

§ 13-2910 Cruelty to Animals; interference with working or service animal; classification; **SENTENCING OPTIONS**; definitions

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 section 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.

2. Activities permitted by or pursuant to title 3.

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. THE JUDGE MAY ORDER A PERSON WHO IS CONVICTED OF A MISDEMEANOR ANIMAL CRUELTY OFFENSE TO COMPLETE BEHAVIORAL HEALTH COUNSELING AND TREATMENT THAT IS PROVIDED BY A FACILITY LICENSED BY THE DEPARTMENT OF HEALTH SERVICES OR BY AN INDEPENDENTLY LICENSED COUNSELOR, SOCIAL WORKER OR PSYCHOLOGIST OR APPROVED BY A PROBATION DEPARTMENT. IF A PERSON HAS PREVIOUSLY BEEN ORDERED TO COMPLETE BEHAVIORAL HEALTH COUNSELING AND TREATMENT FOR AN ANIMAL CRUELTY OFFENSE PURSUANT TO THIS SECTION, THE JUDGE SHALL ORDER THE PERSON TO COMPLETE THE BEHAVIOR HEALTH COUNSELING AND TREATMENT UNLESS THE JUDGE DEEMS THAT ALTERNATIVE SANCTIONS ARE MORE APPROPRIATE.**

**I. ON CONVICTION OF A MISDEMEANOR ANIMAL CRUELTY OFFENSE, IF A PERSON WITHIN A PERIOD OF SIXTY MONTHS HAS PREVIOUSLY BEEN CONVICTED OF AN ANIMAL CRUELTY OFFENSE OR IS CONVICTED OF A MISDEMEANOR ANIMAL CRUELTY OFFENSE AND HAS PREVIOUSLY BEEN CONVICTED OF AN ACT IN ANOTHER STATE, A COURT OF THE UNITED STATES OR A TRIBAL COURT THAT IF COMMITTED IN THIS STATE WOULD BE AN ANIMAL CRUELTY OFFENSE, THE JUDGE MAY ORDER THE PERSON TO BE PLACED ON SUPERVISED PROBATION AND THE PERSON MAY BE INCARCERATED AS A CONDITION OF PROBATION. IF THE COURT ORDERS SUPERVISED PROBATION, THE COURT MAY CONDUCT AN INTAKE ASSESSMENT WHEN THE PERSON BEGINS THE TERM OF PROBATION AND MAY CONDUCT A DISCHARGE SUMMARY WHEN THE PERSON IS RELEASED FROM PROBATION. IF THE PERSON IS INCARCERATED AND THE COURT RECEIVES CONFIRMATION THAT THE PERSON IS EMPLOYED OR IS A STUDENT, THE**

COURT, ON PRONOUNCEMENT OF ANY JAIL SENTENCE, MAY PROVIDE IN THE SENTENCE THAT THE PERSON, IF THE PERSON IS EMPLOYED OR IS A STUDENT AND CAN CONTINUE THE PERSON'S EMPLOYMENT OR STUDIES, MAY CONTINUE THE EMPLOYMENT OR STUDIES FOR NOT MORE THAN TWELVE HOURS A DAY NOR MORE THAN FIVE DAYS A WEEK. THE PERSON SHALL SPEND THE REMAINING DAY, DAYS OR PARTS OF DAYS IN JAIL UNTIL THE SENTENCE IS SERVED AND SHALL BE ALLOWED OUT OF JAIL ONLY LONG ENOUGH TO COMPLETE THE ACTUAL HOURS OF EMPLOYMENT OR STUDIES.

J. A PERSON WHO IS ORDERED TO COMPLETE BEHAVIORAL HEALTH COUNSELING AND TREATMENT FOR AN ANIMAL CRUELTY OFFENSE SHALL PAY THE COST OF THE PROGRAM.

K. IF A PERSON IS ORDERED TO ATTEND BEHAVIOR HEALTH COUNSELING AND TREATMENT FOR ANIMAL CRUELTY PURSUANT TO THIS SECTION, THE PROGRAM SHALL REPORT TO THE COURT WHETHER THE PERSON HAS ATTENDED THE PROGRAM AND HAS SUCCESSFULLY COMPLETED THE PROGRAM.

~~H~~L. 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.

Reference: Compare:

13-3601.01. Domestic violence; treatment; definition

A. The judge shall order a person who is convicted of a misdemeanor domestic violence offense to complete *a domestic violence offender treatment program that is provided by a facility approved by the department of health services or a probation department*. If a person has previously been ordered to complete a domestic violence offender treatment program pursuant to this section, the judge shall order the person to complete a domestic violence offender treatment program unless the judge deems that alternative sanctions are more appropriate. The department of health services shall adopt and enforce guidelines that establish standards for domestic violence offender treatment program approval.

B. On conviction of a misdemeanor domestic violence offense, if a person within a period of sixty months has previously been convicted of a violation of a domestic violence offense or is convicted of a misdemeanor domestic violence offense and has previously been convicted of an act in another state, a court of the United States or a tribal court that if committed in this state would be a domestic violence offense, the judge may order the person to be placed on supervised probation and the person may be incarcerated as a condition of probation. If the court orders supervised probation, the court may conduct an intake assessment when the person begins the term of probation and may conduct a discharge summary when the person is released from probation. If the person is incarcerated and the court receives confirmation that the person is employed or is a student, the court, on pronouncement of any jail sentence, may provide in the sentence that the person, if the person is employed or is a student and can continue the person's employment or studies, may continue the employment or studies for not more than twelve hours a day nor more than five days a week. The person shall spend the remaining day, days or parts of days in jail until the sentence is served and shall be allowed out of jail only long enough to complete the actual hours of employment or studies.

C. A person who is ordered to complete a domestic violence offender treatment program shall pay the cost of the program.

D. If a person is ordered to attend a domestic violence offender treatment program pursuant to this section, the program shall report to the court whether the person has attended the program and has successfully completed the program.

E. For the purposes of this section, prior convictions for misdemeanor domestic violence offenses apply to convictions for offenses that were committed on or after January 1, 1999.

F. For the purposes of this section, "domestic violence offense" means an offense involving domestic violence as defined in section 13-3601.