

HOUSE BILL No. 1037

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-46-3-12.

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 serious injury or death to 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.)

Effective: July 1, 1998.

Kruzan

January 6, 1998, read first time and referred to Committee on Courts and Criminal Code.



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 ~~(1) 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 serious injury or death to**
10 **the animal.**
11 **(b) A person who knowingly or intentionally kills a vertebrate**
12 **animal without the authority of the owner of the animal commits**
13 **cruelty to an animal, a Class D felony.**
14 ~~(b)~~ (c) It is a defense **to a prosecution under this section** that the
15 accused person reasonably believes the conduct was necessary to:
16 (1) prevent injury to the accused person or another person;
17 (2) protect the property of the accused person from destruction or



- 1 substantial damage; or
- 2 (3) prevent a seriously injured vertebrate animal from prolonged
- 3 suffering.

