



March 16, 2007

**ENGROSSED
HOUSE BILL No. 1387**

DIGEST OF HB 1387 (Updated March 13, 2007 11:14 am - DI 106)

Citations Affected: IC 31-9; IC 34-6; IC 35-41; IC 35-46; noncode.

Synopsis: Animal cruelty. Specifies that the definition of "crime involving domestic or family violence" includes certain crimes involving animal cruelty used to threaten, intimidate, coerce, harass, or terrorize a family or household member. Defines certain terms used in the animal cruelty statute. Exempts: (1) destruction of or injury to a fish; and (2) destruction of an animal that is threatening or harming livestock, a domestic animal, or property from the animal cruelty statute. Permits a court to prohibit or impose conditions on the right of a person convicted of certain animal cruelty offenses to possess an animal. Specifies that animal cruelty based on abandonment or neglect may only be committed by the animal's owner, and creates a defense if the owner reasonably believed that the animal was capable of surviving on its own. Makes purchasing an animal with the intent to use the
(Continued next page)

Effective: July 1, 2007.

Lawson L, Bardon, Neese, Denbo
(SENATE SPONSOR — STEELE)

January 16, 2007, read first time and referred to Committee on Courts and Criminal Code.
February 15, 2007, amended, reported — Do Pass.
February 19, 2007, read second time, amended, ordered engrossed.
February 20, 2007, engrossed.
February 21, 2007, read third time, passed. Yeas 97, nays 0.

SENATE ACTION

February 27, 2007, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
March 15, 2007, amended, reported favorably — Do Pass.

EH 1387—LS 7672/DI 106+



C
o
p
y

Digest Continued

animal in an animal fighting contest a Class D felony. Requires the state veterinarian or the designee of the state veterinarian to investigate the condition of a mistreated animal if the owner is criminally charged with an offense relating to the animal's mistreatment and make a recommendation concerning the animal's confiscation. Makes killing an animal with the intent used to threaten, intimidate, coerce, harass, or terrorize a family or household member a Class D felony, and makes sexual intercourse or deviate sexual conduct with an animal a Class D felony. Requires a court to consider requiring a person who commits animal cruelty to receive counseling as part of the sentence or dispositional decree.

**C
o
p
y**



March 16, 2007

First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1387

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 31-9-2-29.5, AS AMENDED BY P.L.173-2006,
2 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 29.5. "Crime involving domestic or family
4 violence" means a crime that occurs when a family or household
5 member commits, attempts to commit, or conspires to commit any of
6 the following against another family or household member:
7 (1) A homicide offense under IC 35-42-1.
8 (2) A battery offense under IC 35-42-2.
9 (3) Kidnapping or confinement under IC 35-42-3.
10 (4) A sex offense under IC 35-42-4.
11 (5) Robbery under IC 35-42-5.
12 (6) Arson or mischief under IC 35-43-1.
13 (7) Burglary or trespass under IC 35-43-2.
14 (8) Disorderly conduct under IC 35-45-1.
15 (9) Intimidation or harassment under IC 35-45-2.
16 (10) Voyeurism under IC 35-45-4.
17 (11) Stalking under IC 35-45-10.

EH 1387—LS 7672/DI 106+



C
O
P
Y

1 (12) An offense against the family under IC 35-46-1-2 through
2 IC 35-46-1-8, IC 35-46-1-12, or IC 35-46-1-15.1.

3 (13) Human and sexual trafficking crimes under IC 35-42-3.5.

4 **(14) A crime involving animal cruelty and a family or**
5 **household member under IC 35-46-3-12(b)(3) or**
6 **IC 35-46-3-12.5.**

7 SECTION 2. IC 31-9-2-42 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 42. "Domestic or
9 family violence" means, except for an act of self defense, the
10 occurrence of one (1) or more of the following acts committed by a
11 family or household member:

12 (1) Attempting to cause, threatening to cause, or causing physical
13 harm to another family or household member without legal
14 justification.

15 (2) Placing a family or household member in fear of physical
16 harm without legal justification.

17 (3) Causing a family or household member to involuntarily
18 engage in sexual activity by force, threat of force, or duress.

19 **(4) Beating (as described in IC 35-46-3-0.5(2)), torturing (as**
20 **described in IC 35-46-3-0.5(5)), mutilating (as described in**
21 **IC 35-46-3-0.5(3)), or killing a vertebrate animal without**
22 **justification with the intent to threaten, intimidate, coerce,**
23 **harass, or terrorize a family or household member.**

24 For purposes of IC 22-4-15-1 and IC 34-26-5, domestic or family
25 violence also includes stalking (as defined in IC 35-45-10-1) or a sex
26 offense under IC 35-42-4, whether or not the stalking or sex offense is
27 committed by a family or household member.

28 SECTION 3. IC 34-6-2-34.5 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 34.5. "Domestic or
30 family violence" means, except for an act of self-defense, the
31 occurrence of at least one (1) of the following acts committed by a
32 family or household member:

33 (1) Attempting to cause, threatening to cause, or causing physical
34 harm to another family or household member.

35 (2) Placing a family or household member in fear of physical
36 harm.

37 (3) Causing a family or household member to involuntarily
38 engage in sexual activity by force, threat of force, or duress.

39 **(4) Beating (as described in IC 35-46-3-0.5(2)), torturing (as**
40 **described in IC 35-46-3-0.5(5)), mutilating (as described in**
41 **IC 35-46-3-0.5(3)), or killing a vertebrate animal without**
42 **justification with the intent to threaten, intimidate, coerce,**

C
o
p
y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

harass, or terrorize a family or household member.
For purposes of IC 34-26-5, domestic and family violence also includes stalking (as defined in IC 35-45-10-1) or a sex offense under IC 35-42-4, whether or not the stalking or sex offense is committed by a family or household member.

SECTION 4. IC 35-41-1-6.5, AS AMENDED BY P.L.173-2006, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6.5. "Crime involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:

- (1) A homicide offense under IC 35-42-1.
- (2) A battery offense under IC 35-42-2.
- (3) Kidnapping or confinement under IC 35-42-3.
- (4) Human and sexual trafficking crimes under IC 35-42-3.5.
- (5) A sex offense under IC 35-42-4.
- (6) Robbery under IC 35-42-5.
- (7) Arson or mischief under IC 35-43-1.
- (8) Burglary or trespass under IC 35-43-2.
- (9) Disorderly conduct under IC 35-45-1.
- (10) Intimidation or harassment under IC 35-45-2.
- (11) Voyeurism under IC 35-45-4.
- (12) Stalking under IC 35-45-10.
- (13) An offense against family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, or IC 35-46-1-15.1.
- (14) A crime involving animal cruelty and a family or household member under IC 35-46-3-12(b)(3) or IC 35-46-3-12.5.**

SECTION 5. IC 35-46-3-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 0.5. The following definitions apply throughout this chapter:**

- (1) "Abandon" means to desert an animal or to leave the animal permanently in a place without making provision for adequate long term care of the animal. The term does not include leaving an animal in a place that is temporarily vacated for the protection of human life during a disaster.**
- (2) "Beat" means to unnecessarily or cruelly strike an animal, or to throw the animal against an object causing the animal to suffer severe pain or injury. The term does not include reasonable training or disciplinary techniques.**
- (3) "Mutilate" means to wound, injure, maim, or disfigure an**

C
o
p
y



1 animal by irreparably damaging the animal's body parts or
 2 to render any part of the animal's body useless. The term
 3 includes bodily injury involving:
 4 (A) serious permanent disfigurement;
 5 (B) serious temporary disfigurement;
 6 (C) permanent or protracted loss or impairment of the
 7 function of a bodily part or organ; or
 8 (D) a fracture.
 9 (4) "Neglect" means to:
 10 (A) endanger an animal's health by failing to provide the
 11 animal with food or drink, if the animal is dependent upon
 12 the person for the provision of food or drink; or
 13 (B) restrain an animal for more than a brief period by the
 14 use of a rope, chain, or tether that:
 15 (i) is less than three (3) times the length of the animal;
 16 (ii) is too heavy to permit the animal to move freely; or
 17 (iii) causes the animal to choke.
 18 (5) "Torture" means:
 19 (A) to inflict extreme physical pain or injury on an animal
 20 with the sole intent of increasing or prolonging the
 21 animal's pain; or
 22 (B) to administer poison to a cat or dog, or expose a cat or
 23 dog to a poisonous substance with the intent that the cat or
 24 dog ingest the substance and suffer harm, pain, or physical
 25 injury.
 26 SECTION 6. IC 35-46-3-5 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Except as
 28 provided in subsections (b) through (c), this chapter does not apply to
 29 the following:
 30 (1) Fishing, hunting, trapping, or other conduct authorized under
 31 IC 14-22.
 32 (2) Conduct authorized under IC 15-5-7.
 33 (3) Veterinary practices authorized by standards adopted under
 34 IC 15-5-1.1-8.
 35 (4) Conduct authorized by a local ordinance.
 36 (5) Acceptable farm management practices.
 37 (6) Conduct authorized by the Indiana Meat and Poultry
 38 Inspection and Humane Slaughter Act, IC 15-2.1-24, and rules
 39 adopted under IC 15-2.1-24 for state or federally inspected
 40 livestock slaughtering facilities.
 41 (7) A research facility registered with the United States
 42 Department of Agriculture under the federal Animal Welfare Act

COPY



1 (7 U.S.C. 2131 et seq.).
 2 (8) Destruction of a vertebrate defined as a pest under
 3 IC 15-3-3.6-2(22).
 4 **(9) Destruction of or injury to a fish.**
 5 **(10) Destruction of a vertebrate animal that is:**
 6 **(A) endangering, harassing, or threatening livestock or a**
 7 **domestic animal; or**
 8 **(B) destroying or damaging a person's property.**
 9 (b) Section 1 of this chapter applies to conduct described in
 10 subsection (a).
 11 (c) Destruction of an animal by electrocution is authorized under
 12 this section only if it is conducted by a person who is engaged in an
 13 acceptable farm management practice, by a research facility registered
 14 with the United States Department of Agriculture under the Animal
 15 Welfare Act, or for the animal disease diagnostic laboratory established
 16 under IC 15-2.1-5-1, a research facility licensed by the United States
 17 Department of Agriculture, a college, or a university.
 18 SECTION 7. IC 35-46-3-6 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) This section does
 20 not apply to a violation of section 1 of this chapter.
 21 (b) Any law enforcement officer or any other person having
 22 authority to impound animals who has probable cause to believe there
 23 has been a violation of this chapter or IC 15-5-12-3 may take custody
 24 of the animal involved.
 25 (c) The owner of an animal that has been impounded under this
 26 section may prevent disposition of the animal by an animal shelter that
 27 is caring for the animal by posting, not later than ten (10) days after the
 28 animal has been impounded, a bond with the court in an amount
 29 sufficient to provide for the animal's care and keeping for at least thirty
 30 (30) days, beginning from the date the animal was impounded. The
 31 owner may renew a bond by posting a new bond, in an amount
 32 sufficient to provide for the animal's care and keeping for at least an
 33 additional thirty (30) days, not later than ten (10) days after the
 34 expiration of the period for which a previous bond was posted. If a
 35 bond expires and is not renewed, the animal shelter may determine
 36 disposition of the animal, subject to court order. If the owner of an
 37 animal impounded under this section is convicted of an offense under
 38 this chapter or IC 15-5-12-3, the owner shall reimburse the animal
 39 shelter for the expense of the animal's care and keeping. If the owner
 40 has paid a bond under this subsection, the animal shelter may euthanize
 41 an animal if a veterinarian determines that an animal is suffering
 42 extreme pain.

C
o
p
y



1 (d) If the owner requests, the court having jurisdiction of criminal
2 charges filed under this chapter or IC 15-5-12 shall hold a hearing to
3 determine whether probable cause exists to believe that a violation of
4 this chapter or IC 15-5-12 has occurred. If the court determines that
5 probable cause does not exist, the court shall order the animal returned
6 to its owner, and the return of any bond posted by its owner.

7 (e) ~~This subsection applies only to livestock animals.~~ Whenever
8 charges are filed under this chapter, the court shall appoint the state
9 veterinarian under IC 15-2.1-2-50 or the state veterinarian's designee
10 to:

11 (1) investigate the condition of the animal and the circumstances
12 relating to the animal's condition; and

13 (2) make a recommendation to the court under subsection (f)
14 regarding the confiscation of the animal.

15 (f) The state veterinarian or the state veterinarian's designee who is
16 appointed under subsection (e) shall do the following:

17 (1) Make a recommendation to the court concerning whether
18 confiscation is necessary to protect the safety and well-being of
19 the animal.

20 (2) If confiscation is recommended under subdivision (1),
21 recommend a manner for handling the confiscation and
22 disposition of the animal that is in the best interests of the animal.

23 The state veterinarian or the state veterinarian's designee who submits
24 a recommendation under this subsection shall articulate to the court the
25 reasons supporting the recommendation.

26 (g) The court:

27 (1) shall give substantial weight to; and

28 (2) may enter an order based upon;

29 a recommendation submitted under subsection (f).

30 (h) If a person is convicted of an offense under this chapter or
31 IC 15-5-12, the court may impose the following additional penalties
32 against the person:

33 (1) A requirement that the person pay the costs of caring for an
34 animal involved in the offenses that are incurred during a period
35 of impoundment authorized under subsection (b).

36 (2) An order terminating **or imposing conditions on** the person's
37 right to possession, title, custody, or care of:

38 (A) an animal that was involved in the offense; **or**

39 (B) **any other animal in the custody or care of the person.**

40 (i) If a person's right to possession, title, custody, or care of an
41 animal is terminated under subsection (h), the court may:

42 (1) award the animal to a humane society or other organization

C
o
p
y



1 that has as its principal purpose the humane treatment of animals;
2 or
3 (2) order the disposition of the animal as recommended under
4 subsection (f).

5 SECTION 8. IC 35-46-3-7 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) A person ~~having~~
7 **who owns** a vertebrate animal ~~in the person's custody and~~ who
8 recklessly, knowingly, or intentionally abandons or neglects the animal
9 commits cruelty to an animal, a Class B misdemeanor.

10 (b) **It is a defense to a prosecution under this section that the**
11 **owner reasonably believed that the vertebrate animal was capable**
12 **of surviving on its own.**

13 SECTION 9. IC 35-46-3-8 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. A person who
15 knowingly or intentionally purchases or possesses an animal for the
16 purpose of using the animal in an animal fighting contest commits a
17 ~~Class A misdemeanor.~~ **Class D felony.**

18 SECTION 10. IC 35-46-3-12 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) This section
20 does not apply to a person who euthanizes an injured, a sick, a
21 homeless, or an unwanted domestic animal if:

- 22 (1) the person is employed by a humane society, an animal control
23 agency, or a governmental entity operating an animal shelter or
24 other animal impounding facility; and
- 25 (2) the person euthanizes the domestic animal in accordance with
26 guidelines adopted by the humane society, animal control agency,
27 or governmental entity operating the animal shelter or other
28 animal impounding facility.

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

- 32 (1) the person has a previous, unrelated conviction under this
33 section; ~~or~~
- 34 (2) the person knowingly or intentionally tortures or mutilates a
35 vertebrate animal; ~~or~~
- 36 (3) **the person committed the offense with the intent to**
37 **threaten, intimidate, coerce, harass, or terrorize a family or**
38 **household member.**

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

- 41 (1) reasonably believes the conduct was necessary to:
42 (A) prevent injury to the accused person or another person;

C
o
p
y



- 1 (B) protect the property of the accused person from destruction
- 2 or substantial damage; or
- 3 (C) prevent a seriously injured vertebrate animal from
- 4 prolonged suffering; or
- 5 (2) engaged in a reasonable and recognized act of training,
- 6 handling, or disciplining the vertebrate animal.

7 **(d) When a court imposes a sentence or enters a dispositional**
 8 **decree under this section concerning a person described in**
 9 **subdivision (1), the court:**

- 10 **(1) shall consider requiring:**
- 11 **(A) a person convicted of an offense under this section; or**
- 12 **(B) a child adjudicated a delinquent child for committing**
- 13 **an act that would be a crime under this section if**
- 14 **committed by an adult;**
- 15 **to receive psychological, behavioral, or other counseling as a**
- 16 **part of the sentence or dispositional decree; and**
- 17 **(2) may order an individual described in subdivision (1) to**
- 18 **receive psychological, behavioral, or other counseling as a**
- 19 **part of the sentence or dispositional decree.**

20 SECTION 11. IC 35-46-3-12.5 IS ADDED TO THE INDIANA
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2007]: **Sec. 12.5. A person who knowingly or**
 23 **intentionally kills a vertebrate animal with the intent to threaten,**
 24 **intimidate, coerce, harass, or terrorize a family or household**
 25 **member commits domestic violence animal cruelty, a Class D**
 26 **felony.**

27 SECTION 12. IC 35-46-3-14 IS ADDED TO THE INDIANA
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2007]: **Sec. 14. A person who knowingly or**
 30 **intentionally performs an act involving:**

- 31 **(1) a sex organ of a person and the mouth or anus of an**
- 32 **animal;**
- 33 **(2) a sex organ of an animal and the mouth or anus of a**
- 34 **person;**
- 35 **(3) any penetration of the human female sex organ by an**
- 36 **animal's sex organ; or**
- 37 **(4) any penetration of an animal's sex organ by the human**
- 38 **male sex organ;**
- 39 **commits bestiality, a Class D felony.**

40 SECTION 13. [EFFECTIVE JULY 1, 2007] **(a) Except as**
 41 **provided in subsection (b), IC 35-46-3-8 and IC 35-46-3-12, both as**
 42 **amended by this act, and IC 35-46-3-12.5 and IC 35-46-3-14, both**

C
O
P
Y



1 as added by this act, apply only to crimes committed after June 30,
2 2007.

3 (b) IC 35-46-3-12(d), as amended by this act, applies only to:
4 (1) crimes; and
5 (2) delinquent acts that would be crimes if committed by an
6 adult;
7 that are committed after June 30, 2007.

**C
o
p
y**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1387, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 9, delete "or drink;" and insert ", **drink, or adequate shelter;**".

and when so amended that said bill do pass.

(Reference is to HB 1387 as introduced.)

HOY, Chair

Committee Vote: yeas 10, nays 0.

C
o
p
y

HOUSE MOTION

Mr. Speaker: I move that House Bill 1387 be amended to read as follows:

Page 6, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 7. IC 35-46-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. A person who knowingly or intentionally purchases or possesses an animal for the purpose of using the animal in an animal fighting contest commits a ~~Class A misdemeanor.~~ **Class D felony.**

SECTION 8. IC 35-46-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. A person who knowingly or intentionally:

- (1) promotes or stages an animal fighting contest;
- (2) uses an animal in a fighting contest; or
- (3) attends an animal fighting contest; ~~having an animal in the person's possession;~~

commits a Class D felony."

Page 7, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 12. IC 35-46-3-10 IS REPEALED [EFFECTIVE JULY 1, 2007]."

Page 7, line 19, before "IC 35-46-3-12," insert "**IC 35-46-3-8, IC 35-46-3-9, and**".



Page 17, line 19, after "IC 35-46-3-12," insert "**all**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1387 as printed February 16, 2007.)

ELROD

HOUSE MOTION

Mr. Speaker: I move that House Bill 1387 be amended to read as follows:

Page 5, line 11, strike "This subsection applies only to livestock animals."

(Reference is to HB 1387 as printed February 16, 2007.)

FRIEND

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1387, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 19, after "Beating" insert "**(as described in IC 35-46-3-0.5(2))**".

Page 2, line 19, after "torturing" insert "**(as described in IC 35-46-3-0.5(5))**".

Page 2, line 19, after "mutilating" insert "**(as described in IC 35-46-3-0.5(3))**".

Page 2, line 38, after "Beating" insert "**(as described in IC 35-46-3-0.5(2))**".

Page 2, line 38, after "torturing" insert "**(as described in IC 35-46-3-0.5(5))**".

Page 2, line 38, after "mutilating" insert "**(as described in IC 35-46-3-0.5(3))**".

Page 3, line 37, delete "repeatedly and violently with a hand or an object".

Page 3, line 39, after "injury." insert "**The term does not include reasonable training or disciplinary techniques.**".

EH 1387—LS 7672/DI 106+

C
o
p
y



Page 4, line 9, after "food" delete "," and insert "or".

Page 4, line 9, delete "or adequate shelter" and insert "if the animal is dependent upon the person for the provision of food or drink".

Page 4, line 16, after "inflict" insert "extreme physical pain or injury on".

Page 4, line 16, delete "extreme physical pain or".

Page 4, line 17, delete "injury with".

Page 4, line 17, before "intent" insert "sole".

Page 4, line 21, after "substance" insert "and suffer harm, pain, or physical injury".

Page 4, between lines 21 and 22, begin a new paragraph and insert:
"SECTION 6. IC 35-46-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Except as provided in subsections (b) through (c), this chapter does not apply to the following:

- (1) Fishing, hunting, trapping, or other conduct authorized under IC 14-22.
- (2) Conduct authorized under IC 15-5-7.
- (3) Veterinary practices authorized by standards adopted under IC 15-5-1.1-8.
- (4) Conduct authorized by a local ordinance.
- (5) Acceptable farm management practices.
- (6) Conduct authorized by the Indiana Meat and Poultry Inspection and Humane Slaughter Act, IC 15-2.1-24, and rules adopted under IC 15-2.1-24 for state or federally inspected livestock slaughtering facilities.
- (7) A research facility registered with the United States Department of Agriculture under the federal Animal Welfare Act (7 U.S.C. 2131 et seq.).
- (8) Destruction of a vertebrate defined as a pest under IC 15-3-3.6-2(22).
- (9) Destruction of or injury to a fish.**
- (10) Destruction of a vertebrate animal that is:**
 - (A) endangering, harassing, or threatening livestock or a domestic animal; or**
 - (B) destroying or damaging a person's property.**

(b) Section 1 of this chapter applies to conduct described in subsection (a).

(c) Destruction of an animal by electrocution is authorized under this section only if it is conducted by a person who is engaged in an acceptable farm management practice, by a research facility registered with the United States Department of Agriculture under the Animal

C
O
P
Y



Welfare Act, or for the animal disease diagnostic laboratory established under IC 15-2.1-5-1, a research facility licensed by the United States Department of Agriculture, a college, or a university."

Page 6, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 9. IC 35-46-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) A person ~~having~~ **who owns** a vertebrate animal ~~in the person's custody and~~ who recklessly, knowingly, or intentionally abandons or neglects the animal commits cruelty to an animal, a Class B misdemeanor.

(b) It is a defense to a prosecution under this section that the owner reasonably believed that the vertebrate animal was capable of surviving on its own."

Page 6, delete lines 14 through 21.

Page 7, between lines 10 and 11, begin a new paragraph and insert:

"(d) When a court imposes a sentence or enters a dispositional decree under this section concerning a person described in subdivision (1), the court:

(1) shall consider requiring:

(A) a person convicted of an offense under this section; or

(B) a child adjudicated a delinquent child for committing an act that would be a crime under this section if committed by an adult;

to receive psychological, behavioral, or other counseling as a part of the sentence or dispositional decree; and

(2) may order an individual described in subdivision (1) to receive psychological, behavioral, or other counseling as a part of the sentence or dispositional decree."

Page 7, line 30, delete "Class A misdemeanor" and insert "**Class D felony**".

Page 7, line 30, delete "However, the offense".

Page 7, delete line 31.

Page 7, delete lines 32 through 33.

Page 7, line 34, after "2007]" insert "**(a) Except as provided in subsection (b),"**

Page 7, line 34, after "IC 35-46-3-8" delete ",".

Page 7, line 35, delete "IC 35-46-3-9,".

Page 7, line 35, delete "all" and insert "**both**".

Page 7, after line 37, begin a new paragraph and insert:

"(b) IC 35-46-3-12(d), as amended by this act, applies only to:

(1) crimes; and

(2) delinquent acts that would be crimes if committed by an adult;

C
o
p
y



that are committed after June 30, 2007."

and when so amended that said bill do pass.

(Reference is to HB 1387 as reprinted February 20, 2007.)

STEELE, Chairperson

Committee Vote: Yeas 8, Nays 0.

**C
o
p
y**

