

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States' Animal Cruelty Statutes

STATE OF ARIZONA

Current through the Second Regular Session of the Fifty-Second Legislature (2016)

§ 13-2910. Cruelty to animals; interference with working or service animal; classification; definitions

A. A person commits cruelty to animals if the person does any of the following:

1. Intentionally, knowingly or recklessly subjects any animal under the person's custody or control to cruel neglect or abandonment.
2. Intentionally, knowingly or recklessly fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's custody or control.
3. Intentionally, knowingly or recklessly inflicts unnecessary physical injury to any animal.
4. Recklessly subjects any animal to cruel mistreatment.
5. Intentionally, knowingly or recklessly kills any animal under the custody or control of another person without either legal privilege or consent of the owner.
6. Recklessly interferes with, kills or harms a working or service animal without either legal privilege or consent of the owner.
7. Intentionally, knowingly or recklessly leaves an animal unattended and confined in a motor vehicle and physical injury to or death of the animal is likely to result.
8. Intentionally or knowingly subjects any animal under the person's custody or control to cruel neglect or abandonment that results in serious physical injury to the animal.
9. Intentionally or knowingly subjects any animal to cruel mistreatment.
10. Intentionally or knowingly interferes with, kills or harms a working or service animal without either legal privilege or consent of the owner.

11. Intentionally or knowingly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.

12. Recklessly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.

13. Intentionally or knowingly obtains or exerts unauthorized control over a service animal with the intent to deprive the service animal handler of the service animal.

B. It is a defense to subsection A of this section if:

1. Any person exposes poison to be taken by a dog that has killed or wounded livestock or poison to be taken by predatory animals on premises owned, leased or controlled by the person for the purpose of protecting the person or the person's livestock or poultry, the treated property is kept posted by the person who authorized or performed the treatment until the poison has been removed and the poison is removed by the person exposing the poison after the threat to the person or the person's livestock or poultry has ceased to exist. The posting required shall provide adequate warning to persons who enter the property by the point or points of normal entry. The warning notice that is posted shall be readable at a distance of fifty feet, shall contain a poison statement and symbol and shall state the word "danger" or "warning".

2. Any person uses poisons in and immediately around buildings owned, leased or controlled by the person for the purpose of controlling wild and domestic rodents as otherwise allowed by the laws of the state, excluding any fur-bearing animals as defined in § 17-101.

C. This section does not prohibit or restrict:

1. The taking of wildlife or other activities permitted by or pursuant to title 17.1

2. Activities permitted by or pursuant to title 3.2

3. Activities regulated by the Arizona game and fish department or the Arizona department of agriculture.

D. A peace officer, animal control enforcement agent or animal control enforcement deputy may use reasonable force to open a vehicle to rescue an animal if the animal is left in the vehicle as prescribed in subsection A, paragraph 7 of this section.

E. A person who is convicted of a violation of subsection A, paragraph 6 or 10 of this section is liable as follows:

1. If the working or service animal was killed or disabled, to the owner or agency that owns the working or service animal and that employs the handler or

to the owner or handler for the replacement and training costs of the working or service animal and for any veterinary bills.

2. To the owner or agency that owns a working or service animal for the salary of the handler for the period of time that the handler's services are lost to the owner or agency.

3. To the owner for the owner's contractual losses with the agency.

F. An incorporated city or town or a county may adopt an ordinance with misdemeanor provisions at least as stringent as the misdemeanor provisions of this section, except that any ordinance adopted shall not prohibit or restrict any activity involving a dog, whether the dog is restrained or not, if the activity is directly related to the business of shepherding or herding livestock and the activity is necessary for the safety of a human, the dog or livestock or is permitted by or pursuant to title 3.

G. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, 6, 7 or 12 of this section is guilty of a class 1 misdemeanor. A person who violates subsection A, paragraph 8, 9, 10, 11 or 13 of this section is guilty of a class 6 felony.

H. For the purposes of this section:

1. "Animal" means a mammal, bird, reptile or amphibian.

2. "Cruel mistreatment" means to torture or otherwise inflict unnecessary serious physical injury on an animal or to kill an animal in a manner that causes protracted suffering to the animal.

3. "Cruel neglect" means to fail to provide an animal with necessary food, water or shelter.

4. "Handler" means a law enforcement officer or any other person who has successfully completed a course of training prescribed by the person's agency or the service animal owner and who used a specially trained animal under the direction of the person's agency or the service animal owner.

5. "Service animal" means an animal that has completed a formal training program, that assists its owner in one or more daily living tasks that are associated with a productive lifestyle and that is trained to not pose a danger to the health and safety of the general public.

6. "Working animal" means a horse or dog that is used by a law enforcement agency, that is specially trained for law enforcement work and that is under the control of a handler.

§ 13-2910.01. Animal fighting; classification

A. A person commits animal fighting by knowingly:

1. Owning, possessing, keeping or training any animal if the person knows or has reason to know that the animal will engage in an exhibition of fighting with another animal.
2. For amusement or gain, causing any animal to fight with another animal, or causing any animals to injure each other.
3. Permitting any act in violation of paragraph 1 or 2 to be done on any premises under the person's charge or control.

B. This section does not:

1. Prohibit or restrict activities permitted by or pursuant to title 3.1
2. Apply to animals that are trained to protect livestock from predation and that engage in actions to protect livestock.

C. Animal fighting is a class 5 felony.

§ 13-2910.02. Presence at animal fight; classification

Any person who is knowingly present at any place or building where preparations are being made for an exhibition of the fighting of animals, or who is present at such exhibition, is guilty of a class 6 felony.

§ 13-2910.03. Cockfighting; classification

A. A person commits cockfighting by knowingly:

1. Owning, possessing, keeping or training any cock with the intent that such cock engage in an exhibition of fighting with another cock.
2. For amusement or gain, causing any cock to fight with another cock or causing any cocks to injure each other.
3. Permitting any act in violation of paragraph 1 or 2 to be done on any premises under his charge or control.

B. Cockfighting is a class 5 felony.

C. For purposes of this section and § 13-2910.04, cock means any male chicken, including game fowl except wildlife as defined in Arizona Revised Statutes § 17-101.

§ 13-2910.04. Presence at cockfight; classification

Any person who is knowingly present at any place or building where preparations are being made for an exhibition of the fighting of cocks, or is present at such exhibition, is guilty of a class 1 misdemeanor.

§ 13-2910.05. Exempt activities

Activity involving the possession, training, exhibition or use of an animal in the otherwise lawful pursuits of hunting, ranching, farming, rodeos, shows and security services shall be exempt from the provisions of §§ 13-2910.01, 13-2910.02, 13-2910.03 and 13-2910.04.

§ 13-2910.06. Defense to cruelty to animals and bird fighting

It is a defense to §§ 13-2910, 13-2910.01, 13-2910.02, 13-2910.03 and 13-2910.04 that the activity charged involves the possession, training, exhibition or use of a bird or animal in the otherwise lawful sports of falconry, animal hunting, rodeos, ranching or the training or use of hunting dogs.

§ 13-2910.07. Cruel and inhumane confinement of a pig during pregnancy or of a calf raised for veal

A. Notwithstanding any other provision of title 31 or title 13,2 a person shall not tether or confine any pig during pregnancy or any calf raised for veal, on a farm, for all or the majority of any day, in a manner that prevents such animal from:

1. Lying down and fully extending his or her limbs; or

2. Turning around freely.

B. This section shall not apply to:

1. Pigs or calves during transportation.

2. Pigs or calves in rodeo exhibitions, state or county fair exhibitions, or other similar exhibitions.

3. The killing of pigs or calves according to the provisions of chapter 13, title 33 and other applicable law and regulations.

4. Pigs or calves involved in lawful scientific or agricultural research.

5. Pigs or calves while undergoing an examination, test, treatment or operation for veterinary purposes.

6. A pig during the seven day period prior to the pig's expected date of giving birth.

C. A person who violates this section is guilty of a class 1 misdemeanor.

D. The following definitions shall govern this section:

1. "Calf" means a calf of the bovine species.
2. "Calf raised for veal" means a calf raised with the intent of selling, marketing or distributing the meat, organs or any part of such calf as a food product described as "veal."
3. "Farm" means the land, buildings, support facilities, and other equipment that is wholly or partially used for the production of animals for food or fiber.
4. "Pig" means any animal of the porcine species.
5. "Turning around freely" means having the ability to turn around in a complete circle without any impediment, including a tether, or, in the case of an enclosure (including what is commonly described as a "gestation crate" for pigs and a "veal crate" for calves) without touching any side of the enclosure.

§ 13-2910.08. The humane treatment of farm animals fund

<Conditional enactment>

The "humane treatment of farm animals fund" is hereby established to be administered by the attorney general under the conditions and for the purposes provided by this section. Upon receipt, the attorney general shall deposit in the fund any monies received for the state as a result of enforcement of the humane treatment of farm animals act and any monies received by the attorney general as a money donation to the fund from any public or private group, society, association or individual. The monies in the fund shall be used only for mandatory expenditures, if any, required by the humane treatment of farm animals act and administration of the fund. Monies in the fund are not subject to legislative appropriation. The fund is exempt from statutory provisions relating to lapsing of appropriations and shall not revert to the general fund.

§ 13-2910.09. Equine tripping; classification; definitions

A. A person who knowingly or intentionally trips an equine for entertainment or sport is guilty of a class 1 misdemeanor.

B. A person who is convicted of a first violation of this section:

1. Shall be sentenced to serve not less than forty-eight consecutive hours in jail and is not eligible for probation or suspension of execution of sentence unless the entire sentence is served.
2. Shall pay a fine of not less than one thousand dollars.

C. A person who is convicted of a second violation of this section:

1. Shall be sentenced to serve not less than thirty consecutive days in jail and is not eligible for probation or suspension of execution of sentence unless the entire sentence is served.
2. Shall pay a fine of not less than two thousand dollars.

D. A person who is convicted of a third or subsequent violation of this section:

1. Shall be sentenced to serve not less than ninety consecutive days in jail and is not eligible for probation or suspension of execution of sentence unless the entire sentence is served.
2. Shall pay a fine of not less than two thousand dollars.

E. This section does not apply to any jumping or steeplechase events, racing, training, branding, show events, calf or steer roping events, bulldogging or steer wrestling events or any other traditional western rodeo events, including barrel racing, bareback or saddled bronc riding or other similar activities or events.

F. For the purposes of this section:

1. "Equine" means a horse, pony, mule, donkey or hinny.
2. "Trips" means knowingly or intentionally causing an equine to lose its balance or fall by use of a wire, pole, stick or rope or any other object or by any other means.