January 20, 2005

SENATE BILL No. 159

DIGEST OF SB 159 (Updated January 18, 2005 2:41 pm - DI 106)

Citations Affected: IC 35-46; noncode.

Synopsis: Cruelty to animals. Requires a court to consider counseling as part of the sentence imposed on a person convicted of animal cruelty, and permits a court to order the person to receive counseling.

Effective: July 1, 2005.

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January 4, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
January 19, 2005, reported favorably — Do Pass.

C o p y

January 20, 2005

First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

C o p y

SENATE BILL No. 159

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:

SECTION 1. IC 35-46-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) This section does not apply to a person who euthanizes an injured, a sick, a homeless, or an unwanted domestic animal if:

(1) the person is employed by a humane society, an animal control agency, or a governmental entity operating an animal shelter or other animal impounding facility; and

(2) the person euthanizes the domestic animal in accordance with guidelines adopted by the humane society, animal control agency, or governmental entity operating the animal shelter or other animal impounding facility.

(b) A person who knowingly or intentionally beats a vertebrate animal commits cruelty to an animal, a Class A misdemeanor. However, the offense is a Class D felony if:

(1) the person has a previous, unrelated conviction under this section; or

(2) the person knowingly or intentionally tortures or mutilates a

vertebrate animal.

(c) It is a defense to a prosecution under this section that the accused person:

(1) reasonably believes the conduct was necessary to:

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

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

(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.

(d) When a court imposes a sentence under this section, the court:

(1) shall consider requiring a person convicted of an offense under this section to receive psychological, behavioral, or other counseling as a part of the sentence; and

(2) may order a person convicted of an offense under this section to receive psychological, behavioral, or other counseling as a part of the sentence.

SECTION 2. [EFFECTIVE JULY 1, 2005] **IC 35-46-3-12, as amended by this act, applies only to offenses committed after June 30, 2005.**

C o p y

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 159, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 159 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 9, Nays 0.

C o p y