



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

AMENDED
FACT SHEET FOR H.B. 2483

animal ownership; possession; prohibition

Purpose

Prohibits a person who has been convicted of *animal fighting*, *bestiality* or certain *cruelty to animals* offenses from possessing a cat or dog in the person's household and classifies a violation of the prohibition as a class 1 misdemeanor. Allows a person to apply to have the person's right to possess a cat or dog restored after prescribed time periods.

Background

A person who commits acts that constitute *cruelty to animals* is subject to statutorily prescribed penalties. A person is guilty of a class 1 misdemeanor if the person intentionally, knowingly or recklessly: 1) subjects an animal under the person's custody or control to cruel neglect or abandonment; 2) fails to provide medical attention necessary to prevent protracted suffering to an animal under the person's custody or control; 3) inflicts unnecessary physical injury to an animal; or 4) leaves an animal unattended and confined in a motor vehicle and physical injury to or death of the animal is likely to result. A person who recklessly subjects an animal to cruel mistreatment is also guilty of a class 1 misdemeanor.

A person is guilty of a felony *cruelty to animals* offense as follows: 1) a class 5 felony, if the person intentionally or knowingly subjects an animal to cruel mistreatment or subjects an animal under the person's custody or control to cruel neglect or abandonment that results in serious physical injury to the animal; or 2) a class 6 felony, if the person intentionally or knowingly subjects a domestic animal to cruel mistreatment or kills a domestic animal without either legal privilege or consent of the domestic animal's owner or handler ([A.R.S. § 13-2910](#)).

A person commits *animal fighting* by knowingly: 1) owning, possessing, keeping or training an animal if the person knows or has reason to know the animal will engage in a fighting exhibition with another animal; 2) causing an animal to fight with or injure another animal for amusement or gain; or 3) allowing animal fighting on premises under the person's charge or control. Animal fighting is a class 5 felony ([A.R.S. § 13-2910.01](#)).

A person commits *bestiality* by knowingly: 1) engaging in oral sexual contact, sexual contact or sexual intercourse with an animal; or 2) causing another person to engage in oral sexual contact, sexual contact or sexual intercourse with an animal. Bestiality is a class 6 felony ([A.R.S. § 13-1411](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits a person from owning, possessing, adopting, fostering, residing with or otherwise intentionally contacting, caring for or having custody of a cat or dog in the person's household if the person has been convicted of:
 - a) animal fighting or bestiality;
 - b) recklessly subjecting an animal to cruel mistreatment;
 - c) intentionally or knowingly subjecting an animal under the person's custody or control to cruel neglect or abandonment;
 - d) intentionally or knowingly failing to provide medical attention necessary to prevent protracted suffering to an animal under the person's custody or control;
 - e) intentionally or knowingly inflicting unnecessary physical injury to an animal;
 - f) intentionally or knowingly leaving an animal unattended and confined in a motor vehicle and physical injury to or death of the animal is likely to result;
 - g) intentionally or knowingly subjecting an animal under the person's custody or control to cruel neglect or abandonment that results in serious physical injury to the animal;
 - h) intentionally or knowingly subjecting an animal to cruel mistreatment;
 - i) intentionally or knowingly allowing a dog under the person's custody or control to interfere with, kill or cause physical injury to a service animal;
 - j) intentionally or knowingly subjecting a domestic animal to cruel mistreatment; or
 - k) intentionally or knowingly killing a domestic animal without either legal privilege or consent of the domestic animal's owner or handler.
2. Prescribes the following time periods for the prohibition on possessing a cat or dog:
 - a) at least 5 years for a first misdemeanor conviction;
 - b) at least 10 years for a first felony conviction or a second or subsequent misdemeanor conviction; and
 - c) the person's lifetime for a second or subsequent felony conviction.
3. Classifies, as a class 1 misdemeanor, a violation of the prohibition on possessing a cat or dog.
4. Requires a person to transfer all cats or dogs in the person's care or custody to another person not in their household within 30 days after the person is prohibited from possessing a cat or dog.
5. Allows a person to apply to the judge, justice of the peace or magistrate who pronounced the sentence or imposed probation, or the official's successor in office, to have their right to possess a cat or dog restored after:
 - a) at least one year after the person is convicted of a misdemeanor violation; or
 - b) at least two and one-half years after the person is convicted of a felony violation.
6. Allows a convicted person who lives in a household with a cat or dog owned, possessed, adopted or fostered by another person in the household to apply to the court for a good cause exception and allows the court to grant or renew the exception if:
 - a) the convicted person is on supervised or unsupervised probation, community supervision or parole or agrees to be subject to the court's jurisdiction and supervision while living in the household;
 - b) the court determines it is in the best interests of the animal and person who possess the animal to allow the convicted person to remain in the same household and reside with the animal; and
 - c) the convicted person agrees to not intentionally contact, care for or have custody of the animal.

7. Excludes, from the minimum time requirement, any time spent:
 - a) on absconder status while on probation;
 - b) on escape status; or
 - c) incarcerated.
8. Directs the court to:
 - a) conduct a hearing on the request within 60 days after the application filing and declares that the defendant bears the burden by a preponderance of evidence;
 - b) require the person to complete a psychiatric or psychological examination to assist the court in making the determination; and
 - c) if necessary, require the person to undergo counseling before the person's right to possess a cat or dog is restored.
9. Requires a person applying to have their right to possess a cat or dog restored to serve a copy of the application on the prosecutor.
10. Allows the court to terminate or reduce the time period of the prohibitions on a finding that the applicant:
 - a) does not present a danger to self, the animal's immediate family and the public;
 - b) has the ability to properly care for all cats or dogs in the applicant's possession; and
 - c) has successfully completed all classes or counseling ordered by the sentencing court.
11. Defines *household* to include persons who occupy a housing unit as a usual place of residence, including:
 - a) related family members and all unrelated persons, if any, such as lodgers, foster children, wards or employees who share the housing unit; and
 - b) a person who lives alone in a housing unit or a group of unrelated persons sharing a housing unit such as partners or roomers.
12. Defines *housing unit* as a house, apartment, mobile home or trailer, group of rooms or single room occupied as separate living quarters for a household, including:
 - a) any front, side or rear yards; and
 - b) any garages and detached garages under the control of the household.
13. Specifies that *animal* for the purposes of the possession prohibition means a dog or cat and does not include:
 - a) *livestock* which is defined as cattle, equine, sheep, goats and swine, except feral pigs; or
 - b) *wildlife* which is defined as all wild mammals, wild birds and their nests or eggs, reptiles, amphibians, mollusks, crustaceans and fish, including their eggs or spawn.
14. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

1. Narrows the prohibition on animal possession for a person convicted of the outlined offenses to intentional contact, care for or custody of a cat or dog in the person's household.
2. Reduces, from 15 years to 10 years, the time period of the prohibition for a first felony conviction or a second or subsequent misdemeanor conviction.

3. Allows a person to apply to have their right to possess a cat or dog restored two and one-half years, rather than five years, after the person is convicted of a felony violation.
4. Allows the court to grant or renew a good cause exception for a convicted person living in a household with a cat or dog possessed by another person in the household if certain criteria are met.
5. Defines *household* and *housing unit*.
6. Makes conforming changes.

House Action

JUD 2/10/21 DP 9-0-0-1
3rd Read 2/23/21 40-19-1

Senate Action

COM 3/17/21 DP 7-1-1

Prepared by Senate Research

April 28, 2021

LB/kja