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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 OR CRUEL POSSESSION, CONFINEMENT
2. Intentionally, knowingly or recklessly fails to provide medical ~~attention~~ CARE OR TREATMENT necessary to prevent ~~protracted~~ CRUEL UNREASONABLE 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.

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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 DEPARTMENT OF AGRICULTURE.
4. ACTIVITIES INVOLVING THE POSSESSION, TRANSPORT, TRAINING, EXHIBITION OR USE OF AN ANIMAL IN THE OTHERWISE LAWFUL PURSUITS OF HUNTING, RANCHING, FARMING, RODEO EXHIBITIONS OR EVENTS, AUCTION EXHIBITIONS OR EVENTS, NATIONAL, STATE OR COUNTY FAIR EXHIBITIONS OR EVENTS, OTHER SIMILAR EXHIBITIONS OR EVENTS, OR RECREATIONAL OR COMMERCIAL ACTIVITY.
5. ANIMALS UNDERGOING AN EXAMINATION, TEST, TREATMENT OR OPERATION FOR VETERINARY PURPOSES.
6. ANIMALS INVOLVED IN LAWFUL SCIENTIFIC OR AGRICULTURAL RESEARCH CONDUCTED IN ACCORDANCE WITH THE FEDERAL ANIMAL WELFARE ACT.
37. 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 POSSESSION" CONFINEMENT MEANS TO POSSESS AN ANIMAL IN A MANNER AND CONDITION THAT IS NOT APPROPRIATE FOR THE SPECIES GIVEN THE FACTS OF THE SPECIFIC SITUATION AND IS DETRIMENTAL TO THE ANIMAL'S HEALTH. CRUEL CONFINEMENT DOES NOT INCLUDE TRANSPORTATION APPROPRIATE TO THE SPECIES OF ANIMAL OR THE TEMPORARY CONFINEMENT

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OF ANIMALS IN THE OTHERWISE LAWFUL PURSUITS OF HUNTING, RANCHING, FARMING, OR EXHIBITIONS AND EVENTS AT RODEOS, AUCTIONS OR FAIRS.

~~23.~~ "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~~ ~~CRUEL UNREASONABLE~~ suffering to the animal.

3. "Cruel neglect" means to fail to provide an animal with necessary food, water or shelter THAT IS APPROPRIATE FOR THE SPECIES GIVEN THE FACTS OF THE SPECIFIC SITUATION OR APPROPRIATE MEDICAL CARE AND TREATMENT.

~~4. "CRUEL SUFFERING" MEANS SUFFERING IN A MANNER AND CONDITION THAT IS NOT APPROPRIATE FOR THE SPECIES GIVEN THE FACTS OF THE SPECIFIC SITUATION AND IS DETRIMENTAL TO THE ANIMAL'S HEALTH.~~

~~45.~~ "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.

~~56.~~ "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.

~~67.~~ "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.