

HOUSE BILL No. 1037

DIGEST OF HB 1037 (Updated January 27, 1998 5:25 pm - DI 51)

Citations Affected: IC 35-46.

Synopsis: Cruelty to an animal. Makes it a Class A misdemeanor for a person to knowingly or intentionally torture, beat, or mutilate a vertebrate animal. Makes the offense a Class D felony if it results in an injury to the animal that creates a substantial risk of death or in the death of the animal. Makes it a Class D felony for a person to knowingly or intentionally kill a vertebrate animal without the authority of the owner of the animal. (Current law makes it a Class A misdemeanor for a person to knowingly or intentionally: (1) torture, beat, or mutilate a vertebrate animal resulting in serious injury or death to the animal; or (2) kill a vertebrate animal without the authority of the owner of the animal.) Provides that a person who engages in a reasonable and recognized act of training, handling, or disciplining does not commit the crime of cruelty to an animal.

Effective: July 1, 1998.

**Kruzan, Bales, Richardson, Becker,
Stevenson, Frenz**

January 6, 1998, read first time and referred to Committee on Courts and Criminal Code.
January 20, 1998, reported — Do Pass.
January 27, 1998, read second time, amended, ordered engrossed.

HB 1037—LS 6485/DI 69



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Reprinted
January 28, 1998

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

HOUSE BILL No. 1037

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-46-3-12 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 12. (a) A person who
3 knowingly or intentionally
4 (~~+~~) tortures, beats, or mutilates a vertebrate animal ~~resulting in~~
5 ~~serious injury or death to the animal; or~~
6 (~~2~~) kills a vertebrate animal without the authority of the owner of
7 the animal;
8 commits cruelty to an animal, a Class A misdemeanor. **However, the**
9 **offense is a Class D felony if it results in:**
10 (1) **an injury to the animal that creates a substantial risk of**
11 **death to the animal; or**
12 (2) **the death of the animal.**
13 (b) **A person who knowingly or intentionally kills a vertebrate**
14 **animal without the authority of the owner of the animal commits**
15 **cruelty to an animal, a Class D felony.**
16 (~~b~~) (c) It is a defense to a prosecution under this section that the
17 accused person:

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- 1 (1) reasonably believes the conduct was necessary to:
- 2 ~~(1)~~ (A) prevent injury to the accused person or another person;
- 3 ~~(2)~~ (B) protect the property of the accused person from
- 4 destruction or substantial damage; or
- 5 ~~(3)~~ (C) prevent a seriously injured vertebrate animal from
- 6 prolonged suffering; **or**
- 7 **(2) engaged in a reasonable and recognized act of training,**
- 8 **handling, or disciplining the vertebrate animal.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1037, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

DVORAK, Chair

Committee Vote: yeas 15, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1037 be amended to read as follows:

Page 1, line 9, delete "serious injury or death to" and insert ":",

Page 1, line 10, delete "the animal", begin a new line block indented and insert:

"(1) an injury to the animal that creates a substantial risk of death to the animal; or

(2) the death of the animal."

Re-number all SECTIONS consecutively.

(Reference is to House Bill 1037 as printed January 21, 1998.)

KRUZAN

HOUSE MOTION

Mr. Speaker: I move that House Bill 1037 be amended to read as follows:

Page 1, line 15, delete "reasonably believes the conduct was necessary to:" and insert ":",

Page 1, delete lines 16 through 17, begin a new line block indented and insert:

"(1) reasonably believes the conduct was necessary to:

~~(1)~~ **(A)** prevent injury to the accused person or another person;

~~(2)~~ **(B)** protect the property of the accused person from destruction or substantial damage; or

~~(3)~~ **(C)** prevent a seriously injured vertebrate animal from prolonged suffering; or

(2) engaged in a reasonable and recognized act of training, handling, or disciplining the vertebrate animal."

Delete page 2.

(Reference is to House Bill 1037 as printed January 21, 1998.)

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