



**ANIMAL LEGAL  
DEFENSE FUND** EST  
1979

## Compendium of U.S. Animal Protection Laws

### Iowa



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*This chapter contains Iowa’s general animal protection and related statutes with an effective date on or before September 1, 2023. It begins with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories with the relevant part of each statute italicized.*

*Iowa may employ similar provisions within other non-animal-specific criminal and civil statutes, may have other more specific statutes in addition to those included, and may have a variety of animal-related regulations in effect. Because the law is continually evolving, always review an official source for the most current language of any statute.*

## ANIMAL PROTECTION LAWS OF IOWA

Iowa Laws	
SUBSTANTIVE PROHIBITIONS AND EXEMPTIONS	
1. Definition of "Animal"	<p>Nonhuman vertebrates, but not including:  Livestock;  Preserve whitetail  Game, fur-bearing animals, fish, reptiles, and amphibians, unless owned, confined or controlled by a person;  Nuisance non-game species;  IOWA CODE § 717B.1(1)</p> <p><b>Note:</b> <i>there are separate statutes addressing livestock neglect</i></p>
2. General Cruelty	<p>Commercial establishments must provide animals with adequate standard of care  IOWA CODE § 162.2; 162.10A  <i>Simple misdemeanor</i>  IOWA CODE § 162.13</p> <p>Definitions (Abuse of domestic animals other than livestock)  IOWA CODE § 717B.1</p> <p>Animal abuse  IOWA CODE § 717B.2  <i>Serious misdemeanor if abuse causes injury other than serious injury or death</i>  <i>Aggravated misdemeanor if abuse causes serious injury or death</i>  <i>Class D felony for subsequent mistreatment (Abuse, neglect, torture) offense</i>  <b>Exception:</b> Veterinary practice, research animals, lawful hunting, euthanasia by owner, commercial establishments, defense of other, other</p> <p>Animal neglect  IOWA CODE § 717B.3  <i>Serious misdemeanor if abuse causes injury other than serious injury or death</i>  <i>Aggravated misdemeanor if abuse causes serious injury or death</i>  <i>Class D felony for subsequent mistreatment (Abuse, neglect, torture) offense</i>  <b>Exception:</b> Commercial establishments, research institutions</p> <p>Animal torture  IOWA CODE § 717B.3A  <i>Serious misdemeanor if abuse causes injury other than serious injury or death</i>  <i>Aggravated misdemeanor if abuse causes serious injury or death</i>  <i>Class D felony for subsequent mistreatment (Abuse, neglect, torture) offense</i></p>

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	<p><b>Exceptions:</b> Veterinary practice, research animals, lawful hunting, accepted farm animal husbandry practices, commercial establishments other</p> <p>Abandonment of cats and dogs  <b>IOWA CODE § 717B.8</b>  <i>Simple misdemeanor if the abandonment does not cause injury or death</i>  <i>Serious misdemeanor if the abandonment cause injury other than serious injury or death</i>  <i>Aggravated misdemeanor if the abandonment causes serious injury or death.</i>  <b>Exceptions:</b> Rehoming or relinquishing cat/dog; Trap Neuter Release programs</p>
3. Animal Fighting	<p><b>NOTE:</b> Laws pertaining to the seizure and disposition of animals involved in animal fighting located in Seizure and Forfeiture and Possession Bans.</p> <p>Definitions  <b>IOWA CODE § 717D.1</b></p> <p>Various animal fighting activities  <b>IOWA CODE §§ 717D.2, 717D.4</b>  <i>Class D felony</i></p> <p>Being a spectator at an animal fight  <b>IOWA CODE § 717D.2, 717D.4</b>  <i>1st offense: aggravated misdemeanor</i>  <i>Subsequent offenses: Class D felony</i></p> <p><b>Exceptions:</b> veterinary practice, research animals, lawful hunting, accepted farm animal husbandry practices, rodeos, other  <b>IOWA CODE § 717D.3</b></p>
4. Sexual Assault	<p>Bestiality  <b>IOWA CODE § 717C.1</b>  <i>Aggravated misdemeanor</i></p>
5. Cruelty to Working Animals	<p>Injury or interference with a police service dog  <b>IOWA CODE § 717B.9</b>  <i>Generally: Serious misdemeanor</i>  <i>Torturing, seriously injuring, poisoning or killing: Class D felony</i></p> <p><b>Exceptions:</b> Euthanasia, defense of another  <b>IOWA CODE § 717B.9</b></p>

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<p><b>6. Laws Specific to Farmed Animals</b></p>	<p>Definitions (Abuse of livestock)  <b>Iowa Code § 717.1</b></p> <p>Abuse of livestock owned by another person  <b>IOWA CODE § 717.1A</b>  <i>Aggravated misdemeanor</i>  <b>Exemptions:</b> Veterinary practice, research animals, other</p> <p>Livestock neglect (i.e. neglect or abuse of own livestock)  <b>IOWA CODE § 717.2</b>  <i>Generally: Simple misdemeanor</i>  <i>If intentional &amp; serious injury/death: Serious misdemeanor</i>  <b>Exemptions:</b> Research animals</p>
<p><b>7. Cruel Hunting, Trapping, and Fishing</b></p>	<p>Disturbing dens  <b>IOWA CODE § 481A.90</b></p> <p>Prohibited methods of killing beaver, mink, otter or muskrat  <b>IOWA CODE § 481A.91</b></p> <p>Checking traps, using ferrets or devices to disturb dens  <b>IOWA CODE § 481A.92.</b></p> <p>Birds as targets  <b>IOWA CODE § 481A.21.</b></p> <p>Violations—penalties  <b>IOWA CODE § 481A.32.</b></p> <p>Blocking frogs’ access to/egress from water  <b>IOWA CODE § 481A.84.</b></p> <p>Taking fish with poison or explosives  <b>IOWA CODE § 481A.76</b></p> <p>Unlawful to use dogs to chase or pursue animals in trees or dens  <b>IOWA CODE § 481A.56</b></p> <p>Trapping birds or poisoning animals  <b>IOWA CODE § 481A.58</b></p>

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REPORTING LAWS	
8. Cross Reporting	[None]
9. Veterinary Reporting	[None]
10. “Ag-Gag” Laws	<p>Unauthorized sampling of agricultural crops or animals IOWA CODE §§ 716.14; 727.8A</p> <p>Definitions, IOWA CODE § 717A.1</p> <p>Disruption of agricultural operations IOWA CODE § 717A.2</p> <p>Obtaining access to agricultural production facilities under false pretenses IOWA CODE § 717A.3A <i>Note: Held unconstitutional by ALDF v. Reynolds, 8 F.4<sup>th</sup> 781 (8<sup>th</sup> Cir. 2021)</i></p> <p>Using deception to gain access to an agricultural production facility IOWA CODE § 717A.3B <i>Note: Held unconstitutional by ALDF v. Reynolds, 2022 WL 777231 (S.D. Iowa, 2022)</i></p>
CIVIL AND CIVILIAN INTERVENTION	
11. Emergency Rescue and Relief	[None]
12. Civil Enforcement	[None]
13. Domestic Violence and Protection Orders	<p>Court may grant petitioner exclusive care/possession/control of companion animals or pets, and may prohibit respondent from approaching/taking/transferring/encumbering/concealing/molesting/attacking/striking/threatening/harming/disposing of the animal. IOWA CODE §§ 236.3, 236.4, 236.5</p>
CRIMINAL JUSTICE INTERVENTION	
14. Maximum Penalties and Statute of Limitations	<p>Class D felony <i>5 years imprisonment and \$10,245 fine</i> IOWA CODE § 902.9(e)</p> <p>Aggravated misdemeanor</p>

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	<p><i>2 years imprisonment and \$8,540 fine</i> IOWA CODE § 903.1(2)</p> <p>Serious misdemeanor <i>1 year imprisonment and \$2,560 fine</i> IOWA CODE § 903.1(1)(b)</p> <p>Simple misdemeanor <i>30 days imprisonment and/or \$855 fine</i> IOWA CODE § 903.1(1)(a)</p> <p>Statute of Limitations <i>Simple misdemeanor 1 year</i> IOWA CODE § 802.4 <i>Aggravated misdemeanor or felony: 3 years</i> IOWA CODE § 802.3</p>
<b>15. Law Enforcement Policies</b>	<p>Definition of animal warden IOWA CODE § 162.2</p>
<b>16. Seizure</b>	<p>Seizure of animals from a commercial establishment IOWA CODE § 162.13</p> <p>Provisions for the rescue of neglected livestock IOWA CODE § 717.2A</p> <p>When livestock are in immediate need of sustenance, the Department of Agriculture may petition the court for an order to so provide. IOWA CODE § 717.3</p> <p>Law enforcement officer may seize animal after consulting veterinarian and obtaining a search warrant, or enters the property by other lawful authority. IOWA CODE § 717B.5</p> <p>Animals used in animal fighting are subject to confiscation. IOWA CODE § 717D.5</p>
<b>17. Courtroom Animal Advocate Program</b>	[None]
<b>18. Restitution</b>	If a court issues a supervision order on livestock that are in immediate need of

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	<p>sustenance, a lien is created attaching to the livestock. IOWA CODE §§ 717.3(5)(c), 717.4</p> <p>The Department of Agriculture may utilize funds in the livestock remediation fund to pay costs of care or disposition of livestock in immediate need of sustenance. IOWA CODE § 717.4A</p> <p>Bond required if owner requests continuance of hearing. IOWA CODE § 717B.4(1)</p> <p>Court may order reimbursement of expenses. IOWA CODE § 717B.4(3)</p> <p>Court shall order reimbursement of costs of care for animals seized from animal fights. IOWA CODE § 717D.5</p>
<b>19. Forfeiture and Possession Bans</b>	<p>Forfeiture of animals seized from commercial establishment IOWA CODE § 162.13</p> <p>Following a civil hearing on the matter, if the court determines that an animal is a threatened animal, it shall order its disposition. IOWA CODE §§ 717B.4, 717B.5(3)</p> <p>Animals used in animal fighting are subject to disposal. IOWA CODE § 717D.5</p>
<b>20. Rehabilitative Sentencing</b>	<p>Upon a conviction for an offense constituting animal mistreatment, the court may order the person to undergo a psychological evaluation and treatment according to terms required by the court. The offender shall pay the costs. If the offender is an adult convicted of animal abuse, animal neglect, or animal torture punishable as an aggravated misdemeanor or Class "D" felony, or if the offender is a juvenile, the court shall order evaluation and treatment. Costs to be borne by the offender, unless the offender is a juvenile. IOWA CODE § 717B.3B</p> <p>Upon a conviction for bestiality, the court shall order the person to undergo a psychological evaluation and treatment according to terms required by the court. IOWA CODE § 717C.1(3)</p>

## ANIMAL PROTECTION LAWS OF IOWA

### 1. DEFINITION OF “ANIMAL”

#### IOWA CODE § 717B.1. Definitions.

As used in this chapter:

1. *“Animal” means a nonhuman vertebrate. However, “animal” does not include any of the following:*
  - a. *Livestock, as defined in section 717.1.*
  - Ob. *Preserve whitetail as defined in section 484C.1*
  - b. *Any game, fur-bearing animal, fish, reptile, or amphibian, as defined in section 481A.1, unless a person owns, confines, or controls the game, fur-bearing animal, fish, reptile, or amphibian.*
  - c. *Any nongame species declared to be a nuisance pursuant to section 481A.42.*
2. *“Animal care provider” means a person designated by a local authority to provide care to an animal which is rescued by the local authority pursuant to section 717B.5.*
- 2A. *“Animal mistreatment” means an act described as animal abuse as provided in section 717B.2, animal neglect as provided in section 717B.3, animal torture as provided in section 717B.3A, abandonment of a cat or dog as provided in section 717B.8, or injury to or interference with a police service dog as provided in section 717B.9.*
3. *Unless the context otherwise requires, “book”, “list”, “record”, or “schedule” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.*
- 3A. *“Commercial establishment” means a commercial establishment as defined in section 162.2 that is operating under a valid authorization issued or renewed under section 162.2A.*
- 3B.
  - a. *“Convicted” means the entry of a judgment of conviction under chapter 901 or adjudicated delinquent for an act which is an indictable offense in this state or in another state under chapter 232.*
  - b. *“Convicted” does not mean a plea, sentence, adjudication, deferred sentence, or deferred judgment which has been reversed or otherwise set aside.*
- 3C. *“Department” means the department of agriculture and land stewardship.*
4. *“Dispositional expenses” means expenses incurred by a local authority in rescuing an animal as provided in section 717B.5, maintaining the animal until the conclusion of a dispositional proceeding as provided in section 717B.4, or disposing of the animal as provided in section 717B.4.*
- 4A. *“Euthanasia” means the same as defined in section 162.2*
- 4B. *“Injury” means an animal's disfigurement; the impairment of an animal's health; or an impairment to the functioning of an animal's limb or organ, including physical damage or harm to an animal's muscle, tissue, organs, bones, hide, or skin.*
5. *“Law enforcement officer” means a regularly employed member of a police force of a city or county, including a sheriff, who is responsible for the prevention and detection of crime and the enforcement of the criminal laws of this state.*
6. *“Local authority” means a city as defined in section 362.2 or a county as provided in chapter 331.*
7. *“Maintenance” means to provide on-site or off-site care to neglected animals.*
8. *“Responsible party” means a person who owns or maintains an animal.*



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- 8A. “Serious injury” means an injury that constitutes an animal's protracted or permanent disfigurement, the protracted or permanent impairment of an animal's health, the protracted or permanent impairment of the functioning of an animal's limb or organ, or the loss of an animal's limb or organ.
- 9. “Threatened animal” means an animal that is abused as provided in section 717B.2, neglected as provided in section 717B.3, or tortured as provided in section 717B.3A.

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### 2. GENERAL CRUELTY

#### Iowa Code § 162.2. Definitions

As used in this chapter, except as otherwise expressly provided:

1. *“Adequate feed” means the provision at suitable intervals of not more than twenty-four hours or longer if the dietary requirements of the species so require, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. The foodstuff shall be served in a clean receptacle, dish or container.*
2. *“Adequate water” means reasonable access to a supply of clean, fresh, potable water provided in a sanitary manner or provided at suitable intervals for the species and not to exceed twenty-four hours at any interval.*
3. *“Animal shelter” means a facility which is used to house or contain dogs or cats, or both, and which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of such animals.*
4. *“Animal warden” means any person employed, contracted, or appointed by the state, municipal corporation, or any political subdivision of the state, for the purpose of aiding in the enforcement of the provisions of this chapter or any other law or ordinance relating to the licensing of animals, control of animals, or seizure and impoundment of animals and includes any peace officer, animal control officer, or other employee whose duties in whole or in part include assignments which involve the seizure or taking into custody of any animal.*
5. *“Animal Welfare Act” means the federal Animal Welfare Act, 7 U.S.C. ch. 54, and regulations promulgated by the United States department of agriculture and published in 9 C.F.R. ch. 1.*
6. *“Authorization” means a state license, certificate of registration, or permit issued or renewed by the department to a commercial establishment as provided in section 162.2A.*
7. *“Boarding kennel” means a place or establishment other than a pound or animal shelter where dogs or cats not owned by the proprietor are sheltered, fed, and watered in return for a consideration.*
8. *“Commercial breeder” means a person, engaged in the business of breeding dogs or cats, who sells, exchanges, or leases dogs or cats in return for consideration, or who offers to do so, whether or not the animals are raised, trained, groomed, or boarded by the person. A person who owns or harbors three or fewer breeding males or females is not a commercial breeder. However, a person who breeds any number of breeding male or female greyhounds for the purposes of using them for pari-mutuel wagering at a racetrack as provided in chapter 99D shall be considered a commercial breeder irrespective of whether the person sells, leases, or exchanges the greyhounds for consideration or offers to do so.*
9. *“Commercial establishment” or “establishment” means an animal shelter, boarding kennel, commercial breeder, commercial kennel, dealer, pet shop, pound, public auction, or research facility.*
10. *“Commercial kennel” means a kennel which performs grooming, boarding, or training services for dogs or cats in return for a consideration.*
11. *“Dealer” means any person who is engaged in the business of buying for resale or selling or exchanging dogs or cats, or both, as a principal or agent, or who claims to be so engaged.*
12. *“Department” means the department of agriculture and land stewardship.*

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13. "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during the loss of consciousness.
14. "Federal license" means a license issued by the United States department of agriculture to a person classified as a dealer or exhibitor pursuant to the federal Animal Welfare Act.
15. "Federal licensee" means a person to whom a federal license as a dealer or exhibitor is issued.
16. "Housing facilities" means any room, building, or area used to contain a primary enclosure or enclosures.
17. "Permittee" means a commercial breeder, dealer, or public auction to whom a permit is issued by the department as a federal licensee pursuant to section 162.2A.
18. "Person" means person as defined in chapter 4.
19. "Pet shop" means a facility where vertebrate animals, excluding fish, not born and reared on the facility's premises are bought, sold, exchanged, or offered for sale or exchange to the public, at retail. "Pet shop" does not include a facility if one of the following applies:
  - a. The facility receives less than one thousand dollars from the sale or exchange of vertebrate animals, excluding fish, during a twelve-month period.
  - b. The facility sells or exchanges less than twelve vertebrate animals, excluding fish, during a twelve-month period.
20. "Pound" means a facility for the prevention of cruelty to animals operated by the state, a municipal corporation, or other political subdivision of the state for the purpose of impounding or harboring seized stray, homeless, abandoned, or unwanted dogs, cats, or other animals; or a facility operated for such a purpose under a contract with any municipal corporation or incorporated society.
21. "Primary enclosure" means any structure used to immediately restrict an animal to a limited amount of space, such as a room, pen, cage, or compartment.
22. "Public auction" means any place or location where dogs or cats, or both, are sold at auction to the highest bidder regardless of whether the dogs or cats are offered as individuals, as a group, or by weight.
23. "Registrant" means a pound, animal shelter, or research facility to whom a certificate of registration is issued by the department pursuant to section 162.2A.
24. "Research facility" means any school or college of medicine, veterinary medicine, pharmacy, dentistry, or osteopathic medicine, or hospital, diagnostic or research laboratories, or other educational or scientific establishment situated in this state concerned with the investigation of, or instruction concerning the structure or function of living organisms, the cause, prevention, control or cure of diseases or abnormal conditions of human beings or animals.
25. "State fiscal year" means the fiscal year described in section 3.12.
26. "State licensee" means any of the following:
  - a. A boarding kennel, commercial kennel, or pet shop to whom a state license is issued by the department pursuant to section 162.2A.
  - b. A commercial breeder, dealer, or public auction to whom a state license is issued in lieu of a permit by the department pursuant to section 162.2A.
27. "Vertebrate animal" means those vertebrate animals other than members of the equine, bovine, ovine, and porcine species, and ostriches, rheas, or emus.

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### Iowa Code § 162.10A. Commercial establishments--standard of care

1.
  - a. *A commercial establishment shall provide for a standard of care that ensures that an animal in its possession or under its control is not lacking any of the following:*
    - (1) *Adequate feed, adequate water, housing facilities, sanitary control, or grooming practices, if such lack causes adverse health or suffering.*
    - (2) *Veterinary care.*
  - b. A commercial establishment, other than a research facility or pet shop, shall provide for the standard of care for dogs and cats in its possession or under its control, and a research facility or pet shop shall provide for the standard of care for vertebrate animals in its possession or under its control.
2.
  - a. Except as provided in paragraph “b” or “c”, a commercial establishment shall comply with rules that the department adopts to implement subsection 1. A commercial establishment shall be regulated under this paragraph “a” unless the person is a state licensee as provided in paragraph “b” or a permittee as provided in paragraph “c”.
  - b. A state licensee who is a commercial breeder owning, breeding, transporting, or keeping a greyhound dog for pari-mutuel wagering at a racetrack as provided in chapter 99D may be required to comply with different rules adopted by the department.
  - c. A permittee is not required to comply with rules that the department adopts to implement a standard of care as provided in subsection 1 for state licensees and registrants. The department may adopt rules regulating a standard of care for a permittee, so long as the rules are not more restrictive than required for a permittee under the Animal Welfare Act. However, the department may adopt prescriptive rules relating to the standard of care. Regardless of whether the department adopts such rules, a permittee meets the standard of care required in subsection 1 if it voluntarily complies with rules applicable to state licensees or registrants. A finding by the United States department of agriculture that a permittee complies with the Animal Welfare Act is not conclusive when determining that the permittee provides a standard of care required in subsection 1.
3. A commercial establishment fails to provide for a standard of care as provided in subsection 1 if the commercial establishment commits abuse as described in section 717B.2, neglect as described in section 717B.3, or torture as provided in section 717B.3A.

### Iowa Code § 162.13. Criminal penalties--confiscation

1. A person who operates a commercial establishment without an authorization issued or renewed by the department as required in section 162.2A is guilty of a simple misdemeanor and each day of operation is a separate offense.
2. *The failure of a person who owns or operates a commercial establishment to meet the standard of care required in section 162.10A, subsection 1, is a simple misdemeanor.* The animals are subject to seizure

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and impoundment and may be sold or destroyed as provided by rules which shall be adopted by the department pursuant to chapter 17A. The rules shall provide for the destruction of an animal by a humane method, including by euthanasia.

3. The failure of a person who owns or operates a commercial establishment to meet the requirements of this section is also cause for the suspension or revocation of the person's authorization as provided in section 162.10D.
4. Dogs, cats, and other vertebrate animals upon which euthanasia is permitted by law may be destroyed by a person subject to this chapter or chapter 169, by a humane method, including euthanasia, as provided by rules which shall be adopted by the department pursuant to chapter 17A.
5. It is unlawful for a dealer to knowingly ship a diseased animal. A dealer violating this subsection is subject to a fine not exceeding one hundred dollars. Each diseased animal shipped in violation of this subsection is a separate offense.

### Iowa Code § 717B.1. Definitions.

As used in this chapter:

1. *"Animal" means a nonhuman vertebrate. However, "animal" does not include any of the following:*
  - a. *Livestock, as defined in section 717.1.*
  - Ob. *Preserve whitetail as defined in section 484C.1*
  - b. *Any game, fur-bearing animal, fish, reptile, or amphibian, as defined in section 481A.1, unless a person owns, confines, or controls the game, fur-bearing animal, fish, reptile, or amphibian.*
  - c. *Any nongame species declared to be a nuisance pursuant to section 481A.42.*
2. *"Animal care provider" means a person designated by a local authority to provide care to an animal which is rescued by the local authority pursuant to section 717B.5.*
- 2A. *"Animal mistreatment" means an act described as animal abuse as provided in section 717B.2, animal neglect as provided in section 717B.3, animal torture as provided in section 717B.3A, abandonment of a cat or dog as provided in section 717B.8, or injury to or interference with a police service dog as provided in section 717B.9.*
3. *Unless the context otherwise requires, "book", "list", "record", or "schedule" kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.*
- 3A. *"Commercial establishment" means a commercial establishment as defined in section 162.2 that is operating under a valid authorization issued or renewed under section 162.2A.*
- 3B.
  - a. *"Convicted" means the entry of a judgment of conviction under chapter 901 or adjudicated delinquent for an act which is an indictable offense in this state or in another state under chapter 232.*
  - b. *"Convicted" does not mean a plea, sentence, adjudication, deferred sentence, or deferred judgment which has been reversed or otherwise set aside.*
- 3C. *"Department" means the department of agriculture and land stewardship.*
4. *"Dispositional expenses" means expenses incurred by a local authority in rescuing an animal as provided in section 717B.5, maintaining the animal until the conclusion of a dispositional proceeding as*

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*provided in section 717B.4, or disposing of the animal as provided in section 717B.4.*

- 4A. *"Euthanasia" means the same as defined in section 162.2*
- 4B. *"Injury" means an animal's disfigurement; the impairment of an animal's health; or an impairment to the functioning of an animal's limb or organ, including physical damage or harm to an animal's muscle, tissue, organs, bones, hide, or skin.*
5. *"Law enforcement officer" means a regularly employed member of a police force of a city or county, including a sheriff, who is responsible for the prevention and detection of crime and the enforcement of the criminal laws of this state.*
6. *"Local authority" means a city as defined in section 362.2 or a county as provided in chapter 331.*
7. *"Maintenance" means to provide on-site or off-site care to neglected animals.*
8. *"Responsible party" means a person who owns or maintains an animal.*
- 8A. *"Serious injury" means an injury that constitutes an animal's protracted or permanent disfigurement, the protracted or permanent impairment of an animal's health, the protracted or permanent impairment of the functioning of an animal's limb or organ, or the loss of an animal's limb or organ.*
9. *"Threatened animal" means an animal that is abused as provided in section 717B.2, neglected as provided in section 717B.3, or tortured as provided in section 717B.3A.*

### **Iowa Code § 717B.2. Animal mistreatment -- animal abuse -- penalties.**

1. *A person is guilty of animal abuse if the person intentionally, knowingly, or recklessly acts to inflict injury, serious injury, or death on an animal by force, violence, or poisoning*
2. This section shall not apply to any of the following:
  - a. An owner of the animal, or a person acting with the consent of the owner, who euthanizes an animal in a reasonable manner, if at the time of the euthanasia, the animal is in a state of permanent pain or suffering.
  - b. A person acting to carry out an order issued by a court.
  - c. A veterinarian practicing veterinary medicine as provided in chapter 169.
  - d. A person acting in order to carry out another provision of law which allows the conduct.
  - e. A person taking, hunting, trapping, or fishing for a wild animal as provided in chapter 481A.
  - f. A person acting to protect the person's property from a wild animal as defined in section 481A.1.
  - g. A person acting to protect a person from injury or death caused by a wild animal as defined in section 481A.1.
  - h. A person reasonably acting to protect the person's property from damage caused by an unconfined animal.
  - i. A person reasonably acting to protect a person from injury or death caused by an unconfined animal.
  - j. A local authority reasonably acting to destroy an animal, if at the time of the destruction, the owner of the animal is absent or unable to care for the animal, and the animal is permanently distressed by disease or injury to a degree that would result in severe and prolonged suffering.
  - k. A research facility, as defined in section 162.2, provided that the research facility performs functions within the scope of accepted practices and disciplines associated with the research facility.



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- I. An act required to be carried out by a commercial establishment to care for an animal in its possession or under its control as described in section 162.10A, subsection 1, provided that the commercial establishment complies with applicable standard of care requirements pursuant to subsections 1 and 2 of that section.
3. *A person who commits animal abuse that causes injury, other than serious injury or death, to an animal is guilty of a serious misdemeanor.*
4. *A person who commits animal abuse that causes serious injury or death to an animal is guilty of an aggravated misdemeanor.*
5. *Notwithstanding subsection 4, a person who commits animal abuse that causes serious injury or death to an animal is guilty of a class "D" felony if the person has previously been convicted of committing animal abuse pursuant to this section, animal neglect punishable as a serious misdemeanor or aggravated misdemeanor pursuant to section 717B.3, animal torture pursuant to section 717B.3A, injury to or interference with a police service dog pursuant to section 717B.9, bestiality pursuant to section 717C.1, or an act involving a contest event prohibited in section 717D.2.*

### Iowa Code § 717B.3. Animal mistreatment - animal neglect - penalties.

1. *A person commits animal neglect when the person owns or has custody of an animal, confines that animal, and fails to provide the animal with any of the following conditions for the animal's welfare:*
  - a. *Access to food in an amount and quality reasonably sufficient to satisfy the animal's basic nutrition level to the extent that the animal's health or life is endangered.*
  - b. *Access to potable water in an amount and quality reasonably sufficient to satisfy the animal's basic hydration level to the extent that the animal's health or life is endangered.*
  - c. *Sanitary conditions free from excessive animal waste or overcrowding of animals to the extent the animal's life or health is endangered.*
  - d. *Ventilated shelter reasonably sufficient to provide adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health to the extent that the animal's health or life is endangered. The shelter must protect the animal from wind, rain, snow, or sun and have adequate bedding to provide reasonable protection against cold and dampness. A shelter may include a residence, garage, barn, shed, or doghouse.*
  - e. *Grooming to the extent it is reasonably necessary to prevent adverse health effects or suffering.*
  - f. *Veterinary care deemed necessary by a reasonably prudent person to relieve an animal's distress from any of the following:*
    - (1) *A condition caused by failing to provide for the animal's welfare as described in this subsection.*
    - (2) *An injury or illness suffered by the animal causing the animal to suffer prolonged pain and suffering.*
2. This section does not apply to any of the following:
  - a. A person issued or renewed an authorization to operate a commercial establishment, or a person acting under the direction or supervision of that person, if all of the following apply:
    - (1) The animal, as described in subsection 1, was maintained as part of the commercial

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establishment's operation.

- (2) In providing conditions for the welfare of the animal, as described in subsection 1, the person complied with the standard of care requirements provided in section 162.10A, subsection 1, including any applicable rules adopted by the department applying to any of the following:
  - (a) A state licensee or registrant operating pursuant to section 162.10A, subsection 2, paragraph "a" or "b".
  - (b) A permittee operating pursuant to section 162.10A, subsection 2, paragraph "c".
- b. A research facility, as defined in section 162.2, if the research facility has been issued or renewed a valid authorization by the department pursuant to chapter 162, and performs functions within the scope of accepted practices and disciplines associated with the research facility.
3. *A person who commits animal neglect that does not cause injury, serious injury, or death to an animal is guilty of a simple misdemeanor.*
4. *A person who commits animal neglect that causes injury, other than serious injury or death, to an animal is guilty of a serious misdemeanor.*
5. *A person who commits animal neglect that causes serious injury or death to an animal is guilty of an aggravated misdemeanor.*
6. *Notwithstanding subsection 5, a person who commits animal abuse that causes serious injury or death to an animal is guilty of a class "D" felony if the person has previously been convicted of animal abuse pursuant to section 717B.2, animal neglect punishable as a serious misdemeanor or aggravated misdemeanor pursuant to this section, animal torture pursuant to section 717B.3A, injury to or interference with a police service dog pursuant to section 717B.9, bestiality pursuant to section 717C.1, or an act involving a contest event prohibited in section 717D.2.*

### **Iowa Code § 717B.3A. Animal mistreatment -- animal torture -- penalties.**

1. *A person is guilty of animal torture if the person intentionally or knowingly inflicts on an animal severe and prolonged or repeated physical pain that causes the animal's serious injury or death.*
2. This section shall not apply to any of the following:
  - a. A person acting to carry out an order issued by a court.
  - b. A veterinarian practicing veterinary medicine as provided in chapter 169.
  - c. A person acting in order to carry out another provision of law which allows the conduct.
  - d. A person taking, hunting, trapping, or fishing for a wild animal as provided in chapter 481A.
  - e. A person acting to protect the person's property from a wild animal as defined in section 481A.1.
  - f. A person acting to protect a person from injury or death caused by a wild animal as defined in section 481A.1.
  - g. A person reasonably acting to protect the person's property from damage caused by an unconfined animal.
  - h. A person reasonably acting to protect a person from injury or death caused by an unconfined animal.



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- i. A local authority acting reasonably to euthanize an animal, if at the time of the euthanasia, the owner of the animal is absent or unable to care for the animal, and the animal is permanently distressed by disease or injury to a degree that would result in severe and prolonged suffering.
  - j. A research facility, as defined in section 162.2, provided that the research facility performs functions within the scope of accepted practices and disciplines associated with the research facility.
  - k. An act required to be carried out by a commercial establishment to care for an animal in its possession or under its control as described in section 162.10A, subsection 1, provided that the commercial establishment complies with applicable standard of care requirements pursuant to subsections 1 and 2 of that section.
3. The juvenile court shall have exclusive original jurisdiction in a proceeding concerning a child who is alleged to have committed animal torture, in the manner provided in section 232.8. The juvenile court shall not waive jurisdiction in a proceeding concerning an offense alleged to have been committed by a child under the age of seventeen.
  4. *A person who commits animal torture is guilty of an aggravated misdemeanor.*
  5. *Notwithstanding subsection 4, a person who commits animal abuse that causes serious injury or death to an animal is guilty of a class "D" felony if the person has previously been convicted of animal abuse pursuant to section 717B.2, animal neglect punishable as a serious misdemeanor or aggravated misdemeanor pursuant to this section, animal torture pursuant to this section, injury to or interference with a police service dog pursuant to section 717B.9, bestiality pursuant to section 717C.1, or an act involving a contest event prohibited in section 717D.2.*

### Iowa Code § 717B.8. Abandonment of cats and dogs—penalties.

1. *A person commits animal abandonment if the person owns or has custody of a cat or dog and relinquishes all rights in and duties to care for the cat or dog.*
2. This section does not apply to any of the following:
  - a. The delivery of a cat or dog to another person who will accept ownership and custody of the cat or dog.
  - b. The delivery of a cat or dog to an animal shelter or pound as defined in section 162.2 that has been issued or renewed a valid authorization by the department under chapter 162.
  - c. A person who relinquishes custody of a cat at a location in which the person does not hold a legal or equitable interest, if previously the person had taken custody of the cat at the same location and provided for the cat's sterilization by a veterinarian.
3.
  - a. *A person who commits animal abandonment that does not cause injury or death to an animal is guilty of a simple misdemeanor.*
  - b. *A person who commits animal abandonment that causes injury other than serious injury or death to an animal is guilty of a serious misdemeanor.*
  - c. *A person who commits animal abandonment that causes serious injury or death to an animal is guilty of an aggravated misdemeanor.*

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### 3. ANIMAL FIGHTING

**NOTE:** Laws pertaining to the seizure and disposition of animals involved in animal fighting located in Seizure and Forfeiture and Possession Bans.

#### IOWA CODE § 717D.1. Definitions.

As used in this chapter:

1. “Animal” means a nonhuman vertebrate.
2. “Contest device” means equipment designed to enhance an animal’s entertainment value during training or a contest event, including a device to improve the contest animal’s competitiveness. A contest device includes but is not limited to an implement designed to be attached in place of a natural spur of a cock or other fighting bird in order to enhance the bird’s fighting ability, and which is commonly referred to as a spur or gaff.
3. “Contest event” means a function organized for the entertainment or profit of spectators where an animal is injured, tormented, or killed, including but not limited to a bull involved in a bullfight or bull baiting, a bear involved in bear baiting, a chicken involved in cock fighting, or a dog involved in dog fighting.
4. “Establishment” means the location where a contest event occurs or is to occur, regardless of whether an animal is present at the establishment or the contest animal is witnessed by means of an electronic signal transmitted to the location.
5. “Livestock” means the same as defined in section 717.1.
6. “Local authority” means the same as defined in section 717B.1.
7. “Promoter” means a person who charges admission for entry into an establishment or organizes, holds, advertises, or otherwise conducts a contest event.
8. “Spectator” means a person who attends an establishment knowingly to watch or observe a contest event.
9. “Trainer” means a person who trains an animal for purposes of engaging in a contest event, regardless of where the contest event is located. A trainer includes a person who uses a contest device.
10. “Transporter” means a person who moves an animal for delivery to a training location or a contest event location.

#### IOWA CODE § 717D.2. Prohibitions—contest events.

A person shall not do any of the following:

1. Own or operate an establishment located in this state in which a contest event occurs or is to occur.
2. Act as a promoter of a contest event, regardless of whether the contest event occurs in this state or another state. For purposes of this subsection, a person who aids, abets, or assists in the promotion of a contest event shall be deemed to act as a promoter.
3. Possess or own an animal engaged or to be engaged in a contest event conducted in this state or another state.

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4. *Be a party to a commercial transaction for the transfer of an animal engaged or to be engaged in a contest event conducted in this state or another state, including but not limited to a transaction by purchase or sale, barter, trade, or an offer involving such a transaction.*
5. *Act as a trainer of an animal engaged or to be engaged in a contest event conducted in this state or another state. For purposes of this subsection, a person who aids, abets, or assists in the training of an animal engaged or to be engaged in a contest event shall be deemed to act as a trainer.*
6. *Possess, own, or manufacture a contest device.*
7. *Be a party to a commercial transaction for the transfer of a contest device, including but not limited to a transaction by purchase or sale, barter, trade, or an offer involving such a transaction.*
8. *Act as a transporter moving an animal engaged or to be engaged in a contest event in this state.*
9. *Gambling at a contest event conducted in this state, including but not limited to wagering on the outcome of a contest involving animals.*
10. *Act as a spectator of a contest event conducted in this state, regardless of whether the person paid admission to witness the contest event.*

### IOWA CODE § 717D.3. Exceptions.

1. *This chapter does not apply to a function other than a contest event. A contest event does not involve any of the following events:*
  - a. *A race, including but not limited to a race regulated under chapter 99D.*
  - b. *A fair event as defined in section 174.1.*
  - c. *A rodeo or rodeo event.*
  - d. *A 4-H function.*
  - e. *A hunting or fishing party.*
  - f. *A field meet or trial in which the skill of dogs is demonstrated in pointing, retrieving, trailing, or chasing any game bird, game animal, or fur-bearing animal.*
  - g. *The raising or selling of game or fur-bearing animals as provided in chapter 481A.*
2. *This chapter shall not apply to any of the following:*
  - a. *An action to carry out an order issued by a court.*
  - b. *An action by a licensed veterinarian practicing veterinary medicine as provided in chapter 169.*
  - c. *An action that is consistent with animal husbandry practices.*
  - d. *An action allowed in order to carry out another provision of law which allows the action.*
  - e. *The taking, hunting, trapping, or fishing for a wild animal as provided in chapter 481A.*
  - f. *An action to protect the person's property from a wild animal as defined in section 481A.1.*
  - g. *An action to protect a person from injury or death caused by a wild animal as defined in section 481A.1.*
  - h. *A person reasonably acting to protect the person's property from damage caused by an unconfined animal.*
  - i. *A person reasonably acting to protect a person from injury or death caused by an unconfined animal.*
  - j. *A local authority reasonably acting to destroy an animal if, at the time of the destruction, the owner of the animal is absent or unable to care for the animal, and the animal is permanently*

## ANIMAL PROTECTION LAWS OF IOWA

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- distressed by disease or injury to a degree that would result in severe and prolonged suffering.*
- k. *A research facility, as defined in section 162.2, provided that the research facility performs functions within the scope of accepted practices and disciplines associated with the research facility.*

### IOWA CODE § 717D.4. Penalties.

1. *Except as provided in section 717D.2 subsection 10, a person who violates a provision of this chapter commits a class "D" felony.*
2. *A person who violates section 717D.2, subsection 10, by acting as a spectator of a contest event conducted in this state commits the following:*
  - A. *An aggravated misdemeanor for the first offense.*
  - B. *A class "D" felony for a second or subsequent offense.*

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### 4. SEXUAL ASSAULT

#### IOWA CODE § 717C.1. Bestiality.

1. *For purposes of this section:*
  - a. *“Animal” means any nonhuman vertebrate, either dead or alive.*
  - b. *“Sex act” means any sexual contact between a person and an animal by penetration of the penis into the vagina or anus, contact between the mouth and genitalia, or by contact between the genitalia of one and the genitalia or anus of the other.*
2. *A person who performs a sex act with an animal is guilty of an aggravated misdemeanor.*
3. *Upon a conviction for a violation of this section, and in addition to any sentence authorized by law, the court shall require the person to submit to a psychological evaluation and treatment at the person’s expense.*

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### 5. CRUELTY TO WORKING ANIMALS

#### IOWA CODE § 717B.9. Injury or interference with a police service dog.

1. *A person who knowingly, and willfully or maliciously torments, strikes, administers a nonpoisonous desensitizing substance to, or otherwise interferes with a police service dog, without inflicting serious injury on the dog, commits a serious misdemeanor.*
2. *A person who knowingly, and willfully or maliciously does any of the following commits a class "D" felony:*
  - a. *Tortures a police service dog.*
  - b. *Injures, so as to disfigure or disable, a police service dog.*
  - c. *Sets a booby trap device for purposes of injuring, so as to disfigure or disable, or killing a police service dog.*
  - d. *Pays or agrees to pay a bounty for purposes of injury, so as to disfigure or disable, or killing a police service dog.*
  - e. *Kills a police service dog.*
  - f. *Administers poison to a police service dog.*
3. *As used in this section, "police service dog" means a dog used by a peace officer or correctional officer in the performance of the officer's duties, whether or not the dog is on duty.*
4. *This section does not apply to a peace officer or veterinarian who terminates the life of such a dog for the purpose of relieving the dog of undue pain or suffering, or to a person who justifiably acts in defense of self or another.*

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### 6. LAWS SPECIFIC TO FARMED ANIMALS

**Editor's Note:** *This section does **not** contain all state or territorial laws regarding farmed animals. This section contains only criminal statutes with the primary purpose of preventing individual farmed animals from suffering unnecessary pain or suffering.*

#### Iowa Code § 717.1. Definitions.

*As used in this chapter, unless the context otherwise requires:*

1. "Department" means the department of agriculture and land stewardship.
2. "Electronic mail" means any message transmitted through the internet including but not limited to messages transmitted from or to any address affiliated with an internet site.
3. "Law enforcement officer" means a regularly employed member of a police force of a city or county, including a sheriff, who is responsible for the prevention and detection of crime and the enforcement of the criminal laws of this state.
4. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine, or porcine species, ostriches, rheas, emus; farm deer as defined in section 170.1; or poultry.
5. "Livestock care provider" means a person designated by a local authority to provide care to livestock which is rescued by the local authority pursuant to section 717.2A.
6. "Local authority" means a city as defined in section 362.2 or a county as provided in chapter 331.
7. "Maintenance" means to provide on-site or off-site care to neglected livestock.
8. "Sustenance" means food, water, or a nutritional formulation customarily used in the production of livestock.

#### Iowa Code § 717.1A. Livestock abuse.

*A person is guilty of livestock abuse if the person intentionally injures or destroys livestock owned by another person, in any manner, including, but not limited to, intentionally doing any of the following: administering drugs or poisons to the livestock, or disabling the livestock by using a firearm or trap. A person guilty of livestock abuse commits an aggravated misdemeanor. This section shall not apply to any of the following:*

1. A person acting with the consent of the person owning the livestock, unless the action constitutes livestock neglect as provided in section 717.2.
2. A person acting to carry out an order issued by a court.
3. A licensed veterinarian practicing veterinary medicine as provided in chapter 169.
4. A person acting in order to carry out another provision of law which allows the conduct.
5. A person reasonably acting to protect the person's property from damage caused by stray livestock.
6. A person reasonably acting to protect a person from injury or death caused by stray livestock.
7. A research facility, as defined in section 162.2, provided that the research facility performs functions within the scope of accepted practices and disciplines associated with the research facility.

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## ANIMAL PROTECTION LAWS OF IOWA

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### Iowa Code § 717.2. Livestock neglect.

1. *A person who impounds or confines livestock, in any place, and does any of the following commits the offense of livestock neglect:*
  - a. *Fails to provide livestock with care consistent with customary animal husbandry practices.*
  - b. *Deprives livestock of necessary sustenance.*
  - c. *Injures or destroys livestock by any means which causes pain or suffering in a manner inconsistent with customary animal husbandry practices.*
2. *A person who commits the offense of livestock neglect is guilty of a simple misdemeanor. A person who intentionally commits the offense of livestock neglect which results in serious injury to or the death of livestock is guilty of a serious misdemeanor. However, a person shall not be guilty of more than one offense of livestock neglect punishable as a serious misdemeanor, when care or sustenance is not provided to multiple head of livestock during any period of uninterrupted neglect.*
3. This section does not apply to a research facility, as defined in section 162.2, provided that the research facility performs functions within the scope of accepted practices and disciplines associated with the research facility.



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### 7. CRUEL HUNTING, TRAPPING, AND FISHING

**Editor's Note:** *This section does **not** contain all state or territorial laws regarding hunting, trapping, and fishing. This section contains only criminal statutes with the primary purpose of preventing individual wild animals from suffering unnecessary pain or suffering.*

#### IOWA CODE § 481A.90. Disturbing dens

1. *A person shall not molest or disturb, in any manner, any den, lodge, or house of a fur-bearing animal or beaver dam except by written permission of an officer appointed by the director.*
2. This section does not prohibit the owner from destroying a den to protect the owner's property.

#### IOWA CODE § 481A.91. Shooting or spearing

*A person shall not kill a beaver, mink, otter, or muskrat with a shotgun or spear. A person shall not possess a beaver, mink, otter, or muskrat or the carcasses, skins, or parts of any one of those animals that have been killed with a shotgun or spear.*

#### IOWA CODE § 481A.92. Traps--disturbing dens--tags for traps

1. A person shall not use or attempt to use colony traps in taking, capturing, trapping, or killing any game or fur-bearing animals except muskrats as determined by rule of the commission. Box traps capable of capturing more than one game or fur-bearing animal at each setting are prohibited. A valid hunting license is required for box trapping cottontail rabbits and squirrels. All traps and snares used for the taking of fur-bearing animals shall have a metal tag attached plainly labeled with the user's name and address. *All traps and snares, except those which are placed entirely under water, shall be checked at least once every twenty-four hours.* Officers appointed by the department may confiscate such traps and snares found in use that are not properly labeled or checked.
2. *Except as otherwise provided, a person shall not use chemicals, explosives, smoking devices, mechanical ferrets, wire, tool, instrument, or water to remove fur-bearing animals from their dens. Humane traps, or traps designed to kill instantly, with a jaw spread, as originally manufactured, exceeding eight inches are unlawful to use except when placed entirely under water.*
3. Conibear type traps and snares shall not be set on the right-of-way of a public road within two hundred yards of the entry to a private drive serving a residence without the permission of the occupant.
4. A snare when set shall not have a loop larger than eight inches in horizontal measurement except for a snare set with at least one-half of the loop under water. A snare set on private land other than roadsides within thirty yards of a pond, lake, creek, drainage ditch, stream, or river shall not have a loop larger than eleven inches in horizontal measurement.
5. All snares shall have a functional deer lock which will not allow the snare loop to close smaller than two and one-half inches in diameter.

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### IOWA CODE § 481A.21. Birds as targets

*A person shall not keep or use any live pigeon or other bird as a target, to be shot at for amusement or as a test of skill in marksmanship, or shoot at a bird kept or used for such purpose, or be a party to such shooting, or lease any building, room, field, or premises, or knowingly permit the use thereof, for the purpose of such shooting. This section does not prevent any person from shooting at live pigeons, sparrows, and starlings when used in the training of hunting dogs. This section does not prevent any person from shooting at a game bird that is released a minimum of twenty-five yards from that person on a licensed hunting preserve. For the purposes of this section, "game bird" means the same as defined in section 484B.1.*

### IOWA CODE § 481A.32. Violations—penalties

1. *A person who does any of the following is guilty of a simple misdemeanor and shall be assessed a minimum fine of twenty dollars for each offense for which no other punishment is provided:*
  - a. *Takes, catches, kills, injures, destroys, has in possession, buys, sells, ships, or transports any frogs, fish, mussels, birds, their nests, eggs, or plumage, fowls, game, or animals or their fur or raw pelt in violation of the provisions of this chapter or of administrative rules of the commission.*
  - b. *Uses any device, equipment, seine, trap, net, tackle, firearm, drug, poison, explosive, or other substance or means, the use of which is prohibited by this chapter.*
  - c. *Uses any device, equipment, seine, trap, net, tackle, firearm, drug, poison, explosive, or other substance or means at a time, place, or in a manner or for a purpose prohibited.*
  - d. *Does any other act in violation of the provisions of this chapter or of administrative rules of the commission.*
2. *Each fish, fowl, bird, bird's nest, egg, or plumage, and animal unlawfully caught, taken, killed, injured, destroyed, possessed, bought, sold, or shipped shall be a separate offense.*
3. *A person convicted of taking a deer, antelope, moose, buffalo, or elk with a prohibited weapon as defined by rules of the department, is subject to a fine of one hundred dollars for each offense committed while taking the animal with the prohibited weapon.*

### IOWA CODE § 481A.84. Frogs--catching—selling

1. *Frogs may be taken by holders of a fishing license only and they may be used for bait or food purposes, but no person shall take more than four dozen frogs in any one day or have in possession at any one time more than eight dozen frogs. Licensed bait dealers authorized by law to sell bait may have in their possession to supply the bait needs of their customers, not more than twenty dozen frogs.*
2. *No person shall use any device, net, barrier or fence of any kind which prevents frogs from having free access to and egress from the water.*
3. *Transportation out of the state in any manner or for any purposes, of frogs taken in Iowa, is prohibited.*
4. *Nothing in this chapter shall be construed to prevent the purchase, sale or possession of frogs or any*

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portion of the carcasses of frogs that have been legally taken and shipped in from without the state.

5. Nothing herein shall prevent any person from catching frogs on the person's own premises for the person's private use.

### IOWA CODE § 481A.76. Unlawful means—exception

*It is unlawful, except as otherwise provided, to use on or in the waters of the state any grabhook, snaghook, any kind of a net, seine, trap, firearm, dynamite, or other explosives, or poisonous or stupefying substances, lime, ashes, electricity, or hand fishing in the taking or attempting to take any fish, except that gaffhooks or landing nets may be used to assist in landing fish.* The commission may permit designated fish to be taken by hand fishing, by snagging, by spearing, by bow and arrow, and with artificial light at the times and at the places as determined by rules of the commission.

### IOWA CODE § 481A.56. Training dogs

1.
  - a. A person having a valid hunting license may train a bird dog on any game birds and a person having a valid fur harvester license may train a coonhound, foxhound, or trailing dog on any fur-bearing animals at any time of the year including during the closed season on such birds or animals. *However, the animals when pursued to a tree or den shall not be further chased or removed in any manner from the tree or den.* A person having a hunting license may train a dog on coyote or groundhog.
  - b. Only a pistol, revolver, or other gun shooting blank cartridges shall be used while training dogs during closed season except as provided in subsection 2 of this section.
2. Any pen-raised game bird may be used and may be shot in the training of bird dogs. Before any bird is released or used in the training of dogs, the bird shall have attached a band procured from the commission. The commission may charge a fee for such bands but the fee shall not exceed ten cents for each band.
3. A call back pen or live trap may be used for the purpose of retrieving banded birds when released in the wild for training purposes. Any bird not so banded when taken in a call back pen or trap shall be immediately returned unbanded to the wild. All call back pens or live traps when in use shall have attached a metal tag plainly labeled with the owner's name and address. Conservation officers shall have authority to confiscate such traps when found in use and not properly labeled.

### IOWA CODE § 481A.58. Trapping birds or poisoning animals

*No person except those acting under the authority of the director shall capture or take, or attempt to capture or take, any game bird with any trap, snare, or net, nor shall any person use any poison, any medicated or poisoned food, or any other substance for the killing, capturing, or taking of any game bird or animal.*

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### 8. CROSS REPORTING

[None]

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### 9. VETERINARY REPORTING

[None]

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### 10. "AG-GAG" LAWS

#### IOWA CODE § 716.14 Unauthorized sampling.

1. As used in this section, unless the context otherwise requires:
  - a. "Agricultural animal" means an animal belonging to the bovine, caprine, equine, ovine, or porcine species; farm deer as defined in section 170.1; ostriches, rheas, and emus; turkeys, chickens, domestic geese or ducks, or other domestic fowl; fish or other aquatic organisms confined in private waters for human consumption; or honey bees.
  - b. "Agricultural crop" means a plant produced for food, animal feed, fiber, oil, or fuel if the plant is classified as a forage or cereal plant, including but not limited to alfalfa, barley, buckwheat, corn, flax, forage, hemp as defined in section 204.2, millet, oats, popcorn, rye, sorghum, soybeans, sunflowers, wheat, and grasses used for forage or silage. A plant which is a noxious weed pursuant to section 317.1A shall not be considered an agricultural crop unless the plant is produced as a research crop.
  - c.
    - (1) "Convicted" means the entry of a judgment of conviction under chapter 901 or adjudicated delinquent for an act which is an indictable offense in this state or in another state under chapter 232.
    - (2) "Convicted" does not mean a plea, sentence, adjudication, deferred sentence, or deferred judgment which has been reversed or otherwise set aside.
2. *A person commits unauthorized sampling if the person knowingly enters private property, without consent of the owner or any other person having real or apparent authority to grant consent, and obtains samples of any of the following:*
  - a. *Bodily fluids or substances from an agricultural animal.*
  - b. *Any product from an agricultural animal.*
  - c. *Soil, air, surface water, or ground water from land or structures used for the production of an agricultural animal or the production of an agricultural crop.*
3. A person who commits unauthorized sampling as provided in subsection 2 is guilty of an aggravated misdemeanor.
4. Notwithstanding subsection 3, a person who commits unauthorized sampling as provided in subsection 2 is guilty of a class "D" felony if the person has previously been convicted of committing unauthorized sampling under subsection 2.

#### IOWA CODE § 717A.1. Definitions

*As used in this chapter, unless the context otherwise requires:*

1. "Agricultural animal" means any of the following:
  - a. *An animal that is maintained for its parts or products having commercial value, including but not limited to its muscle tissue, organs, fat, blood, manure, bones, milk, wool, hide, pelt,*

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*feathers, eggs, semen, embryos, or honey.*

- b. *An animal belonging to the equine species, including horse, pony, mule, jenny, donkey, or hinny.*
2. *“Agricultural production” means any activity related to maintaining an agricultural animal at an animal facility or a crop on crop operation property.*
3. *“Agricultural production facility” means an animal facility as defined in subsection 5, paragraph “a”, or a crop operation property.*
4. *“Animal” means a warm-blooded or cold-blooded animal, including but not limited to an animal belonging to the bovine, canine, feline, equine, ovine, or porcine species; farm deer as defined in section 189A.2; ostriches, rheas, or emus; an animal which belongs to a species of poultry or fish; mink or other pelt-bearing mammals; any invertebrate; or honey bees.*
5. *“Animal facility” means any of the following:*
  - a. *A location where an agricultural animal is maintained for agricultural production purposes, including but not limited to a location dedicated to farming as defined in section 9H.1, a livestock market, exhibition, or a vehicle used to transport the animal.*
  - b. *A location where an animal is maintained for educational or scientific purposes, including a research facility as defined in section 162.2, an exhibition, or a vehicle used to transport the animal.*
  - c. *A location operated by a person licensed to practice veterinary medicine pursuant to chapter 169.*
  - d. *A pound as defined in section 162.2.*
  - e. *An animal shelter as defined in section 162.2.*
  - f. *A pet shop as defined in section 162.2.*
  - g. *A boarding kennel as defined in section 162.2.*
  - h. *A commercial kennel as defined in section 162.2.*
6. *“Consent” means express or apparent assent by a person authorized to provide such assent.*
7.
  - a. *“Crop” means any plant maintained for its parts or products having commercial value, including but not limited to stalks, trunks and branches, cuttings, grafts, scions, leaves, buds, fruit, vegetables, roots, bulbs, or seeds, if the plant is any of the following:*
    - (1) *A plant produced from an agricultural seed or vegetable seed as defined in section 199.1, including any plant producing a commodity listed in section 210.10.*
    - (2) *A plant which is a tree, shrub, vine, berry plant, greenhouse plant, or flower.*
  - b. *A plant produced from a noxious weed seed as defined in section 199.1 is not a crop unless the plant is produced as a research crop.*
8. *“Crop operation” means a commercial enterprise where a crop is maintained on the property of the commercial enterprise.*
9. *“Crop operation property” means any of the following:*
  - a. *Real property that is a crop field, orchard, nursery, greenhouse, garden, elevator, seedhouse, barn, warehouse, any other associated land or structures located on the land, and personal property located on the land including machinery or equipment, that is part of a crop operation.*
  - b. *A vehicle used to transport a crop that was maintained on the crop operation property.*
10. *“Deprive” means to do any of the following:*
  - a. *For an animal maintained at an animal facility or property belonging to an animal facility,*

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“deprive” means to do any of the following:

- (1) Withhold the animal or property for a period of time sufficient to significantly reduce the value or enjoyment of the animal or property.
  - (2) Withhold the animal or property for ransom or upon condition to restore the animal or property in return for compensation.
  - (3) Dispose of the animal or property in a manner that makes recovery of the animal or property by its owner unlikely.
- b. For crops maintained on crop operation property or for crop operation property, “deprive” means to do any of the following:
- (1) Occupy any part of a crop operation property for a period of time sufficient to prevent access to the crop or crop operation property.
  - (2) Dispose of a crop maintained on the crop operation property or belonging to the crop operation in a manner that makes recovery of the crop or crop operation property by its owner unlikely.

11. “Maintain” means to do any of the following:

- a. Keep and provide for the care and feeding of any animal, including any activity relating to confining, handling, breeding, transporting, or exhibiting the animal.
- b. Keep and preserve any crop by planting, nurturing, harvesting, and storing the crop; or storing, planting, or nurturing the crop's seed.

12. “Owner” means any of the following:

- a. A person, including a public or private entity, who has a legal interest in an animal or property belonging to an animal facility or who is authorized by the holder of the legal interest to act on the holder's behalf in maintaining the animal.
- b. A person, including a public or private entity, who has a legal interest in a crop or crop operation property or who is authorized by the holder of the legal interest to act on the holder's behalf in maintaining the crop.

13. “Research crop” means a crop, including the crop's seed, that is maintained for purposes of scientific research regarding the study or alteration of the genetic characteristics of a plant or associated seed, including its deoxyribonucleic acid, which is accomplished by breeding or by using biotechnological systems or techniques.

### IOWA CODE § 717A.2. Animal facilities--civil action--criminal penalties.

1. A person shall not, without the consent of the owner, do any of the following:
  - a. Willfully destroy property of an animal facility, or kill or injure an animal maintained at an animal facility, including by an act of violence or the transmission of a disease including but not limited to any disease designated by the department of agriculture and land stewardship pursuant to section 163.2.
  - b. Exercise control over an animal facility including property of the animal facility, or an animal maintained at an animal facility, with intent to deprive the animal facility of an animal or property.
  - c.



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- (1) *Enter onto or into an animal facility, or remain on or in an animal facility, if the person has notice that the facility is not open to the public, if the person has an intent to do one of the following:*
  - (a) *Disrupt operations conducted at the animal facility, if the operations directly relate to agricultural production, animal maintenance, educational or scientific purposes, or veterinary care.*
  - (b) *Kill or injure an animal maintained at the animal facility.*
- (2) *A person has notice that an animal facility is not open to the public if the person is provided notice before entering onto or into the facility, or the person refuses to immediately depart from the facility after being informed to leave. The notice may be in the form of a written or verbal communication by the owner, a fence or other enclosure designed to exclude intruders or contain animals, or a sign posted which is reasonably likely to come to the attention of an intruder and which indicates that entry is forbidden.*
2. *A person suffering damages resulting from an action which is in violation of subsection 1 may bring an action in the district court against the person causing the damage to recover all of the following:*
  - a. *An amount equaling three times all actual and consequential damages.*
  - b. *Court costs and reasonable attorney fees.*
3. *A person violating this section is guilty of the following:*
  - a. *A person who violates subsection 1, paragraph “a”, is guilty of a class “C” felony if the injury to or death of an animal or damage to property exceeds ten thousand dollars, a class “D” felony if the injury to or death of an animal or damage to property exceeds one thousand dollars but does not exceed ten thousand dollars, an aggravated misdemeanor if the injury to or death of an animal or damage to property exceeds one hundred dollars but does not exceed one thousand dollars, a serious misdemeanor if the injury to or death of an animal or damage to property exceeds fifty dollars but does not exceed one hundred dollars, or a simple misdemeanor if the injury to or death of an animal or damage to property does not exceed fifty dollars.*
  - b. *A person who violates subsection 1, paragraph “b”, is guilty of a class “D” felony.*
  - c. *A person who violates subsection 1, paragraph “c”, is guilty of an aggravated misdemeanor.*
4.
  - a. *This section does not prohibit any conduct of a person holding a legal interest in an animal or property which is superior to the interest held by a person suffering from damages resulting from the conduct.*
  - b. *This section does not apply to a governmental agency that is taking lawful action against an animal or animal facility.*
  - c. *This section does not apply to a licensed veterinarian practicing veterinary medicine as provided in chapter 169 and according to customary standards of care.*

### **IOWA CODE § 717A.3A. Agricultural production facility fraud.**

**NOTE:** Held unconstitutional by *ALDF v. Reynolds*, 8 F.4th 781 (8th Cir. 2021) (*Reynolds I*)

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1. *A person is guilty of agricultural production facility fraud if the person willfully does any of the following:*
  - a. *Obtains access to an agricultural production facility by false pretenses.*
  - b. *Makes a false statement or representation as part of an application or agreement to be employed at an agricultural production facility, if the person knows the statement to be false, and makes the statement with an intent to commit an act not authorized by the owner of the agricultural production facility, knowing that the act is not authorized.*
2. *A person who commits agricultural production facility fraud under subsection 1 is guilty of the following:*
  - a. *For the first conviction, a serious misdemeanor.*
  - b. *For a second or subsequent conviction, an aggravated misdemeanor.*
3.
  - a. *A person who conspires to commit agricultural production facility fraud under subsection 1 is subject to the provisions of chapter 706. A person who aids and abets in the commission of agricultural production facility fraud under subsection 1 is subject to the provisions of chapter 703. When two or more persons, acting in concert, knowingly participate in committing agricultural production facility fraud under subsection 1, each person is responsible for the acts of the other person as provided in section 703.2. A person who has knowledge that agricultural production facility fraud under subsection 1 has been committed and that a certain person committed it, and who does not stand in the relation of husband or wife to the person committing the agricultural production facility fraud under subsection 1, and who harbors, aids, or conceals the person committing the agricultural production facility fraud under subsection 1, with the intent to prevent the apprehension of the person committing the agricultural production facility fraud under subsection 1, is subject to section 703.3.*
  - b. *A trial information or an indictment relating to agricultural production facility fraud under subsection 1 need not contain allegations of vicarious liability as provided in chapter 703.*

### **IOWA CODE § 717A.3B. Agricultural production facility trespass.**

**NOTE:** Held unconstitutional by *ALDF v. Reynolds*, 2022 WL 777231, at \*2 (S.D. Iowa, 2022) (*Reynolds II*).

1. *A person commits agricultural production facility trespass if the person does any of the following:*
  - a. *Uses deception as described in section 702.9, subsection 1 or 2, on a matter that would reasonably result in a denial of access to an agricultural production facility that is not open to the public, and, through such deception, gains access to the agricultural production facility, with the intent to cause physical or economic harm or other injury to the agricultural production facility's operations, agricultural animals, crop, owner, personnel, equipment, building, premises, business interest, or customer.*
  - b. *Uses deception as described in section 702.9, subsection 1 or 2, on a matter that would reasonably result in a denial of an opportunity to be employed at an agricultural production facility that is not open to the public, and, through such deception, is so employed, with the intent to cause physical or economic harm or other injury to the agricultural production facility's operations, agricultural animals, crop, owner, personnel, equipment, building, premises,*

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*business interest, or customer.*

2. *A person who commits agricultural production facility trespass is guilty of a serious misdemeanor for a first offense and an aggravated misdemeanor for a second or subsequent offense.*
3. *A person who conspires with another, as described in section 706.1, to commit agricultural production facility trespass is guilty of a serious misdemeanor for a first offense and an aggravated misdemeanor for a second or subsequent offense. For purposes of this subsection, a person commits conspiracy to commit agricultural production facility trespass, without regard to the limitation of criminal liability for conspiracy otherwise applicable under section 706.1, subsection 1.*

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### 11. EMERGENCY RESCUE AND RELIEF

[None]

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### 12. CIVIL ENFORCEMENT

[None]

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### 13. DOMESTIC VIOLENCE AND PROTECTION ORDERS

#### IOWA CODE § 236.3. Commencement of actions -- waiver to juvenile court.

1. A person, including a parent or guardian on behalf of an unemancipated minor, may seek relief from domestic abuse by filing a verified petition in the district court. Venue shall lie where either party resides. The petition shall state the:
  - a. Name of the plaintiff and the name and address of the plaintiff's attorney, if any. If the plaintiff is proceeding pro se, the petition shall state a mailing address for the plaintiff. A mailing address may be provided by the plaintiff pursuant to section 236.10.
  - b. Name and address of the parent or guardian filing the petition, if the petition is being filed on behalf of an unemancipated minor. A mailing address may be provided by the plaintiff pursuant to section 236.10.
  - c. Name and address, if known, of the defendant.
  - d. Relationship of the plaintiff to the defendant.
  - e. Nature of the alleged domestic abuse.
  - f. Name and age of each child under eighteen whose welfare may be affected by the controversy.
  - g. *Name or description of any pet or companion animal owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child of the petitioner or respondent whose welfare may be affected by the controversy. However, this paragraph shall not apply to livestock as defined in section 717.1, held solely or primarily for commercial purposes.*
  - h. Desired relief, including a request for temporary or emergency orders.
2. A temporary or emergency order shall be based on a showing of a prima facie case of domestic abuse. If the factual basis for the alleged domestic abuse is contested, the court shall issue a protective order based upon a finding of domestic abuse by a preponderance of the evidence.
3.
  - a. The filing fee and court costs for an order for protection and in a contempt action under this chapter shall be waived for the plaintiff.
  - b. The clerk of court, the sheriff of any county in this state, and other law enforcement and corrections officers shall perform their duties relating to service of process without charge to the plaintiff. When an order for protection is entered by the court, the court may direct the defendant to pay to the clerk of court the fees for the filing of the petition and reasonable costs of service of process if the court determines the defendant has the ability to pay the plaintiff's fees and costs.
4. If the person against whom relief from domestic abuse is being sought is seventeen years of age or younger, the district court shall waive its jurisdiction over the action to the juvenile court.

#### IOWA CODE § 236.4. Hearings -- temporary orders.

1. Not less than five and not more than fifteen days after commencing a proceeding and upon notice to the other party, a hearing shall be held at which the plaintiff must prove the allegation of domestic

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abuse by a preponderance of the evidence.

2. The court may enter any temporary order it deems necessary to protect the plaintiff from domestic abuse prior to the hearing, including temporary custody or visitation orders pursuant to subsection 3, upon good cause shown in an ex parte proceeding. Present danger of domestic abuse to the plaintiff constitutes good cause for purposes of this subsection. A temporary order issued pursuant to this subsection shall specifically include notice that the person may be required to relinquish all firearms, offensive weapons, and ammunition upon the issuance of a permanent order pursuant to section 236.5.
3. The court may award temporary custody of or establish temporary visitation rights with regard to children under eighteen years of age. In awarding temporary custody or temporary visitation rights, the court shall give primary consideration to the safety of the alleged victim and the children. If the court finds that the safety of the alleged victim or the children will be jeopardized by unsupervised or unrestricted visitation, the court shall set conditions or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of the victim and the children. The court shall also determine whether any other existing orders awarding custody or visitation should be modified.
4. *The court may include in the temporary order issued pursuant to this section a grant to the petitioner of the exclusive care, possession, or control of any pets or companion animals owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child of the petitioner or respondent whose welfare may be affected by the controversy. The court may forbid the respondent from approaching, taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the pet or companion animal. This subsection shall not apply to livestock as defined in section 717.1, held solely or primarily for commercial purposes.*
5. *If a hearing is continued, the court may make or extend any temporary order under subsection 2, 3, or 4 that it deems necessary.*
6. Upon application of a party, the court shall issue subpoenas requiring attendance and testimony of witnesses and production of papers.
7. The court shall advise the defendant of a right to be represented by counsel of the defendant's choosing and to have a continuance to secure counsel.
8. Prior to the entry of a temporary order under this section that involves a child-custody determination as defined in section 598B.102, the plaintiff shall furnish information to the court in compliance with section 598B.209.
9. Hearings shall be recorded.

### IOWA CODE § 236.5. Disposition.

1. Upon a finding that the defendant has engaged in domestic abuse:
  - a. The court may order that the plaintiff, the defendant, and the children who are members of the household receive professional counseling, either from a private source approved by the court or from a source appointed by the court. Costs of counseling shall be paid in full or in part by the parties and taxed as court costs. If the court determines that the parties are unable to pay

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the costs, they may be paid in full or in part from the county treasury.

- b. The court may grant a protective order which may contain but is not limited to any of the following provisions:
  - (1) That the defendant cease domestic abuse of the plaintiff.
  - (2) That the defendant not knowingly possess, ship, transport, or receive firearms, offensive weapons, and ammunition in violation of section 724.26, subsection 2.
  - (3) That the defendant grant possession of the residence to the plaintiff to the exclusion of the defendant or that the defendant provide suitable alternate housing for the plaintiff.
  - (4) That the defendant stay away from the plaintiff's residence, school, or place of employment.
  - (5) The awarding of temporary custody of or establishing temporary visitation rights with regard to children under eighteen.
    - (a) In awarding temporary custody or temporary visitation rights, the court shall give primary consideration to the safety of the victim and the children.
    - (b) If the court finds that the safety of the victim or the children will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of the victim and the children.
    - (c) The court shall also determine whether any other existing orders awarding custody or visitation rights should be modified.
    - (d) Prior to entry of an order or agreement under this section that involves a child-custody determination as defined in section 598B.102, the parties shall furnish information to the court in compliance with section 598B.209.
  - (6) Unless prohibited pursuant to 28 U.S.C. § 1738B, that the defendant pay the clerk a sum of money for the separate support and maintenance of the plaintiff and children under eighteen.
  - (7) *A grant to the petitioner of the exclusive care, possession, or control of any pets or companion animals owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child of the petitioner or respondent whose welfare may be affected by the controversy. The court may forbid the respondent from approaching, taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the pet or companion animal. This subparagraph shall not apply to livestock as defined in section 717.1, held solely or primarily for commercial purposes.*
- 1A. *The court may approve a consent agreement which may contain but is not limited to any of the provisions specified in subsection 1, paragraph "b", without a finding the defendant has engaged in domestic abuse.*
2. An order for counseling, a protective order, or approved consent agreement shall be for a fixed period of time not to exceed one year. The court may amend or extend its order or a consent agreement at any time upon a petition filed by either party and after notice and hearing. The court may extend the order if the court, after hearing at which the defendant has the opportunity to be heard, finds that the defendant continues to pose a threat to the safety of the victim, persons residing with the victim, or



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members of the victim's immediate family. At the time of the extension, the parties need not meet the requirement in section 236.2, subsection 2, paragraph "d", that the parties lived together during the last year if the parties met the requirements of section 236.2, subsection 2, paragraph "d", at the time of the original order. The number of extensions that can be granted by the court is not limited.

3. The order shall state whether a person is to be taken into custody by a peace officer for a violation of the terms stated in the order.
4. The court may order that the defendant pay the plaintiff's attorney fees and court costs.
5. An order or consent agreement under this section shall not affect title to real property.
6. A copy of any order or approved consent agreement shall be issued to the plaintiff, the defendant, the county sheriff of the county in which the order or consent decree is initially entered, and the twenty-four-hour dispatcher for the county sheriff. Any subsequent amendment or revocation of an order or consent agreement shall be forwarded by the clerk to all individuals and the county sheriff previously notified.
7. The clerk shall notify the county sheriff and the twenty-four-hour dispatcher for the county sheriff in writing so that the county sheriff and the county sheriff's dispatcher receive written notice within six hours of filing the order, approved consent agreement, amendment, or revocation. The clerk may fulfill this requirement by sending the notice by facsimile or other electronic transmission which reproduces the notice in writing within six hours of filing the order.
8. The county sheriff's dispatcher shall notify all law enforcement agencies having jurisdiction over the matter and the twenty-four-hour dispatcher for the law enforcement agencies upon notification by the clerk.

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### 14. MAXIMUM PENALTIES AND STATUTE OF LIMITATIONS

#### Iowa Code § 802.3. Felony—aggravated or serious misdemeanor

*In all cases, except those enumerated in section 802.1, 802.2, 802.2A, 802.2B, 802.2C, 802.2D, or 802.10, an indictment or information for a felony or aggravated or serious misdemeanor shall be found within three years after its commission.*

#### Iowa Code § 802.4. Simple misdemeanor—ordinance

*A prosecution for a simple misdemeanor or violation of a municipal or county rule or ordinance shall be commenced within one year after its commission.*

#### IOWA CODE § 902.9. Maximum sentence for felons.

1. *The maximum sentence for any person convicted of a felony shall be that prescribed by statute or, if not prescribed by statute, if other than a class “A” felony shall be determined as follows:*
  - a. *[Deleted by Acts 2023 (90 G.A.) ch. 86, H.F. 595, § 12, eff. July 1, 2023.]*
  - b. *A class “B” felon shall be confined for no more than twenty-five years.*
  - c. *An habitual offender shall be confined for no more than fifteen years.*
  - d. *A class “C” felon, not an habitual offender, shall be confined for no more than ten years, and in addition shall be sentenced to a fine of at least one thousand three hundred seventy dollars but not more than thirteen thousand six hundred sixty dollars.*
  - e. *A class “D” felon, not an habitual offender, shall be confined for no more than five years, and in addition shall be sentenced to a fine of at least one thousand twenty-five dollars but not more than ten thousand two hundred forty-five dollars.*
2. *The surcharges required by sections 911.1, 911.2, 911.2A, and 911.3 shall be added to a fine imposed on a class “C” or class “D” felon, as provided by those sections, and are not a part of or subject to the maximums set in this section.*

#### IOWA CODE § 903.1. Maximum sentence for misdemeanants.

1. *If a person eighteen years of age or older is convicted of a simple or serious misdemeanor and a specific penalty is not provided for or if a person under eighteen years of age has been waived to adult court pursuant to section 232.45 on a felony charge and is subsequently convicted of a simple, serious, or aggravated misdemeanor, the court shall determine the sentence, and shall fix the period of confinement or the amount of fine, which fine shall not be suspended by the court, within the following limits:*
  - a. *For a simple misdemeanor, there shall be a fine of at least one hundred five dollars but not to*

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*exceed eight hundred fifty-five dollars. The court may order imprisonment not to exceed thirty days in lieu of a fine or in addition to a fine.*

- b. *For a serious misdemeanor, there shall be a fine of at least four hundred thirty dollars but not to exceed two thousand five hundred sixty dollars. In addition, the court may also order imprisonment not to exceed one year.*
2. *When a person is convicted of an aggravated misdemeanor, and a specific penalty is not provided for, the maximum penalty shall be imprisonment not to exceed two years. There shall be a fine of at least eight hundred fifty-five dollars but not to exceed eight thousand five hundred forty dollars. When a judgment of conviction of an aggravated misdemeanor is entered against any person and the court imposes a sentence of confinement for a period of more than one year the term shall be an indeterminate term.*
3. *A person under eighteen years of age convicted of a simple misdemeanor under chapter 321, 321G, 321I, 453A, 461A, 461B, 462A, 481A, 481B, 483A, 484A, or 484B, or a violation of a county or municipal curfew or traffic ordinance, except for an offense subject to section 805.8, may be required to pay a fine, not to exceed one hundred dollars, as fixed by the court, or may be required to perform community service as ordered by the court.*
4. *The surcharges required by sections 911.1, 911.2, 911.2A, 911.3, and 911.4 shall be added to a fine imposed on a misdemeanant as provided in those sections, and are not a part of or subject to the maximums set in this section.*

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### 15. LAW ENFORCEMENT POLICIES

#### Iowa Code § 162.2. Definitions

As used in this chapter, except as otherwise expressly provided:

1. “Adequate feed” means the provision at suitable intervals of not more than twenty-four hours or longer if the dietary requirements of the species so require, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. The foodstuff shall be served in a clean receptacle, dish or container.
2. “Adequate water” means reasonable access to a supply of clean, fresh, potable water provided in a sanitary manner or provided at suitable intervals for the species and not to exceed twenty-four hours at any interval.
3. “Animal shelter” means a facility which is used to house or contain dogs or cats, or both, and which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of such animals.
4. “Animal warden” means any person employed, contracted, or appointed by the state, municipal corporation, or any political subdivision of the state, for the purpose of aiding in the enforcement of the provisions of this chapter or any other law or ordinance relating to the licensing of animals, control of animals, or seizure and impoundment of animals and includes any peace officer, animal control officer, or other employee whose duties in whole or in part include assignments which involve the seizure or taking into custody of any animal.
5. “Animal Welfare Act” means the federal Animal Welfare Act, 7 U.S.C. ch. 54, and regulations promulgated by the United States department of agriculture and published in 9 C.F.R. ch. 1.
6. “Authorization” means a state license, certificate of registration, or permit issued or renewed by the department to a commercial establishment as provided in section 162.2A.
7. “Boarding kennel” means a place or establishment other than a pound or animal shelter where dogs or cats not owned by the proprietor are sheltered, fed, and watered in return for a consideration.
8. “Commercial breeder” means a person, engaged in the business of breeding dogs or cats, who sells, exchanges, or leases dogs or cats in return for consideration, or who offers to do so, whether or not the animals are raised, trained, groomed, or boarded by the person. A person who owns or harbors three or fewer breeding males or females is not a commercial breeder. However, a person who breeds any number of breeding male or female greyhounds for the purposes of using them for pari-mutuel wagering at a racetrack as provided in chapter 99D shall be considered a commercial breeder irrespective of whether the person sells, leases, or exchanges the greyhounds for consideration or offers to do so.
9. “Commercial establishment” or “establishment” means an animal shelter, boarding kennel, commercial breeder, commercial kennel, dealer, pet shop, pound, public auction, or research facility.
10. “Commercial kennel” means a kennel which performs grooming, boarding, or training services for dogs or cats in return for a consideration.
11. “Dealer” means any person who is engaged in the business of buying for resale or selling or exchanging dogs or cats, or both, as a principal or agent, or who claims to be so engaged.
12. “Department” means the department of agriculture and land stewardship.

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13. "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during the loss of consciousness.
14. "Federal license" means a license issued by the United States department of agriculture to a person classified as a dealer or exhibitor pursuant to the federal Animal Welfare Act.
15. "Federal licensee" means a person to whom a federal license as a dealer or exhibitor is issued.
16. "Housing facilities" means any room, building, or area used to contain a primary enclosure or enclosures.
17. "Permittee" means a commercial breeder, dealer, or public auction to whom a permit is issued by the department as a federal licensee pursuant to section 162.2A.
18. "Person" means person as defined in chapter 4.
19. "Pet shop" means a facility where vertebrate animals, excluding fish, not born and reared on the facility's premises are bought, sold, exchanged, or offered for sale or exchange to the public, at retail. "Pet shop" does not include a facility if one of the following applies:
  - a. The facility receives less than one thousand dollars from the sale or exchange of vertebrate animals, excluding fish, during a twelve-month period.
  - b. The facility sells or exchanges less than twelve vertebrate animals, excluding fish, during a twelve-month period.
20. "Pound" means a facility for the prevention of cruelty to animals operated by the state, a municipal corporation, or other political subdivision of the state for the purpose of impounding or harboring seized stray, homeless, abandoned, or unwanted dogs, cats, or other animals; or a facility operated for such a purpose under a contract with any municipal corporation or incorporated society.
21. "Primary enclosure" means any structure used to immediately restrict an animal to a limited amount of space, such as a room, pen, cage, or compartment.
22. "Public auction" means any place or location where dogs or cats, or both, are sold at auction to the highest bidder regardless of whether the dogs or cats are offered as individuals, as a group, or by weight.
23. "Registrant" means a pound, animal shelter, or research facility to whom a certificate of registration is issued by the department pursuant to section 162.2A.
24. "Research facility" means any school or college of medicine, veterinary medicine, pharmacy, dentistry, or osteopathic medicine, or hospital, diagnostic or research laboratories, or other educational or scientific establishment situated in this state concerned with the investigation of, or instruction concerning the structure or function of living organisms, the cause, prevention, control or cure of diseases or abnormal conditions of human beings or animals.
25. "State fiscal year" means the fiscal year described in section 3.12.
26. "State licensee" means any of the following:
  - a. A boarding kennel, commercial kennel, or pet shop to whom a state license is issued by the department pursuant to section 162.2A.
  - b. A commercial breeder, dealer, or public auction to whom a state license is issued in lieu of a permit by the department pursuant to section 162.2A.
27. "Vertebrate animal" means those vertebrate animals other than members of the equine, bovine, ovine, and porcine species, and ostriches, rheas, or emus.

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### 16. SEIZURE

#### Iowa Code § 162.13. Criminal penalties--confiscation

1. A person who operates a commercial establishment without an authorization issued or renewed by the department as required in section 162.2A is guilty of a simple misdemeanor and each day of operation is a separate offense.
2. *The failure of a person who owns or operates a commercial establishment to meet the standard of care required in section 162.10A, subsection 1, is a simple misdemeanor.* The animals are subject to seizure and impoundment and may be sold or destroyed as provided by rules which shall be adopted by the department pursuant to chapter 17A. The rules shall provide for the destruction of an animal by a humane method, including by euthanasia.
3. The failure of a person who owns or operates a commercial establishment to meet the requirements of this section is also cause for the suspension or revocation of the person's authorization as provided in section 162.10D.
4. Dogs, cats, and other vertebrate animals upon which euthanasia is permitted by law may be destroyed by a person subject to this chapter or chapter 169, by a humane method, including euthanasia, as provided by rules which shall be adopted by the department pursuant to chapter 17A.
5. It is unlawful for a dealer to knowingly ship a diseased animal. A dealer violating this subsection is subject to a fine not exceeding one hundred dollars. Each diseased animal shipped in violation of this subsection is a separate offense.

#### Iowa Code § 717.2A. Rescue of neglected livestock.

1.
  - a. *A law enforcement officer may rescue livestock neglected as provided in section 717.2 on public or private property, as provided in this subsection.*
  - b. *The officer may enter onto property of a person to rescue neglected livestock if the officer obtains a search warrant issued by a court, or enters onto the premises in a manner consistent with the laws of this state and the United States, including Article I, section 8, of the Constitution of the State of Iowa, or the fourth amendment to the Constitution of the United States.*
  - c. *Livestock neglected as provided in section 717.2 may be rescued pursuant to the following conditions:*
    - (1) *If a criminal proceeding has not been commenced against the person owning or caring for the livestock, the following shall apply:*
      - (a) *The local authority shall receive a written statement from a veterinarian licensed pursuant to chapter 169, providing that, in the veterinarian's opinion, the livestock is neglected.*
      - (b) *The local authority shall provide written notice to the person owning or caring for the livestock by delivery at the last known address of the person. The local authority shall deliver the notice by certified mail or make a good faith effort to personally deliver the notice to the person owning or caring for the livestock. The*

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*notice shall include all of the following:*

- (i) The name and address of the local authority.*
- (ii) A description of the livestock subject to rescue.*
- (iii) A statement informing the person that the livestock may be rescued pursuant to this chapter within one day following receipt of the notice by the person. The statement must specify a date, time, and a location for delivery of the response designated by the local authority, as provided in this subsection.*
- (iv) A statement informing the person that in order to avoid rescue of the livestock, the person must respond to the notice in writing signed by a veterinarian licensed pursuant to chapter 169. The veterinarian must state that, in the opinion of the veterinarian, the livestock is not neglected, or the person is taking immediate measures required to rehabilitate the livestock.*

*(c) A law enforcement officer may rescue the livestock, if the local authority fails to receive a written response by the person owning or caring for the livestock by the end of normal office hours of the next day that the local authority is available to receive the response at the offices of the local authority. However, if the local authority is not available to receive a response at its offices, the local authority may designate another location in the county to receive the response.*

*(2) If a criminal proceeding has been commenced against the person owning or caring for the livestock, the local authority must receive a written statement from a veterinarian licensed pursuant to chapter 169, providing that, in the veterinarian's opinion, the livestock is neglected.*

*(3) Regardless of whether a criminal proceeding has commenced, the local authority may immediately rescue livestock without providing notice as otherwise required in this section. However, the local authority must receive a written statement from a veterinarian licensed pursuant to chapter 169, providing that in the veterinarian's opinion, the livestock is neglected. In order to rescue the livestock, the local authority must determine that the livestock has been abandoned or that no person is able or willing to care for the livestock, and the livestock is permanently distressed by disease or injury to a degree that would result in severe and prolonged suffering.*

- 2. If livestock is rescued pursuant to this section, the local authority shall post a notice in a conspicuous place at the location where the livestock was rescued. The notice shall state that the livestock has been rescued by the local authority pursuant to this section. The local authority shall provide for the maintenance of the neglected livestock. The local authority may contract with a livestock care provider for the maintenance of the neglected livestock. The local authority shall pay the livestock care provider for the livestock's maintenance regardless of proceeds received from the sale of the livestock or any reimbursement ordered by a court, pursuant to section 717.5.*
- 3. The livestock shall be subject to disposition pursuant to section 717.5.*



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### Iowa Code § 717.3. Livestock in immediate need of sustenance—court order.

1. *This section applies only to livestock which are cattle, sheep, swine, or poultry.*
2. *For purposes of this section, “interested person” means all of the following:*
  - a. *An owner of the livestock.*
  - b. *A person caring for the livestock, if different from the owner of the livestock.*
  - c. *A person holding a perfected agricultural lien or security interest in the livestock under chapter 554.*
3. *The department may determine that some or all of the livestock kept by a person are in immediate need of sustenance. Upon making the determination the department may file a petition with a district court in a county where some or all of the livestock are kept requesting the court to issue an order to provide sustenance of the livestock. The petition may be made separately or with a petition filed pursuant to section 717.5. The petition must at least include all of the following:*
  - a. *A statement signed by a veterinarian licensed pursuant to chapter 169 stating that the livestock are in immediate need of sustenance.*
  - b. *The address of each location where the livestock are kept.*
  - c. *A brief description of the livestock.*
  - d. *The name and address of each interested person, if known.*
  - e. *The name and address of each qualified person appointed by the department to provide sustenance to the livestock.*
4. *Upon receiving the petition, the court may do any of the following:*
  - a. *Notify any interested person that the petition has been filed with the court. The notification must be made in writing and may be delivered by ordinary, certified, or restricted certified mail by United States postal service; delivered by a common carrier; or transmitted by electronic mail.*
  - b. *Hold a hearing to determine whether the livestock are in immediate need of sustenance.*
5. *If the court determines that the livestock are in immediate need of sustenance, the court shall issue an order which at least declares all of the following:*
  - a. *That the livestock are in immediate need of sustenance.*
  - b. *That the department shall assume supervision of and provide for the sustenance of the livestock as provided in section 717.4.*
  - c. *That a lien is created attaching to the livestock and associated proceeds and products as provided in section 717.4.*
6. *The department shall assume supervision of the livestock as provided in the court order. The department may directly provide for the sustenance of the livestock or appoint a qualified person to provide for such sustenance.*

### Iowa Code § 717B.5. Rescue of threatened animals.

*A local authority may provide for the rescue of an animal as follows:*

1. *The rescue must be made by a law enforcement officer having cause to believe that the animal is a threatened animal after consulting with a veterinarian licensed pursuant to chapter 169. The law enforcement officer may rescue the animal by entering on public or private property, as provided in this*



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*subsection. The officer may enter onto property of a person to rescue the animal if the officer obtains a search warrant issued by a court, or enters onto the premises in a manner consistent with the laws of this state and the United States, including Article I, section 8, of the Constitution of the State of Iowa, or the fourth amendment to the Constitution of the United States.*

2.
  - a. *If an animal is rescued pursuant to this section, the local authority shall provide for the maintenance of the animal. The local authority may contract with an animal care provider for the maintenance of the animal. The local authority shall provide the responsible party for the animal with notice of the rescue. The notice may be accomplished by doing any of the following:*
    - (1) *Delivering written notice to the responsible party's last known address by the United States postal service or personal service.*
    - (2) *Posting a notice in a conspicuous place at the location where the animal was rescued.*
  - b. *The notice shall state that the animal has been rescued by the local authority pursuant to this section.*
3. Within ten days after the date that an animal is rescued, the local authority shall initiate a dispositional proceeding pursuant to section 717B.4.
4. The local authority shall pay the animal care provider for the animal's maintenance regardless of proceeds received from the disposition of the animal or any reimbursement ordered by a court, pursuant to section 717B.4.

### IOWA CODE § 717D.5. Confiscation and disposition of animals

1. *A local authority may confiscate an animal that is involved in a violation of section 717D.2. An animal that is livestock shall be considered neglected and may be rescued and disposed of as provided in section 717.5. An animal which is not livestock shall be considered threatened and rescued and disposed of as provided in section 717B.4.*
2. *If an animal that is involved in a violation of section 717D.2 is not rescued and disposed of pursuant to section 717.5 or 717B.4, it shall be forfeited to the state and subject to disposition as ordered by the court. In addition, the court shall order the owner of the animal to pay an amount which shall not be more than the expenses incurred in maintaining or disposing of the animal. The court may also order that the person pay reasonable attorney fees and expenses related to the investigation of the case that shall be taxed as other court costs. If more than one person has a divisible interest in the animal, the amount required to be paid shall be prorated based on the percentage of interest in the animal owned by each person. The moneys shall be paid to the local authority incurring the expense. The amount shall be subtracted from proceeds which are received from the sale of the animal ordered by the court.*

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### 17. COURTROOM ANIMAL ADVOCATE PROGRAM

[None]

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## 18. RESTITUTION

**IOWA CODE § 717.3. Livestock in immediate need of sustenance—court order.**

1. This section applies only to livestock which are cattle, sheep, swine, or poultry.
2. For purposes of this section, “interested person” means all of the following:
  - a. An owner of the livestock.
  - b. A person caring for the livestock, if different from the owner of the livestock.
  - c. A person holding a perfected agricultural lien or security interest in the livestock under chapter 554.
3. The department may determine that some or all of the livestock kept by a person are in immediate need of sustenance. Upon making the determination the department may file a petition with a district court in a county where some or all of the livestock are kept requesting the court to issue an order to provide sustenance of the livestock. The petition may be made separately or with a petition filed pursuant to section 717.5. The petition must at least include all of the following:
  - a. A statement signed by a veterinarian licensed pursuant to chapter 169 stating that the livestock are in immediate need of sustenance.
  - b. The address of each location where the livestock are kept.
  - c. A brief description of the livestock.
  - d. The name and address of each interested person, if known.
  - e. The name and address of each qualified person appointed by the department to provide sustenance to the livestock.
4. Upon receiving the petition, the court may do any of the following:
  - a. Notify any interested person that the petition has been filed with the court. The notification must be made in writing and may be delivered by ordinary, certified, or restricted certified mail by United States postal service; delivered by a common carrier; or transmitted by electronic mail.
  - b. Hold a hearing to determine whether the livestock are in immediate need of sustenance.
5. *If the court determines that the livestock are in immediate need of sustenance, the court shall issue an order which at least declares all of the following:*
  - a. That the livestock are in immediate need of sustenance.
  - b. That the department shall assume supervision of and provide for the sustenance of the livestock as provided in section 717.4.
  - c. *That a lien is created attaching to the livestock and associated proceeds and products as provided in section 717.4.*
6. The department shall assume supervision of the livestock as provided in the court order. The department may directly provide for the sustenance of the livestock or appoint a qualified person to provide for such sustenance.

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### IOWA CODE § 717.4. Livestock in immediate need of sustenance—lien.

1. *This section applies to a lien created by a court order entered pursuant to section 717.3 or 717.5. The court ordered lien is an agricultural lien subject to chapter 554 except as otherwise provided in this section.*
2. *The court ordered lien shall be for the benefit of the department. The amount of the lien shall not be more than for expenses incurred in providing sustenance to the livestock pursuant to section 717.3 and providing for the disposition of the livestock pursuant to section 717.5.*
3. *The court ordered lien shall attach to the livestock, identifiable proceeds from the disposition of the livestock, and products from the livestock in the products' unmanufactured states.*
4. *The court ordered lien becomes effective on the date that the court order is entered. To perfect the lien, the department must file a financing statement in the office of the secretary of state as provided in sections 554.9308 and 554.9310 on or after but not later than twenty days after the effective date of the lien. For purposes of chapter 554, article 9, the department is a secured party; the owner of the livestock is a debtor; and the livestock and associated proceeds and products as provided in subsection 3 are the collateral.*
5. *The court ordered lien that is perfected under this section is superior to and shall have priority over a conflicting lien or security interest in the livestock and associated proceeds and products as provided in subsection 3, including a lien or security interest that was perfected prior to the perfection of the court ordered lien.*

### IOWA CODE § 717.4A. Livestock in immediate need of sustenance—livestock remediation fund.

*The department may utilize the moneys deposited into the livestock remediation fund pursuant to section 459.501 to pay for any expenses associated with providing sustenance to or the disposition of the livestock pursuant to a court order entered pursuant to section 717.3 or 717.5. The department shall utilize moneys from the fund only to the extent that the department determines that expenses cannot be timely paid by utilizing the available provisions of sections 717.4 and 717.5. The department shall deposit any unexpended and unobligated moneys in the fund. The department shall pay to the fund the proceeds from the disposition of the livestock and associated products less expenses incurred by the department in providing for the sustenance and disposition of the livestock, as provided in section 717.5.*

### IOWA CODE § 717B.4. Dispositional proceedings.

1. Upon a petition brought by a local authority, a court in the county where an animal is maintained by a responsible party or a local authority shall determine if the animal is a threatened animal and order its disposition after a hearing.
  - a. The matter shall be heard within ten days from the filing of the petition for disposition by the local authority.
  - b. If the animal has been rescued, the court may order that the animal be placed under the custody of the local authority and maintained in the same manner as a rescued animal under

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section 717B.5.

- c. The court may continue the hearing for up to thirty days upon petition by the responsible party. However, the court shall not grant a continuance unless the animal is maintained by the local authority. *The responsible party must post a bond or other security with the local authority as a condition of the continuance. The amount of the bond or other security shall be determined by the court, which shall not be more than the amount sufficient to provide maintenance of the animal for thirty days. The court may grant a subsequent continuance upon petition by the responsible party. The continuance shall be for not more than thirty days. The responsible party must post a new bond or security as a condition of the subsequent continuance in the same manner as the original bond or security or as otherwise ordered by the court.* However, the court shall order the immediate disposition of the animal if the animal is permanently distressed by disease or injury to a degree that would result in severe or prolonged suffering.
2. The hearing to determine if the animal is a threatened animal for purposes of disposition shall be a civil proceeding. If the case is related to a criminal proceeding, the disposition shall not be part of that proceeding and shall not be considered a criminal penalty imposed on a person found in violation of this chapter.
3. If the court determines that an animal is not a threatened animal, the court shall order that the animal be returned to the custody of the responsible party. If the court determines that an animal is a threatened animal, the court shall order the local authority to dispose of the threatened animal in any manner deemed appropriate for the welfare of the animal. In addition, all of the following apply:
  - a. *The court may order the responsible party to pay an amount which shall not be more than the dispositional expenses incurred by the local authority. The court may also award the local authority court costs, reasonable attorney fees and expenses related to the investigation and prosecution of the case, which shall be taxed as part of the costs of the action.*
  - b. *If a bond or other security was posted as a condition for a continuance of a disposition hearing as provided in this section, the local authority may use the posted amount to offset the local authority's dispositional expenses.*
  - c. *If any moneys are realized from the disposition of a threatened animal, the moneys shall be used to offset the local authority's dispositional expenses before satisfying indebtedness secured by any security interest in or lien on the threatened animal.*
  - d. *If the threatened animal is owned by more than one responsible party, the amount required to offset the local authority's dispositional expenses shall be prorated among the responsible parties based on the percentage of interest owned in the threatened animal attributable to the responsible parties as the threatened animal's titleholders. For purposes of this paragraph, a responsible party who does not own an interest in the threatened animal shall be deemed to be an owner holding a percentage interest in the animal equal to the largest percentage interest held by a landowner who is attributed an interest as the threatened animal's titleholder. If the responsible party is a landowner, the local authority may submit the amount to reimburse the local authority for its dispositional expenses to the clerk of the county board of supervisors who shall report the amount to the county treasurer. If the threatened animal is owned by more than one landowner, the amount shall be prorated among the landowners based on the percentage of interest owned in the threatened animal attributable to each landowner as the animal's titleholders. The amount shall be placed upon the tax books, and collected with interest and*

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*penalties after due, in the same manner as other unpaid property taxes. The county shall reimburse a city within thirty days from the collection of the property taxes.*

4. A threatened animal that is ordered by a court to be destroyed under this section shall be destroyed only by euthanasia as defined in section 162.2.

### IOWA CODE § 717D.5. Confiscation and disposition of animals

1. A local authority may confiscate an animal that is involved in a violation of section 717D.2. An animal that is livestock shall be considered neglected and may be rescued and disposed of as provided in section 717.5. An animal which is not livestock shall be considered threatened and rescued and disposed of as provided in section 717B.4.
2. If an animal that is involved in a violation of section 717D.2 is not rescued and disposed of pursuant to section 717.5 or 717B.4, it shall be forfeited to the state and subject to disposition as ordered by the court. *In addition, the court shall order the owner of the animal to pay an amount which shall not be more than the expenses incurred in maintaining or disposing of the animal.* The court may also order that the person pay reasonable attorney fees and expenses related to the investigation of the case that shall be taxed as other court costs. If more than one person has a divisible interest in the animal, the amount required to be paid shall be prorated based on the percentage of interest in the animal owned by each person. The moneys shall be paid to the local authority incurring the expense. The amount shall be subtracted from proceeds which are received from the sale of the animal ordered by the court.

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### 19. FORFEITURE AND POSSESSION BANS

#### Iowa Code § 162.13. Criminal penalties--confiscation

1. A person who operates a commercial establishment without an authorization issued or renewed by the department as required in section 162.2A is guilty of a simple misdemeanor and each day of operation is a separate offense.
2. The failure of a person who owns or operates a commercial establishment to meet the standard of care required in section 162.10A, subsection 1, is a simple misdemeanor. *The animals are subject to seizure and impoundment and may be sold or destroyed as provided by rules which shall be adopted by the department pursuant to chapter 17A. The rules shall provide for the destruction of an animal by a humane method, including by euthanasia.*
3. The failure of a person who owns or operates a commercial establishment to meet the requirements of this section is also cause for the suspension or revocation of the person's authorization as provided in section 162.10D.
4. Dogs, cats, and other vertebrate animals upon which euthanasia is permitted by law may be destroyed by a person subject to this chapter or chapter 169, by a humane method, including euthanasia, as provided by rules which shall be adopted by the department pursuant to chapter 17A.
5. It is unlawful for a dealer to knowingly ship a diseased animal. A dealer violating this subsection is subject to a fine not exceeding one hundred dollars. Each diseased animal shipped in violation of this subsection is a separate offense.

#### IOWA CODE § 717B.4. Dispositional proceedings.

1. *Upon a petition brought by a local authority, a court in the county where an animal is maintained by a responsible party or a local authority shall determine if the animal is a threatened animal and order its disposition after a hearing.*
  - a. *The matter shall be heard within ten days from the filing of the petition for disposition by the local authority.*
  - b. *If the animal has been rescued, the court may order that the animal be placed under the custody of the local authority and maintained in the same manner as a rescued animal under section 717B.5.*
  - c. The court may continue the hearing for up to thirty days upon petition by the responsible party. However, the court shall not grant a continuance unless the animal is maintained by the local authority. The responsible party must post a bond or other security with the local authority as a condition of the continuance. The amount of the bond or other security shall be determined by the court, which shall not be more than the amount sufficient to provide maintenance of the animal for thirty days. The court may grant a subsequent continuance upon petition by the responsible party. The continuance shall be for not more than thirty days. The responsible party must post a new bond or security as a condition of the subsequent continuance in the same manner as the original bond or security or as otherwise ordered by the court. *However, the court shall order the immediate disposition of the animal if the animal is permanently distressed*



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*by disease or injury to a degree that would result in severe or prolonged suffering.*

2. *The hearing to determine if the animal is a threatened animal for purposes of disposition shall be a civil proceeding. If the case is related to a criminal proceeding, the disposition shall not be part of that proceeding and shall not be considered a criminal penalty imposed on a person found in violation of this chapter.*
3. *If the court determines that an animal is not a threatened animal, the court shall order that the animal be returned to the custody of the responsible party. If the court determines that an animal is a threatened animal, the court shall order the local authority to dispose of the threatened animal in any manner deemed appropriate for the welfare of the animal. In addition, all of the following apply:*
  - a. The court may order the responsible party to pay an amount which shall not be more than the dispositional expenses incurred by the local authority. The court may also award the local authority court costs, reasonable attorney fees and expenses related to the investigation and prosecution of the case, which shall be taxed as part of the costs of the action.
  - b. If a bond or other security was posted as a condition for a continuance of a disposition hearing as provided in this section, the local authority may use the posted amount to offset the local authority's dispositional expenses.
  - c. If any moneys are realized from the disposition of a threatened animal, the moneys shall be used to offset the local authority's dispositional expenses before satisfying indebtedness secured by any security interest in or lien on the threatened animal.
  - d. If the threatened animal is owned by more than one responsible party, the amount required to offset the local authority's dispositional expenses shall be prorated among the responsible parties based on the percentage of interest owned in the threatened animal attributable to the responsible parties as the threatened animal's titleholders. For purposes of this paragraph, a responsible party who does not own an interest in the threatened animal shall be deemed to be an owner holding a percentage interest in the animal equal to the largest percentage interest held by a landowner who is attributed an interest as the threatened animal's titleholder. If the responsible party is a landowner, the local authority may submit the amount to reimburse the local authority for its dispositional expenses to the clerk of the county board of supervisors who shall report the amount to the county treasurer. If the threatened animal is owned by more than one landowner, the amount shall be prorated among the landowners based on the percentage of interest owned in the threatened animal attributable to each landowner as the animal's titleholders. The amount shall be placed upon the tax books, and collected with interest and penalties after due, in the same manner as other unpaid property taxes. The county shall reimburse a city within thirty days from the collection of the property taxes.
4. *A threatened animal that is ordered by a court to be destroyed under this section shall be destroyed only by euthanasia as defined in section 162.2.*

### IOWA CODE § 717B.5. Rescue of threatened animals.

A local authority may provide for the rescue of an animal as follows:

1. The rescue must be made by a law enforcement officer having cause to believe that the animal is a threatened animal after consulting with a veterinarian licensed pursuant to chapter 169. The law



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enforcement officer may rescue the animal by entering on public or private property, as provided in this subsection. The officer may enter onto property of a person to rescue the animal if the officer obtains a search warrant issued by a court, or enters onto the premises in a manner consistent with the laws of this state and the United States, including Article I, section 8, of the Constitution of the State of Iowa, or the fourth amendment to the Constitution of the United States.

2.
  - a. If an animal is rescued pursuant to this section, the local authority shall provide for the maintenance of the animal. The local authority may contract with an animal care provider for the maintenance of the animal. The local authority shall provide the responsible party for the animal with notice of the rescue. The notice may be accomplished by doing any of the following:
    - (1) Delivering written notice to the responsible party's last known address by the United States postal service or personal service.
    - (2) Posting a notice in a conspicuous place at the location where the animal was rescued.
  - b. The notice shall state that the animal has been rescued by the local authority pursuant to this section.
3. *Within ten days after the date that an animal is rescued, the local authority shall initiate a dispositional proceeding pursuant to section 717B.4.*
4. The local authority shall pay the animal care provider for the animal's maintenance regardless of proceeds received from the disposition of the animal or any reimbursement ordered by a court, pursuant to section 717B.4.

### IOWA CODE § 717D.5. Confiscation and disposition of animals

1. A local authority may confiscate an animal that is involved in a violation of section 717D.2. An animal that is livestock shall be considered neglected and may be rescued and disposed of as provided in section 717.5. An animal which is not livestock shall be considered threatened and rescued and disposed of as provided in section 717B.4.
2. *If an animal that is involved in a violation of section 717D.2 is not rescued and disposed of pursuant to section 717.5 or 717B.4, it shall be forfeited to the state and subject to disposition as ordered by the court.* In addition, the court shall order the owner of the animal to pay an amount which shall not be more than the expenses incurred in maintaining or disposing of the animal. The court may also order that the person pay reasonable attorney fees and expenses related to the investigation of the case that shall be taxed as other court costs. If more than one person has a divisible interest in the animal, the amount required to be paid shall be prorated based on the percentage of interest in the animal owned by each person. The moneys shall be paid to the local authority incurring the expense. The amount shall be subtracted from proceeds which are received from the sale of the animal ordered by the court.

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### 20. REHABILITATIVE SENTENCING

#### **Iowa Code § 717B.3B. Animal mistreatment -- court order -- evaluation and treatment**

1. *At the time of a person's conviction for committing a public offense constituting animal mistreatment, a court may enter an order requiring the person to undergo a psychological or psychiatric evaluation and to undergo any treatment that the court determines to be appropriate after due consideration of the evaluation.*
2. *Notwithstanding subsection 1, the court shall enter an order described in that subsection, if the convicted person is any of the following:*
  - a. *A juvenile.*
  - b. *An adult convicted of animal abuse punishable as an aggravated misdemeanor or class "D" felony pursuant to section 717B.2, animal neglect punishable as an aggravated misdemeanor or class "D" felony pursuant to section 717B.3, or animal torture pursuant to section 717B.3A.*
3. *The costs of undergoing a psychological or psychiatric evaluation and undergoing any treatment ordered by the court shall be borne by the convicted person, unless the person is a juvenile.*
4. *An order made under this section is in addition to any other order or sentence of the court.*
5. *Any violation of the court order shall be punished as contempt of court pursuant to chapter 665.*

#### **IOWA CODE § 717C.1. Bestiality.**

1. *For purposes of this section:*
  - a. *"Animal" means any nonhuman vertebrate, either dead or alive.*
  - b. *"Sex act" means any sexual contact between a person and an animal by penetration of the penis into the vagina or anus, contact between the mouth and genitalia, or by contact between the genitalia of one and the genitalia or anus of the other.*
2. *A person who performs a sex act with an animal is guilty of an aggravated misdemeanor.*
3. *Upon a conviction for a violation of this section, and in addition to any sentence authorized by law, the court shall require the person to submit to a psychological evaluation and treatment at the person's expense.*