



**ANIMAL LEGAL  
DEFENSE FUND** EST  
1979

## Compendium of U.S. Animal Protection Laws

### Utah



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*This chapter contains Utah’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.*

*Utah 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 UTAH

Utah Laws	
SUBSTANTIVE PROHIBITIONS AND EXEMPTIONS	
1. Definition of "Animal"	<p>"[L]ive, nonhuman vertebrate creature"  <b>UTAH CODE ANN. § 76-9-301(1)(b)(i)</b></p> <p>"Animal" does not include animals kept or owned for agricultural, zoological, hunting, circus, rodeo or wildlife purposes.  <b>UTAH CODE ANN. § 76-9-301(1)(b)(ii)</b></p>
2. General Cruelty	<p><b>NOTE:</b> Subsequent offenses enhance B and C misdemeanors by one level.  <b>UTAH CODE ANN. § 76-9-301.7</b></p> <p>Cruelty to animals (intentionally/knowingly)  <b>UTAH CODE ANN. § 76-9-301(3)(a)</b>  <i>Class B misdemeanor</i></p> <p>Cruelty to animals (recklessly/criminally negligent)  <b>UTAH CODE ANN. § 76-9-301(3)(b)</b>  <i>Class C misdemeanor</i></p> <p>Aggravated cruelty to animals (intentionally/knowingly)  <b>UTAH CODE ANN. § 76-9-301(5)(a)</b>  <i>Class A misdemeanor</i></p> <p>Aggravated cruelty to animals (recklessly)  <b>UTAH CODE ANN. § 76-9-301(5)(b)</b>  <i>Class B misdemeanor</i></p> <p>Aggravated cruelty to animals (criminally negligent)  <b>UTAH CODE ANN. § 76-9-301(5)(c)</b>  <i>Class C misdemeanor</i></p> <p>Torture of a companion animal  <b>UTAH CODE ANN. § 76-9-301(6)</b>  <i>3<sup>rd</sup> degree felony</i></p> <p><b>Exemptions:</b>          Protection of domestic animals, service animals, or hooved protected wildlife  <b>UTAH CODE ANN. § 18-1-3</b></p>

## ANIMAL PROTECTION LAWS OF UTAH

	<p>Veterinary practice, research animals, lawful hunting, accepted farm animal husbandry practices, rodeo, other</p> <p>UTAH CODE ANN. § 76-9-301(1)(e), (2), (7)-(10), (12)</p>
3. Animal Fighting	<p><b>Note:</b> Procedural matters relating to and seizure and forfeiture of animals used in fighting located in those respective sections of this document.</p> <p><b>NOTE:</b> Subsequent offenses enhance B and C misdemeanors by one level.</p> <p>UTAH CODE ANN. § 76-9-301.7</p> <p>Causing non-dog animal fighting, or dogs to fight other animals</p> <p>UTAH CODE ANN. § 76-9-301(2),(3)</p> <p><i>Intentionally/knowingly: Class B misdemeanor</i></p> <p><i>Recklessly/negligently: Class C misdemeanor</i></p> <p>Various dogfighting activities</p> <p>UTAH CODE ANN. § 76-9-301.1</p> <p><i>3<sup>rd</sup> degree felony</i></p> <p>Spectatorship at dogfight</p> <p>UTAH CODE ANN. § 76-9-301.1</p> <p><i>Class B misdemeanor</i></p> <p>Various cockfighting activities</p> <p>UTAH CODE ANN. § 76-9-301.3</p> <p><i>Class B misdemeanor</i></p> <p>Knowing spectatorship at an organized animal fight</p> <p>UTAH CODE ANN. § 76-9-301.5</p> <p><i>Class B misdemeanor</i></p> <p>Animal fighting laws are qualifying offenses under state RICO laws.</p> <p>UTAH CODE ANN. § 76-10-1602(4)(jjj)</p> <p>UTAH CODE ANN. § 76-10-1603</p> <p><i>2<sup>nd</sup> degree felony</i></p> <p>UTAH CODE ANN. § 76-10-1603.5</p>
4. Sexual Assault	<p><b>NOTE:</b> Subsequent offenses enhance B and C misdemeanors by one level.</p> <p>UTAH CODE ANN. § 76-9-301.7</p> <p>The crime of bestiality</p> <p>UTAH CODE ANN. § 76-9-301.8</p>

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	<i>Class B misdemeanor</i>
5. Cruelty to Working Animals	<p>Interfering with, injuring, or killing a police service canine  <b>UTAH CODE ANN. § 76-9-306</b>  <i>Kill: 2<sup>nd</sup> degree felony</i>  <i>Injure/engage in conduct likely to injure/poison: 3<sup>rd</sup> degree felony</i>  <i>Interfere with/taunt, etc.: Class A misdemeanor</i></p> <p>Injuring a service animal  <b>UTAH CODE ANN. § 76-9-307</b>  <i>Substantial injury or death: Class A misdemeanor</i>  <i>Chase/harass: Class B misdemeanor</i></p>
6. Laws Specific to Farmed Animals	<p><b>NOTE:</b> Subsequent offenses enhance B and C misdemeanors by one level.  <b>UTAH CODE ANN. § 76-9-301.7</b></p> <p>Wanton destruction of livestock  <b>UTAH CODE ANN. § 76-6-111</b>  <i>&lt;\$500: Class B misdemeanor</i>  <i>\$500-\$1,500: Class A misdemeanor</i>  <i>\$1,500-\$5,000: 3<sup>rd</sup> degree felony</i>  <i>&gt;\$5,000: 2<sup>nd</sup> degree felony</i></p> <p>Harassment of livestock  <b>UTAH CODE ANN. § 76-9-308</b>  <i>1<sup>st</sup> offense, and no livestock seriously injured or killed: Class B misdemeanor</i>  <i>1<sup>st</sup> offense if livestock was seriously injured or killed, or suffered damage in excess of \$1,000: Class A misdemeanor</i>  <i>Subsequent offenses: Class A misdemeanor</i></p>
7. Cruel Hunting, Trapping, and Fishing	<p>Administering substances that harm or kill wildlife prohibited  <b>UTAH CODE ANN. § 23A-5-308</b></p>
REPORTING LAWS	
8. Cross Reporting	[None]
9. Veterinary Reporting	<p>Veterinarians may report suspected animal cruelty and are immune from civil or criminal liability for such actions taken in good faith.  <b>UTAH CODE ANN. §§ 58-28-602; 76-9-301(13)</b></p>

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10. “Ag-Gag” Laws	UTAH CODE ANN. § 76-6-112 was held unconstitutional by <i>Animal Legal Defense Fund v. Herbert</i> , 263 F.Supp.3d 1193 (2017).
CIVIL AND CIVILIAN INTERVENTION	
11. Emergency Rescue and Relief	[None]
12. Civil Enforcement	[None]
13. Domestic Violence and Protection Orders	<p>Includes mental suffering resulting from harm to animal as “emotional distress,” and includes “emotional distress” in the definition of stalking UTAH CODE ANN. § 76-5-106.5(1)(a)(ii)(B), (2)(a)(ii)</p> <p>Includes “stalking” and aggravated animal cruelty in the definition of domestic violence UTAH CODE § 77-36-1</p> <p>Includes household animals in protection orders. UTAH CODE ANN. § 78B-7-102</p> <p>Provides space for household animals in protection orders. UTAH CODE ANN. § 78B-7-105</p> <p>Protects household animals from being injured or taken by offenders in dating violence protection orders UTAH CODE ANN. § 78B-7-404</p> <p>Protects household animals from being injured or taken by offenders in cohabitant protection orders. UTAH CODE ANN. § 78B-7-603</p>
CRIMINAL JUSTICE INTERVENTION	
14. Maximum Penalties and Statute of Limitations	<p><b>NOTE:</b> Subsequent offenses enhance B and C misdemeanors by one level. UTAH CODE ANN. § 76-9-301.7</p> <p>Class C misdemeanor 90 days imprisonment and/or \$750 fine UTAH CODE ANN. § 76-3-204(3) UTAH CODE ANN. § 76-3-301(1)(e)</p>

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	<p>Class B misdemeanor  <i>6 months imprisonment and/or \$1,000 fine</i>  <b>UTAH CODE ANN. § 76-3-204(2)</b>  <b>UTAH CODE ANN. § 76-3-301(1)(d)</b></p> <p>Class A misdemeanor  <i>364 days imprisonment and/or \$2,500 fine</i>  <b>UTAH CODE ANN. § 76-3-204(1)</b>  <b>UTAH CODE ANN. § 76-3-301(1)(c)</b></p> <p>3<sup>rd</sup> degree felony  <i>5 years imprisonment and/or \$5,000 fine</i>  <b>UTAH CODE ANN. § 76-3-203(3)</b>  <b>UTAH CODE ANN. § 76-3-301(1)(b)</b></p> <p>2<sup>nd</sup> degree felony  <i>15 years imprisonment and/or \$10,000 fine</i>  <b>UTAH CODE ANN. § 76-3-203(2)</b>  <b>UTAH CODE ANN. § 76-3-301(1)(a)</b></p> <p>Statute of limitations  <i>Misdemeanor: 2 years</i>  <i>Felony: 4 years</i>  <b>UTAH CODE ANN. § 76-1-302</b></p>
<b>15. Law Enforcement Policies</b>	[None]
<b>16. Seizure</b>	<p>A peace officer may enter any place where an exhibition of dog fighting is occurring, or where preparations are being made for such an exhibition and, without a warrant, arrest all persons present; animals and property may be seized.  <b>UTAH CODE ANN. § 76-9-301.6</b></p> <p>Any law enforcement officer may seize animals being cruelly treated.  <b>UTAH CODE ANN. § 76-9-305(1)</b></p>
<b>17. Courtroom Animal Advocate Program</b>	[None]
<b>18. Restitution</b>	Upon conviction, the court may require the defendant to repay reasonable costs of care.

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	<p>UTAH CODE ANN. § 76-9-301(11)(b)</p> <p>Officer seizing animals has a lien on them for the reasonable costs of the care.</p> <p>UTAH CODE ANN. § 76-9-305(2)</p>
<p><b>19. Forfeiture and Possession Bans</b></p>	<p>Upon conviction, the court may order cruelly treated animals forfeited and prohibit the defendant from possessing or retaining custody of any animal for any designated period.</p> <p>UTAH CODE ANN. § 76-9-301(11)(b)-(d)</p> <p>Animals and property seized from dogfights forfeited upon conviction</p> <p>UTAH CODE ANN. § 76-9-301.6</p> <p>Officers may humanely destroy an animal found suffering past recovery for any useful purpose</p> <p>UTAH CODE ANN. § 76-9-305(3)</p>
<p><b>20. Rehabilitative Sentencing</b></p>	<p>Upon conviction, court may order an evaluation and counseling at defendant's expense.</p> <p>UTAH CODE ANN. § 76-9-301(11)(a)</p>

## ANIMAL PROTECTION LAWS OF UTAH

### 1. DEFINITION OF “ANIMAL”

#### UTAH CODE ANN. § 76-9-301. Cruelty to animals.

(1) As used in this section:

- (a)
  - (i) “Abandon” means to intentionally deposit, leave, or drop off any live animal:
    - (A) without providing for the care of that animal, in accordance with accepted animal husbandry practices or customary farming practices; or
    - (B) in a situation where conditions present an immediate, direct, and serious threat to the life, safety, or health of the animal.
  - (ii) “Abandon” does not include returning wildlife to its natural habitat.
- (b)
  - (i) “Animal” means, except as provided in Subsection (1)(b)(ii), a live, nonhuman vertebrate creature.
  - (ii) “Animal” does not include:
    - (A) a live, nonhuman vertebrate creature, if:
      - (I) the conduct toward the creature, and the care provided to the creature, is in accordance with accepted animal husbandry practices; and
      - (II) the creature is:
        - (Aa) owned or kept by a zoological park that is accredited by, or a member of, the American Zoo and Aquarium Association;
        - (Bb) kept, owned, or used for the purpose of training hunting dogs or raptors; or
        - (Cc) temporarily in the state as part of a circus or traveling exhibitor licensed by the United States Department of Agriculture under 7 U.S.C. Sec. 2133;
    - (B) a live, nonhuman vertebrate creature that is owned, kept, or used for rodeo purposes, if the conduct toward the creature, and the care provided to the creature, is in accordance with accepted rodeo practices;
    - (C) livestock, if the conduct toward the creature, and the care provided to the creature, is in accordance with accepted animal husbandry practices or customary farming practices; or
    - (D) wildlife, as defined in Section 23A-1-101, including protected and unprotected wildlife, if the conduct toward the wildlife is in accordance with lawful hunting, fishing, or trapping practices or other lawful practices.
- (c) “Companion animal” means an animal that is a domestic dog or a domestic cat.
- (d) “Custody” means ownership, possession, or control over an animal.
- (e) “Legal privilege” means an act that:
  - (i) is authorized by state law, including rules under Title 23A, Wildlife Resources Act; and
  - (ii) is not in violation of a local ordinance.
- (f) “Livestock” means:



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- (i) *domesticated*:
    - (A) *cattle*;
    - (B) *sheep*;
    - (C) *goats*;
    - (D) *turkeys*;
    - (E) *swine*;
    - (F) *equines*;
    - (G) *camelidae*;
    - (H) *ratites*; or
    - (I) *bison*;
  - (ii) *domesticated elk, as defined in Section 4-39-102*;
  - (iii) a livestock guardian dog, as defined in Section 76-6-111; or
  - (iv) *any domesticated nonhuman vertebrate creature, domestic furbearer, or domestic poultry, raised, kept, or used for agricultural purposes.*
- (g) “Necessary food, water, care, or shelter” means the following, taking into account the species, age, and physical condition of the animal:
  - (i) appropriate and essential food and water;
  - (ii) adequate protection, including appropriate shelter, against extreme weather conditions; and
  - (iii) other essential care.
- (h) “Torture” means intentionally or knowingly causing or inflicting extreme physical pain to an animal in an especially heinous, atrocious, cruel, or exceptionally depraved manner.
- (2) Except as provided in Subsection (4) or (6), a person is guilty of cruelty to an animal if the person, without legal privilege to do so, intentionally, knowingly, recklessly, or with criminal negligence:
  - (a) fails to provide necessary food, water, care, or shelter for an animal in the person’s custody;
  - (b) abandons an animal in the person’s custody;
  - (c) injures an animal;
  - (d) causes any animal, not including a dog or game fowl, to fight with another animal of like kind for amusement or gain; or
  - (e) causes any animal, including a dog or game fowl, to fight with a different kind of animal or creature for amusement or gain.
- (3) Except as provided in Section 76-9-301.7, a violation of Subsection (2) is:
  - (a) a class B misdemeanor if committed intentionally or knowingly; and
  - (b) a class C misdemeanor if committed recklessly or with criminal negligence.
- (4) A person is guilty of aggravated cruelty to an animal if the person:
  - (a) tortures an animal;
  - (b) administers, or causes to be administered, poison or a poisonous substance to an animal; or
  - (c) kills an animal or causes an animal to be killed without having a legal privilege to do so.
- (5) Except as provided in Subsection (6) or Section 76-9-301.7, a violation of Subsection (4) is:
  - (a) a class A misdemeanor if committed intentionally or knowingly;
  - (b) a class B misdemeanor if committed recklessly; and
  - (c) a class C misdemeanor if committed with criminal negligence.

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- (6) A person is guilty of a third degree felony if the person intentionally or knowingly tortures a companion animal.
- (7) It is a defense to prosecution under this section that the conduct of the actor towards the animal was:
  - (a) by a licensed veterinarian using accepted veterinary practice;
  - (b) directly related to bona fide experimentation for scientific research, provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved;
  - (c) permitted under Section 18-1-3;
  - (d) by a person who humanely destroys any animal found suffering past recovery for any useful purpose; or
  - (e) by a person who humanely destroys any apparently abandoned animal found on the person's property.
- (8) For purposes of Subsection (7)(d), before destroying the suffering animal, the person who is not the owner of the animal shall obtain:
  - (a) the judgment of a veterinarian of the animal's nonrecoverable condition;
  - (b) the judgment of two other persons called by the person to view the unrecoverable condition of the animal in the person's presence;
  - (c) the consent from the owner of the animal to the destruction of the animal; or
  - (d) a reasonable conclusion that the animal's suffering is beyond recovery, through the person's own observation, if the person is in a location or circumstance where the person is unable to contact another person.
- (9) This section does not affect or prohibit:
  - (a) the training, instruction, and grooming of animals, if the methods used are in accordance with accepted animal husbandry practices or customary farming practices;
  - (b) the use of an electronic locating or training collar by the owner of an animal for the purpose of lawful animal training, lawful hunting practices, or protecting against loss of that animal; or
  - (c) the lawful hunting of, fishing for, or trapping of, wildlife.
- (10) County and municipal governments may not prohibit the use of an electronic locating or training collar.
- (11) Upon conviction under this section, the court may in its discretion, in addition to other penalties:
  - (a) order the defendant to be evaluated to determine the need for psychiatric or psychological counseling, to receive counseling as the court determines to be appropriate, and to pay the costs of the evaluation and counseling;
  - (b) require the defendant to forfeit any rights the defendant has to the animal subjected to a violation of this section and to repay the reasonable costs incurred by any person or agency in caring for each animal subjected to violation of this section;
  - (c) order the defendant to no longer possess or retain custody of any animal, as specified by the court, during the period of the defendant's probation or parole or other period as designated by the court; and
  - (d) order the animal to be placed for the purpose of adoption or care in the custody of a county or municipal animal control agency or an animal welfare agency registered with the state to be sold at public auction or humanely destroyed.
- (12) This section does not prohibit the use of animals in lawful training.

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- (13) A veterinarian who, acting in good faith, reports a violation of this section to law enforcement may not be held civilly liable for making the report.

## ANIMAL PROTECTION LAWS OF UTAH

### 2. GENERAL CRUELTY

#### UTAH CODE ANN. § 18-1-3. Dogs attacking domestic animals, service animals, hoofed protected wildlife, or domestic fowls.

*Any person may injure or kill a dog while:*

- (1) *the dog is attacking, chasing, or worrying:*
  - (a) *a domestic animal having a commercial value;*
  - (b) *a service animal, as defined in Section 26B-6-801; or*
  - (c) *any species of hoofed protected wildlife;*
- (2) *the dog is attacking domestic fowls; or*
- (3) *the dog is being pursued for committing an act described in Subsection (1) or (2).*

#### UTAH CODE ANN. § 76-9-301. Cruelty to animals.

(1) *As used in this section:*

- (a)
  - (i) *“Abandon” means to intentionally deposit, leave, or drop off any live animal:*
    - (A) *without providing for the care of that animal, in accordance with accepted animal husbandry practices or customary farming practices; or*
    - (B) *in a situation where conditions present an immediate, direct, and serious threat to the life, safety, or health of the animal.*
  - (ii) *“Abandon” does not include returning wildlife to its natural habitat.*
- (b)
  - (i) *“Animal” means, except as provided in Subsection (1)(b)(ii), a live, nonhuman vertebrate creature.*
  - (ii) *“Animal” does not include:*
    - (A) *a live, nonhuman vertebrate creature, if:*
      - (I) *the conduct toward the creature, and the care provided to the creature, is in accordance with accepted animal husbandry practices; and*
      - (II) *the creature is:*
        - (Aa) *owned or kept by a zoological park that is accredited by, or a member of, the American Zoo and Aquarium Association;*
        - (Bb) *kept, owned, or used for the purpose of training hunting dogs or raptors; or*
        - (Cc) *temporarily in the state as part of a circus or traveling exhibitor licensed by the United States Department of Agriculture under 7 U.S.C. Sec. 2133;*
    - (B) *a live, nonhuman vertebrate creature that is owned, kept, or used for rodeo purposes, if the conduct toward the creature, and the care provided to the creature, is in accordance with accepted rodeo practices;*

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- (C) livestock, if the conduct toward the creature, and the care provided to the creature, is in accordance with accepted animal husbandry practices or customary farming practices; or
- (D) wildlife, as defined in Section 23A-1-101, including protected and unprotected wildlife, if the conduct toward the wildlife is in accordance with lawful hunting, fishing, or trapping practices or other lawful practices.
- (c) “Companion animal” means an animal that is a domestic dog or a domestic cat.
- (d) “Custody” means ownership, possession, or control over an animal.
- (e) “Legal privilege” means an act that:
  - (i) is authorized by state law, including rules under Title 23A, Wildlife Resources Act; and
  - (ii) is not in violation of a local ordinance.
- (f) “Livestock” means:
  - (i) domesticated:
    - (A) cattle;
    - (B) sheep;
    - (C) goats;
    - (D) turkeys;
    - (E) swine;
    - (F) equines;
    - (G) camelidae;
    - (H) ratites; or
    - (I) bison;
  - (ii) domesticated elk, as defined in Section 4-39-102;
  - (iii) a livestock guardian dog, as defined in Section 76-6-111; or
  - (iv) any domesticated nonhuman vertebrate creature, domestic furbearer, or domestic poultry, raised, kept, or used for agricultural purposes.
- (g) “Necessary food, water, care, or shelter” means the following, taking into account the species, age, and physical condition of the animal:
  - (i) appropriate and essential food and water;
  - (ii) adequate protection, including appropriate shelter, against extreme weather conditions; and
  - (iii) other essential care.
- (h) “Torture” means intentionally or knowingly causing or inflicting extreme physical pain to an animal in an especially heinous, atrocious, cruel, or exceptionally depraved manner.
- (2) Except as provided in Subsection (4) or (6), a person is guilty of cruelty to an animal if the person, without legal privilege to do so, intentionally, knowingly, recklessly, or with criminal negligence:
  - (a) fails to provide necessary food, water, care, or shelter for an animal in the person’s custody;
  - (b) abandons an animal in the person’s custody;
  - (c) injures an animal;
  - (d) causes any animal, not including a dog or game fowl, to fight with another animal of like kind for amusement or gain; or
  - (e) causes any animal, including a dog or game fowl, to fight with a different kind of animal or creature for amusement or gain.

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- (3) *Except as provided in Section 76-9-301.7, a violation of Subsection (2) is:*
  - (a) *a class B misdemeanor if committed intentionally or knowingly; and*
  - (b) *a class C misdemeanor if committed recklessly or with criminal negligence.*
- (4) *A person is guilty of aggravated cruelty to an animal if the person:*
  - (a) *tortures an animal;*
  - (b) *administers, or causes to be administered, poison or a poisonous substance to an animal; or*
  - (c) *kills an animal or causes an animal to be killed without having a legal privilege to do so.*
- (5) *Except as provided in Subsection (6) or Section 76-9-301.7, a violation of Subsection (4) is:*
  - (a) *a class A misdemeanor if committed intentionally or knowingly;*
  - (b) *a class B misdemeanor if committed recklessly; and*
  - (c) *a class C misdemeanor if committed with criminal negligence.*
- (6) *A person is guilty of a third degree felony if the person intentionally or knowingly tortures a companion animal.*
- (7) *It is a defense to prosecution under this section that the conduct of the actor towards the animal was:*
  - (a) *by a licensed veterinarian using accepted veterinary practice;*
  - (b) *directly related to bona fide experimentation for scientific research, provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved;*
  - (c) *permitted under Section 18-1-3;*
  - (d) *by a person who humanely destroys any animal found suffering past recovery for any useful purpose; or*
  - (e) *by a person who humanely destroys any apparently abandoned animal found on the person's property.*
- (8) *For purposes of Subsection (7)(d), before destroying the suffering animal, the person who is not the owner of the animal shall obtain:*
  - (a) *the judgment of a veterinarian of the animal's nonrecoverable condition;*
  - (b) *the judgment of two other persons called by the person to view the unrecoverable condition of the animal in the person's presence;*
  - (c) *the consent from the owner of the animal to the destruction of the animal; or*
  - (d) *a reasonable conclusion that the animal's suffering is beyond recovery, through the person's own observation, if the person is in a location or circumstance where the person is unable to contact another person.*
- (9) *This section does not affect or prohibit:*
  - (a) *the training, instruction, and grooming of animals, if the methods used are in accordance with accepted animal husbandry practices or customary farming practices;*
  - (b) *the use of an electronic locating or training collar by the owner of an animal for the purpose of lawful animal training, lawful hunting practices, or protecting against loss of that animal; or*
  - (c) *the lawful hunting of, fishing for, or trapping of, wildlife.*
- (10) *County and municipal governments may not prohibit the use of an electronic locating or training collar.*
- (11) *Upon conviction under this section, the court may in its discretion, in addition to other penalties:*
  - (a) *order the defendant to be evaluated to determine the need for psychiatric or psychological counseling, to receive counseling as the court determines to be appropriate, and to pay the costs of the evaluation and counseling;*

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- (b) require the defendant to forfeit any rights the defendant has to the animal subjected to a violation of this section and to repay the reasonable costs incurred by any person or agency in caring for each animal subjected to violation of this section;
  - (c) order the defendant to no longer possess or retain custody of any animal, as specified by the court, during the period of the defendant's probation or parole or other period as designated by the court; and
  - (d) order the animal to be placed for the purpose of adoption or care in the custody of a county or municipal animal control agency or an animal welfare agency registered with the state to be sold at public auction or humanely destroyed.
- (12) This section does not prohibit the use of animals in lawful training.
- (13) A veterinarian who, acting in good faith, reports a violation of this section to law enforcement may not be held civilly liable for making the report.

### UTAH CODE ANN. § 76-9-301.7. Cruelty to animals—Enhanced penalties.

- (1) *As used in this section, "conviction" means a conviction by plea or by verdict, including a plea of guilty or no contest that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, regardless of whether the charge was, or is, subsequently reduced or dismissed in accordance with the plea in abeyance agreement.*
- (2) *Except as provided in Subsection (4), a person who commits any violation of Section 76-9-301, Section 76-9-301.5, or Subsection 76-9-301.1(4) within the state and on at least one previous occasion has been convicted of violating Section 76-9-301, Section 76-9-301.5, or Subsection 76-9-301.1(4) shall be subject to an enhanced penalty as provided in Subsection (3).*
- (3) *The enhanced degree of offense for offenses committed under this section are:*
  - (a) *if the offense is a class C misdemeanor, it is a class B misdemeanor; and*
  - (b) *if the offense is a class B misdemeanor, it is a class A misdemeanor.*
- (4) *The penalty enhancements described in this section do not apply to a conviction for the offense described in Subsection 76-9-301(6).*

## ANIMAL PROTECTION LAWS OF UTAH

### 3. ANIMAL FIGHTING

**Note:** Procedural matters relating to and seizure and forfeiture of animals used in fighting located in those respective sections of this document.

#### UTAH CODE ANN. § 76-9-301. Cruelty to animals.

(1) As used in this section:

- (a)
  - (i) “Abandon” means to intentionally deposit, leave, or drop off any live animal:
    - (A) without providing for the care of that animal, in accordance with accepted animal husbandry practices or customary farming practices; or
    - (B) in a situation where conditions present an immediate, direct, and serious threat to the life, safety, or health of the animal.
  - (ii) “Abandon” does not include returning wildlife to its natural habitat.
- (b)
  - (i) “Animal” means, except as provided in Subsection (1)(b)(ii), a live, nonhuman vertebrate creature.
  - (ii) “Animal” does not include:
    - (A) a live, nonhuman vertebrate creature, if:
      - (I) the conduct toward the creature, and the care provided to the creature, is in accordance with accepted animal husbandry practices; and
      - (II) the creature is:
        - (Aa) owned or kept by a zoological park that is accredited by, or a member of, the American Zoo and Aquarium Association;
        - (Bb) kept, owned, or used for the purpose of training hunting dogs or raptors; or
        - (Cc) temporarily in the state as part of a circus or traveling exhibitor licensed by the United States Department of Agriculture under 7 U.S.C. Sec. 2133;
    - (B) a live, nonhuman vertebrate creature that is owned, kept, or used for rodeo purposes, if the conduct toward the creature, and the care provided to the creature, is in accordance with accepted rodeo practices;
    - (C) livestock, if the conduct toward the creature, and the care provided to the creature, is in accordance with accepted animal husbandry practices or customary farming practices; or
    - (D) wildlife, as defined in Section 23A-1-101, including protected and unprotected wildlife, if the conduct toward the wildlife is in accordance with lawful hunting, fishing, or trapping practices or other lawful practices.
  - (c) “Companion animal” means an animal that is a domestic dog or a domestic cat.
  - (d) “Custody” means ownership, possession, or control over an animal.
  - (e) “Legal privilege” means an act that:



## ANIMAL PROTECTION LAWS OF UTAH

- (i) is authorized by state law, including rules under Title 23A, Wildlife Resources Act; and
  - (ii) is not in violation of a local ordinance.
- (f) “Livestock” means:
  - (i) domesticated:
    - (A) cattle;
    - (B) sheep;
    - (C) goats;
    - (D) turkeys;
    - (E) swine;
    - (F) equines;
    - (G) camelidae;
    - (H) ratites; or
    - (I) bison;
  - (ii) domesticated elk, as defined in Section 4-39-102;
  - (iii) a livestock guardian dog, as defined in Section 76-6-111; or
  - (iv) any domesticated nonhuman vertebrate creature, domestic furbearer, or domestic poultry, raised, kept, or used for agricultural purposes.
- (g) “Necessary food, water, care, or shelter” means the following, taking into account the species, age, and physical condition of the animal:
  - (i) appropriate and essential food and water;
  - (ii) adequate protection, including appropriate shelter, against extreme weather conditions; and
  - (iii) other essential care.
- (h) “Torture” means intentionally or knowingly causing or inflicting extreme physical pain to an animal in an especially heinous, atrocious, cruel, or exceptionally depraved manner.
- (2) *Except as provided in Subsection (4) or (6), a person is guilty of cruelty to an animal if the person, without legal privilege to do so, intentionally, knowingly, recklessly, or with criminal negligence:*
  - (a) fails to provide necessary food, water, care, or shelter for an animal in the person’s custody;
  - (b) abandons an animal in the person’s custody;
  - (c) injures an animal;
  - (d) *causes any animal, not including a dog or game fowl, to fight with another animal of like kind for amusement or gain; or*
  - (e) *causes any animal, including a dog or game fowl, to fight with a different kind of animal or creature for amusement or gain.*
- (3) *Except as provided in Section 76-9-301.7, a violation of Subsection (2) is:*
  - (a) *a class B misdemeanor if committed intentionally or knowingly; and*
  - (b) *a class C misdemeanor if committed recklessly or with criminal negligence.*
- (4) A person is guilty of aggravated cruelty to an animal if the person:
  - (a) tortures an animal;
  - (b) administers, or causes to be administered, poison or a poisonous substance to an animal; or
  - (c) kills an animal or causes an animal to be killed without having a legal privilege to do so.
- (5) *Except as provided in Subsection (6) or Section 76-9-301.7, a violation of Subsection (4) is:*
  - (a) *a class A misdemeanor if committed intentionally or knowingly;*

## ANIMAL PROTECTION LAWS OF UTAH

- (b) a class B misdemeanor if committed recklessly; and
  - (c) a class C misdemeanor if committed with criminal negligence.
- (6) A person is guilty of a third degree felony if the person intentionally or knowingly tortures a companion animal.
- (7) It is a defense to prosecution under this section that the conduct of the actor towards the animal was:
- (a) by a licensed veterinarian using accepted veterinary practice;
  - (b) directly related to bona fide experimentation for scientific research, provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved;
  - (c) permitted under Section 18-1-3;
  - (d) by a person who humanely destroys any animal found suffering past recovery for any useful purpose; or
  - (e) by a person who humanely destroys any apparently abandoned animal found on the person's property.
- (8) For purposes of Subsection (7)(d), before destroying the suffering animal, the person who is not the owner of the animal shall obtain:
- (a) the judgment of a veterinarian of the animal's nonrecoverable condition;
  - (b) the judgment of two other persons called by the person to view the unrecoverable condition of the animal in the person's presence;
  - (c) the consent from the owner of the animal to the destruction of the animal; or
  - (d) a reasonable conclusion that the animal's suffering is beyond recovery, through the person's own observation, if the person is in a location or circumstance where the person is unable to contact another person.
- (9) This section does not affect or prohibit:
- (a) the training, instruction, and grooming of animals, if the methods used are in accordance with accepted animal husbandry practices or customary farming practices;
  - (b) the use of an electronic locating or training collar by the owner of an animal for the purpose of lawful animal training, lawful hunting practices, or protecting against loss of that animal; or
  - (c) the lawful hunting of, fishing for, or trapping of, wildlife.
- (10) County and municipal governments may not prohibit the use of an electronic locating or training collar.
- (11) Upon conviction under this section, the court may in its discretion, in addition to other penalties:
- (a) order the defendant to be evaluated to determine the need for psychiatric or psychological counseling, to receive counseling as the court determines to be appropriate, and to pay the costs of the evaluation and counseling;
  - (b) require the defendant to forfeit any rights the defendant has to the animal subjected to a violation of this section and to repay the reasonable costs incurred by any person or agency in caring for each animal subjected to violation of this section;
  - (c) order the defendant to no longer possess or retain custody of any animal, as specified by the court, during the period of the defendant's probation or parole or other period as designated by the court; and
  - (d) order the animal to be placed for the purpose of adoption or care in the custody of a county or municipal animal control agency or an animal welfare agency registered with the state to be sold at public auction or humanely destroyed.

## ANIMAL PROTECTION LAWS OF UTAH

- (12) This section does not prohibit the use of animals in lawful training.
- (13) A veterinarian who, acting in good faith, reports a violation of this section to law enforcement may not be held civilly liable for making the report.

### UTAH CODE ANN. § 76-9-301.1. Dog fighting—Training dogs for fighting—Dog fighting exhibitions.

- (1) *It is unlawful for any person to:*
  - (a) *own, possess, keep, or train a dog with the intent to engage it in an exhibition of fighting with another dog;*
  - (b) *cause a dog to fight with another dog or cause a dog to injure another dog for amusement or gain;*
  - (c) *tie, attach, or fasten any live animal to a machine or device propelled by any power, for the purpose of causing the animal to be pursued by a dog; or*
  - (d) *permit or allow any act which violates Subsection (1)(a), (b), or (c) on any premises under his charge; or to control, aid, or abet any such act.*
- (2) *Possession of any breaking stick, treadmill, wheel, hot walker, cat mill, cat walker, jenni, or other paraphernalia together with evidence that the paraphernalia is being used or is intended for use in the unlawful training of a dog to fight with another dog, together with the possession of any such dog, is prima facie evidence of violation of Subsections (1)(b) and (c).*
- (3) *A person who violates Subsection (1) is guilty of a third degree felony, and any fine imposed may not exceed \$25,000.*
- (4) *It is unlawful for a person to knowingly and intentionally be present as a spectator at any place, building, or tenement where preparations are being made for an exhibition of dog fighting, or to knowingly and intentionally be present at a dog fighting exhibition or any other occurrence of fighting or injury described in this section. A person who violates this subsection is guilty of a class B misdemeanor.*
- (5) *Nothing in this section prohibits any of the following:*
  - (a) *the use of dogs for management of livestock by the owner, his employees or agents, or any other person in the lawful custody of livestock;*
  - (b) *the use of dogs for hunting; or*
  - (c) *the training of dogs or the possession or use of equipment in the training of dogs for any purpose not prohibited by law.*

### UTAH CODE ANN. § 76-9-301.3. Game fowl fighting.

- (1) *As used in this section:*
  - (a) *“Game fowl” means a fowl reared or used for fighting other fowl.*
  - (b) *“Promote” means to engage in promoting, producing, or staging events or activities that involve game fowl fighting.*
- (2) *It is unlawful for a person to:*

## ANIMAL PROTECTION LAWS OF UTAH

- (a) *intentionally cause a game fowl to fight with or attack another game fowl for the purpose of entertainment, sport, or contest; or*
- (b) *promote any activity that involves game fowl fighting, including promoting an activity that is a violation of Subsection (2)(a).*
- (3) *A person who violates Subsection (2) is, upon conviction, guilty of:*
  - (a) *a class B misdemeanor for the first violation;*
  - (b) *a class A misdemeanor for the second violation; or*
  - (c) *a third degree felony for a third or subsequent violation.*
- (4) *This section does not prohibit the lawful use of livestock by the livestock owner, an employee or agent of the livestock owner, or a person in the lawful custody of livestock.*

### UTAH CODE ANN. § 76-9-301.5. Spectator at organized animal fighting exhibitions.

*It is unlawful for a person to knowingly be present as a spectator at any place, building, or tenement where preparations are being made for an exhibition of the fighting of animals, as prohibited by Subsections 76-9-301(2)(d) and (e), or to be present at such exhibition, regardless of whether any entrance fee has been charged. A person who violates this section is guilty of a class B misdemeanor.*

### UTAH CODE ANN. § 76-9-301.7. Cruelty to animals—Enhanced penalties.

- (1) *As used in this section, “conviction” means a conviction by plea or by verdict, including a plea of guilty or no contest that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, regardless of whether the charge was, or is, subsequently reduced or dismissed in accordance with the plea in abeyance agreement.*
- (2) *Except as provided in Subsection (4), a person who commits any violation of Section 76-9-301, Section 76-9-301.5, or Subsection 76-9-301.1(4) within the state and on at least one previous occasion has been convicted of violating Section 76-9-301, Section 76-9-301.5, or Subsection 76-9-301.1(4) shall be subject to an enhanced penalty as provided in Subsection (3).*
- (3) *The enhanced degree of offense for offenses committed under this section are:*
  - (a) *if the offense is a class C misdemeanor, it is a class B misdemeanor; and*
  - (b) *if the offense is a class B misdemeanor, it is a class A misdemeanor.*
- (4) *The penalty enhancements described in this section do not apply to a conviction for the offense described in Subsection 76-9-301(6).*

### UTAH CODE ANN. § 76-10-1602. Definitions.

**NOTE:** *Unrelated parts of this statute have been omitted.*

As used in this part:

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- (1) “Enterprise” means any individual, sole proprietorship, partnership, corporation, business trust, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity, and includes illicit as well as licit entities.
- (2) “Pattern of unlawful activity” means engaging in conduct which constitutes the commission of at least three episodes of unlawful activity, which episodes are not isolated, but have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics. Taken together, the episodes shall demonstrate continuing unlawful conduct and be related either to each other or to the enterprise. At least one of the episodes comprising a pattern of unlawful activity shall have occurred after July 31, 1981. The most recent act constituting part of a pattern of unlawful activity as defined by this part shall have occurred within five years of the commission of the next preceding act alleged as part of the pattern.
- (3) “Person” includes any individual or entity capable of holding a legal or beneficial interest in property, including state, county, and local governmental entities.
- (4) “Unlawful activity” means to directly engage in conduct or to solicit, request, command, encourage, or intentionally aid another person to engage in conduct which would constitute any offense described by the following crimes or categories of crimes, or to attempt or conspire to engage in an act which would constitute any of those offenses, regardless of whether the act is in fact charged or indicted by any authority or is classified as a misdemeanor or a felony:

\* \* \* \* \*

(jjj) *intentionally or knowingly causing one animal to fight with another, Subsection 76-9-301(2)(d) or (e), or Section 76-9-301.1;*

\* \* \* \* \*

### UTAH CODE ANN. § 76-10-1603. Unlawful acts.

- (1) *It is unlawful for any person who has received any proceeds derived, whether directly or indirectly, from a pattern of unlawful activity in which the person has participated as a principal, to use or invest, directly or indirectly, any part of that income, or the proceeds of the income, or the proceeds derived from the investment or use of those proceeds, in the acquisition of any interest in, or the establishment or operation of, any enterprise.*
- (2) *It is unlawful for any person through a pattern of unlawful activity to acquire or maintain, directly or indirectly, any interest in or control of any enterprise.*
- (3) *It is unlawful for any person employed by or associated with any enterprise to conduct or participate, whether directly or indirectly, in the conduct of that enterprise’s affairs through a pattern of unlawful activity.*
- (4) *It is unlawful for any person to conspire to violate any provision of Subsection (1), (2), or (3).*

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### UTAH CODE ANN. § 76-10-1603.5. Violation of felony – Costs – Fines – Divestiture – Restrictions – Dissolution or reorganization – Prior restraint.

- (1) *A person who violates any provision of Section 76-10-1603 is guilty of a second degree felony.* In addition to penalties prescribed by law, the court may order the person found guilty of the felony to pay to the state, if the attorney general brought the action, or to the county, if the county attorney or district attorney brought the action, the costs of investigating and prosecuting the offense and the costs of securing the forfeitures provided for in this section.
- (2) In lieu of a fine otherwise authorized by law for a violation of Section 76-10-1603, a defendant who derives net proceeds from a conduct prohibited by Section 76-10-1603 may be fined not more than twice the amount of the net proceeds.
- (3) Upon conviction for violating any provision of Section 76-10-1603, and in addition to any penalty prescribed by law, the court may do any or all of the following:
  - (a) order restitution to any victim or rightful owner of property obtained, directly or indirectly, from:
    - (i) the conduct constituting the pattern of unlawful activity; or
    - (ii) any act or conduct constituting the pattern of unlawful activity that is proven as part of the violation of any provision of Section 76-10-1603;
  - (b) order the person to divest himself of any interest in or any control, direct or indirect, of any enterprise;
  - (c) impose reasonable restrictions on the future activities or investments of any person, including prohibiting the person from engaging in the same type of endeavor as the enterprise engaged in, to the extent the Utah Constitution and the Constitution of the United States permit; or
  - (d) order the dissolution or reorganization of any enterprise.
- (4) If a violation of Section 76-10-1603 is based on a pattern of unlawful activity consisting of acts or conduct in violation of Section 76-10-1204, 76-10-1205, 76-10-1206, or 76-10-1222, the court may not enter any order that would amount to a prior restraint on the exercise of an affected party's rights under the First Amendment to the Constitution of the United States or Utah Constitution Article I, Section 15.
- (5) For purposes of this section, the "net proceeds" of an offense means property acquired as a result of the violation minus the direct costs of acquiring the property.

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### 4. SEXUAL ASSAULT

#### UTAH CODE ANN. § 76-9-301.7. Cruelty to animals—Enhanced penalties.

- (1) *As used in this section, “conviction” means a conviction by plea or by verdict, including a plea of guilty or no contest that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, regardless of whether the charge was, or is, subsequently reduced or dismissed in accordance with the plea in abeyance agreement.*
- (2) *Except as provided in Subsection (4), a person who commits any violation of Section 76-9-301, Section 76-9-301.5, or Subsection 76-9-301.1(4) within the state and on at least one previous occasion has been convicted of violating Section 76-9-301, Section 76-9-301.5, or Subsection 76-9-301.1(4) shall be subject to an enhanced penalty as provided in Subsection (3).*
- (3) *The enhanced degree of offense for offenses committed under this section are:*
  - (a) *if the offense is a class C misdemeanor, it is a class B misdemeanor; and*
  - (b) *if the offense is a class B misdemeanor, it is a class A misdemeanor.*
- (4) *The penalty enhancements described in this section do not apply to a conviction for the offense described in Subsection 76-9-301(6).*

#### UTAH CODE ANN. § 76-9-301.8. Bestiality—Definitions—Penalty.

- (1) *A person commits the crime of bestiality if the actor engages in any sexual activity with an animal with the intent of sexual gratification of the actor.*
- (2) *For purposes of this section only:*
  - (a) *“Animal” means any live, nonhuman vertebrate creature, including fowl.*
  - (b) *“Sexual activity” means physical sexual contact:*
    - (i) *between the actor and the animal involving the genitals of the actor and the genitals of the animal;*
    - (ii) *the genitals of the actor or the animal and the mouth or anus of the actor or the animal; or*
    - (iii) *through the actor’s use of an object in contact with the genitals or anus of the animal.*
- (3) *A crime of bestiality is a class B misdemeanor.*



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### 5. CRUELTY TO WORKING ANIMALS

#### UTAH CODE ANN. § 76-9-306. Police service canine—Causing injury or interfering with handler—Penalties.

- (1) As used in this section:
  - (a) “Handler” means a law enforcement officer who is specially trained, and uses a police service canine during the course of the performance of his law enforcement duties.
  - (b) “Police service canine” means any dog used by a law enforcement agency, which is specially trained for law enforcement work, or any animal contracted to assist a law enforcement agency in the performance of law enforcement duties.
- (2) It is a second degree felony for a person to intentionally or knowingly cause death to a police service canine.
- (3) It is a third degree felony for a person to intentionally or knowingly:
  - (a) cause bodily injury to a police service canine;
  - (b) engage in conduct likely to cause bodily injury or death to a police service canine; or
  - (c) lay out, place, or administer any poison, trap, substance, or object which is likely to produce bodily injury or death to a police service canine.
- (4) It is a class A misdemeanor for a person to intentionally or knowingly:
  - (a) taunt, torment, strike, or otherwise assault a police service canine;
  - (b) throw any object or substance at, or in the path of, a police service canine;
  - (c) interfere with or obstruct a police service canine, or attempt to, or interfere with the handler of the canine in a manner that inhibits, restricts, or deprives the handler of control of the canine;
  - (d) release a police service canine from its area of control, such as a vehicle, kennel, or pen, or trespass in that area; or
  - (e) place any food, object, or substance into a police service canine’s area of control without the permission of the handler.
- (5) A police service canine is exempt from quarantine or other animal control ordinances if it bites any person while under proper police supervision or routine veterinary care. The law enforcement agency and the canine’s handler shall make the canine available for examination at any reasonable time and shall notify the local health officer if the canine exhibits any abnormal behavior.
- (6) In addition to any other penalty, a person convicted of a violation of this section is liable for restitution to the owning or employing law enforcement agency or individual owner of the police service canine for the replacement, training, and veterinary costs incurred as a result of the violation of this section.

#### UTAH CODE ANN. § 76-9-307. Injury to service animals – Penalties.

- (1) As used in this section:
  - (a) “Disability” has the same meaning as defined in Section 26B-6-801.
  - (b) “Search and rescue dog” means a dog:



## ANIMAL PROTECTION LAWS OF UTAH

- (i) with documented training to locate persons who are:
    - (A) lost, missing, or injured; or
    - (B) trapped under debris as the result of a natural or man-made event; and
  - (ii) affiliated with an established search and rescue dog organization.
- (c) “Service animal” means:
  - (i) a service animal as defined in Section 62A-5b-102; or
  - (ii) a search and rescue dog.
- (2) *It is a class A misdemeanor for a person to knowingly, intentionally, or recklessly cause substantial bodily injury or death to a service animal.*
- (3) *It is a class A misdemeanor for a person who owns, keeps, harbors, or exercises control over an animal to knowingly, intentionally, or recklessly fail to exercise sufficient control over the animal to prevent it from causing:*
  - (a) *any substantial bodily injury or the death of a service animal; or*
  - (b) *the service animal’s subsequent inability to function as a service animal as a result of the animal’s attacking, chasing, or harassing the service animal.*
- (4) *It is a class B misdemeanor for a person to chase or harass a service animal.*
- (5) *It is a class B misdemeanor for a person who owns, keeps, harbors, or exercises control over an animal to knowingly, intentionally, or recklessly fail to exercise sufficient control over the animal to prevent it from chasing or harassing a service animal while it is carrying out its functions as a service animal, to the extent that the animal temporarily interferes with the service animal’s ability to carry out its functions.*
- (6)
  - (a) A service animal is exempt from quarantine or other animal control ordinances if it bites any person while it is subject to an offense under Subsection (2), (3), (4), or (5).
  - (b) The owner of the service animal or the person with a disability whom the service animal serves shall make the animal available for examination at any reasonable time and shall notify the local health officer if the animal exhibits any abnormal behavior.
- (7) In addition to any other penalty, a person convicted of any violation of this section is liable for restitution to the owner of the service animal or the person with a disability whom the service animal serves for the replacement, training, and veterinary costs incurred as a result of the violation of this section.
- (8) If the act committed under this section amounts to an offense subject to a greater penalty under another provision of Title 76, Utah Criminal Code, than is provided under this section, this section does not prohibit prosecution and sentencing for the more serious offense.

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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.*

#### UTAH CODE ANN. § 76-6-111. Wanton destruction of livestock – Penalties – Restitution criteria – Seizure and disposition of property.

- (1)
  - (a) As used in this section:
    - (i) “Law enforcement officer” means the same as that term is defined in Section 53-13-103.
    - (ii) “Livestock” means a domestic animal or fur bearer raised or kept for profit or as an asset, including:
      - (A) cattle;
      - (B) sheep;
      - (C) goats;
      - (D) swine;
      - (E) horses;
      - (F) mules;
      - (G) poultry;
      - (H) domesticated elk as defined in Section 4-39-102;
      - (I) livestock guardian dogs.
    - (iii) “Livestock guardian dog” means a dog that is being used to live with and guard livestock, other than itself, from predators.
  - (b) Terms defined in Sections 76–1–101.5 and 76–6–101 apply to this section.
- (2) *Unless authorized by Section 4-25-201, 4-25-202, 4-25-402, 4-39-401, or 18-1-3, an actor commits wanton destruction of livestock if the actor:*
  - (a) injures, physically alters, releases, or causes the death of livestock; and
  - (b) does so:
  - (c) intentionally or knowingly; and
  - (d) without the permission of the owner of the livestock.
- (3) *A violation of Subsection (2) is a:*
  - (a) *class B misdemeanor if the aggregate value of the livestock is \$250 or less;*
  - (b) *class A misdemeanor if the aggregate value of the livestock is more than \$250, but does not exceed \$750;*
  - (c) *third degree felony if the aggregate value of the livestock is more than \$750, but does not exceed \$5,000; and*
  - (d) *second degree felony if the aggregate value of the livestock is more than \$5,000.*

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- (4) For purposes of this section, a livestock guardian dog is presumed to belong to an owner of the livestock with which the livestock guardian dog was living at the time of an alleged violation of Subsection (2).
- (5) When a court orders an actor who is convicted of wanton destruction of livestock to pay restitution under Title 77, Chapter 38b, Crime Victims Restitution Act, the court shall consider the restitution guidelines in Subsection (5) when setting the amount of restitution under Section 77-38b-205.
- (6) The minimum restitution value for cattle and sheep is the sum of the following, unless the court states on the record why it finds the sum to be inappropriate:
  - (a) the fair market value of the animal, using as a guide the market information obtained from the Department of Agriculture and Food created under Section 4-2-102; and
  - (b) 10 years times the average annual value of offspring, for which average annual value is determined using data obtained from the National Agricultural Statistics Service within the United States Department of Agriculture, for the most recent 10-year period available.
- (7) A material, device, or vehicle used in violation of Subsection (2) is subject to forfeiture under the procedures and substantive protections established in Title 77, Chapter 11b, Forfeiture of Seized Property.
- (8) A peace officer may seize a material, device, or vehicle used in violation of Subsection (2):
  - (a) upon notice and service of process issued by a court having jurisdiction over the property; or
  - (b) without notice and service of process if:
    - (i) the seizure is incident to an arrest under:
      - (A) a search warrant; or
      - (B) an inspection under an administrative inspection warrant;
    - (ii) the material, device, or vehicle has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding under this section; or
    - (iii) the peace officer has probable cause to believe that the property has been used in violation of Subsection (2).
- (9)
  - (a) A material, device, or vehicle seized under this section is not repleviable but is in custody of the law enforcement agency making the seizure, subject only to the orders and decrees of a court or official having jurisdiction.
  - (b) A peace officer who seizes a material, device, or vehicle under this section may:
    - (i) place the property under seal;
    - (ii) remove the property to a place designated by the warrant under which it was seized; or
    - (iii) take custody of the property and remove it to an appropriate location for disposition in accordance with law.

### UTAH CODE ANN. § 76-9-308. Harassment of livestock.

- (1) As used in this section:
  - (a) “Livestock” has the same meaning as that term is defined in Subsection 76-9-301(1).
  - (b) “Unmanned aircraft system” means the same as that term is defined in Section 72-10-102.

## ANIMAL PROTECTION LAWS OF UTAH

- (2) *Except as provided in Subsection (3), a person is guilty of harassment of livestock if the person intentionally, knowingly, or recklessly chases, with the intent of causing distress, or harms livestock through the use of:*
- (a) a motorized vehicle or all-terrain vehicle;*
  - (b) a dog; or*
  - (c) an unmanned aircraft system.*
- (3) A person is not guilty of harassment of livestock if:
- (a) the person is:
    - (i) the owner of the livestock;
    - (ii) an employee or agent of the owner, or otherwise acting under the owner's general direction or with the owner's permission;
    - (iii) acting in an emergency situation to prevent damage to the livestock or property; or
    - (iv) an employee or agent of the state or a political subdivision and acting in the employee or agent's official capacity; or
  - (b) the action is in line with generally accepted animal husbandry practices.
- (4) *A person who violates this section is guilty of:*
- (a) a class B misdemeanor if the violation is a first offense and:*
    - (i) no livestock is seriously injured or killed as a result of the person's actions; or*
    - (ii) the person's actions cause the livestock to be displaced onto property where the livestock is not legally entitled to be; and*
  - (b) a class A misdemeanor if:*
    - (i) the person has previously been convicted of harassment of livestock under this section;*
    - (ii) livestock is seriously injured or killed as a result of the person's actions; or*
    - (iii) livestock or property suffered damage in excess of \$1,000, including money spent in recovering the livestock, as a result of the person's actions.*

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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.*

#### UTAH CODE ANN. § 23A-5-308. Administering substances to protected wildlife prohibited—Exceptions—Criminal penalty

- (1) For purposes of this section:
  - (a) "Administer" means the application of a substance by any method, including:
    - (i) injection;
    - (ii) inhalation;
    - (iii) ingestion; or
    - (iv) absorption.
  - (b) "Agricultural producer" means a person who produces an agricultural product.
  - (c) "Agricultural product" means the same as that term is defined in Section 4-1-109.
  - (d) "Substance" means a chemical or organic substance that:
    - (i) pacifies;
    - (ii) sedates;
    - (iii) immobilizes;
    - (v) harms;
    - (vi) kills;
    - (vii) controls fertility; or
    - (viii) has an effect that is similar to an effect listed in Subsections (1)(d)(i) through (vi).
- (2) *Except as authorized by Subsection (4) or a rule made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, a person may not administer or attempt to administer a substance to protected wildlife.*
- (3) A person who violates this section is subject to the penalty provided in Section 23A-5-301.
- (4)
  - (a) A division employee or a person with written permission from the division may administer a substance to protected wildlife if that employee or person administers the substance to promote wildlife management and conservation.
  - (b) One or more of the following may administer a substance to protected wildlife that the person is authorized by this title, the Wildlife Board, or the division to possess:
    - (i) a licensed veterinarian;
    - (ii) an unlicensed assistive personnel, as defined in Section 58-28-102; or
    - (iii) a person who is following written instructions for veterinary care from a licensed veterinarian.
- (5) Notwithstanding the other provisions of this section, a person is not liable under this section for administering a substance, notwithstanding the substance has an effect described in Subsection (1)(d) on protected wildlife, if:

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## ANIMAL PROTECTION LAWS OF UTAH

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- (a) an agricultural producer administers the substance:
  - (i) for the sole purpose of producing an agricultural product and not for the purpose of affecting protected wildlife in a manner described in Subsection (1)(d);
  - (ii) consistent with generally accepted agricultural practices; and
  - (iii) in compliance with applicable local, state, and federal law; or
- (b) the protected wildlife presents an immediate threat of death or serious bodily injury to a person.

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### 8. CROSS REPORTING

[None]

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### 9. VETERINARY REPORTING

#### UTAH CODE ANN. § 58-28-602. Cruelty to animals—Immunity for reporting.

*A licensed veterinarian who in good faith and in the normal course of business, reports a suspected case of animal cruelty to law enforcement or the proper authorities is immune from liability in any civil or criminal action brought against the veterinarian for reporting the suspected cruelty.*

#### UTAH CODE ANN. § 76-9-301. Cruelty to animals.

(1) As used in this section:

- (a)
  - (i) “Abandon” means to intentionally deposit, leave, or drop off any live animal:
    - (A) without providing for the care of that animal, in accordance with accepted animal husbandry practices or customary farming practices; or
    - (B) in a situation where conditions present an immediate, direct, and serious threat to the life, safety, or health of the animal.
  - (ii) “Abandon” does not include returning wildlife to its natural habitat.
- (b)
  - (i) “Animal” means, except as provided in Subsection (1)(b)(ii), a live, nonhuman vertebrate creature.
  - (ii) “Animal” does not include:
    - (A) a live, nonhuman vertebrate creature, if:
      - (I) the conduct toward the creature, and the care provided to the creature, is in accordance with accepted animal husbandry practices; and
      - (II) the creature is:
        - (Aa) owned or kept by a zoological park that is accredited by, or a member of, the American Zoo and Aquarium Association;
        - (Bb) kept, owned, or used for the purpose of training hunting dogs or raptors; or
        - (Cc) temporarily in the state as part of a circus or traveling exhibitor licensed by the United States Department of Agriculture under 7 U.S.C. Sec. 2133;
    - (B) a live, nonhuman vertebrate creature that is owned, kept, or used for rodeo purposes, if the conduct toward the creature, and the care provided to the creature, is in accordance with accepted rodeo practices;
    - (C) livestock, if the conduct toward the creature, and the care provided to the creature, is in accordance with accepted animal husbandry practices or customary farming practices; or



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- (D) wildlife, as defined in Section 23A-1-101, including protected and unprotected wildlife, if the conduct toward the wildlife is in accordance with lawful hunting, fishing, or trapping practices or other lawful practices.
- (c) “Companion animal” means an animal that is a domestic dog or a domestic cat.
- (d) “Custody” means ownership, possession, or control over an animal.
- (e) “Legal privilege” means an act that:
  - (i) is authorized by state law, including rules under Title 23A, Wildlife Resources Act; and
  - (ii) is not in violation of a local ordinance.
- (f) “Livestock” means:
  - (i) domesticated:
    - (A) cattle;
    - (B) sheep;
    - (C) goats;
    - (D) turkeys;
    - (E) swine;
    - (F) equines;
    - (G) camelidae;
    - (H) ratites; or
    - (I) bison;
  - (ii) domesticated elk, as defined in Section 4-39-102;
  - (iii) a livestock guardian dog, as defined in Section 76-6-111; or
  - (iv) any domesticated nonhuman vertebrate creature, domestic furbearer, or domestic poultry, raised, kept, or used for agricultural purposes.
- (g) “Necessary food, water, care, or shelter” means the following, taking into account the species, age, and physical condition of the animal:
  - (i) appropriate and essential food and water;
  - (ii) adequate protection, including appropriate shelter, against extreme weather conditions; and
  - (iii) other essential care.
- (h) “Torture” means intentionally or knowingly causing or inflicting extreme physical pain to an animal in an especially heinous, atrocious, cruel, or exceptionally depraved manner.
- (2) Except as provided in Subsection (4) or (6), a person is guilty of cruelty to an animal if the person, without legal privilege to do so, intentionally, knowingly, recklessly, or with criminal negligence:
  - (a) fails to provide necessary food, water, care, or shelter for an animal in the person’s custody;
  - (b) abandons an animal in the person’s custody;
  - (c) injures an animal;
  - (d) causes any animal, not including a dog or game fowl, to fight with another animal of like kind for amusement or gain; or
  - (e) causes any animal, including a dog or game fowl, to fight with a different kind of animal or creature for amusement or gain.
- (3) Except as provided in Section 76-9-301.7, a violation of Subsection (2) is:
  - (a) a class B misdemeanor if committed intentionally or knowingly; and
  - (b) a class C misdemeanor if committed recklessly or with criminal negligence.

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- (4) A person is guilty of aggravated cruelty to an animal if the person:
  - (a) tortures an animal;
  - (b) administers, or causes to be administered, poison or a poisonous substance to an animal; or
  - (c) kills an animal or causes an animal to be killed without having a legal privilege to do so.
- (5) Except as provided in Subsection (6) or Section 76-9-301.7, a violation of Subsection (4) is:
  - (a) a class A misdemeanor if committed intentionally or knowingly;
  - (b) a class B misdemeanor if committed recklessly; and
  - (c) a class C misdemeanor if committed with criminal negligence.
- (6) A person is guilty of a third degree felony if the person intentionally or knowingly tortures a companion animal.
- (7) It is a defense to prosecution under this section that the conduct of the actor towards the animal was:
  - (a) by a licensed veterinarian using accepted veterinary practice;
  - (b) directly related to bona fide experimentation for scientific research, provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved;
  - (c) permitted under Section 18-1-3;
  - (d) by a person who humanely destroys any animal found suffering past recovery for any useful purpose; or
  - (e) by a person who humanely destroys any apparently abandoned animal found on the person's property.
- (8) For purposes of Subsection (7)(d), before destroying the suffering animal, the person who is not the owner of the animal shall obtain:
  - (a) the judgment of a veterinarian of the animal's nonrecoverable condition;
  - (b) the judgment of two other persons called by the person to view the unrecoverable condition of the animal in the person's presence;
  - (c) the consent from the owner of the animal to the destruction of the animal; or
  - (d) a reasonable conclusion that the animal's suffering is beyond recovery, through the person's own observation, if the person is in a location or circumstance where the person is unable to contact another person.
- (9) This section does not affect or prohibit:
  - (a) the training, instruction, and grooming of animals, if the methods used are in accordance with accepted animal husbandry practices or customary farming practices;
  - (b) the use of an electronic locating or training collar by the owner of an animal for the purpose of lawful animal training, lawful hunting practices, or protecting against loss of that animal; or
  - (c) the lawful hunting of, fishing for, or trapping of, wildlife.
- (10) County and municipal governments may not prohibit the use of an electronic locating or training collar.
- (11) Upon conviction under this section, the court may in its discretion, in addition to other penalties:
  - (a) order the defendant to be evaluated to determine the need for psychiatric or psychological counseling, to receive counseling as the court determines to be appropriate, and to pay the costs of the evaluation and counseling;
  - (b) require the defendant to forfeit any rights the defendant has to the animal subjected to a violation of this section and to repay the reasonable costs incurred by any person or agency in caring for each animal subjected to violation of this section;

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(c) order the defendant to no longer possess or retain custody of any animal, as specified by the court, during the period of the defendant's probation or parole or other period as designated by the court; and

(d) order the animal to be placed for the purpose of adoption or care in the custody of a county or municipal animal control agency or an animal welfare agency registered with the state to be sold at public auction or humanely destroyed.

(12) This section does not prohibit the use of animals in lawful training.

(13) *A veterinarian who, acting in good faith, reports a violation of this section to law enforcement may not be held civilly liable for making the report.*

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## 10. "AG-GAG" LAWS

**UTAH CODE ANN. § 76-6-112. Agricultural operation interference – Penalties.**

- (1)
  - (a) As used in this section, "agricultural operation" means private property used for the production of livestock, poultry, livestock products, or poultry products.
  - (b) **Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.**
- (2) An actor commits agricultural operation interference if the actor:
  - (a) without consent from the owner of the agricultural operation, or the owner's agent, knowingly or intentionally records an image of, or sound from, the agricultural operation by leaving a recording device on the agricultural operation;
  - (b) obtains access to an agricultural operation under false pretenses;
  - (c)
    - i. applies for employment at an agricultural operation with the intent to record an image of, or sound from, the agricultural operation;
    - ii. knows, at the time that the actor accepts employment at the agricultural operation, that the owner of the agricultural operation prohibits the employee from recording an image of, or sound from, the agricultural operation; and
    - iii. while employed at, and while present on, the agricultural operation, records an image of, or sound from, the agricultural operation; or
  - (d) without consent from the owner of the operation or the owner's agent, knowingly or intentionally records an image of, or sound from, an agricultural operation while the person is committing criminal trespass, as described in Section 76-6-206, on the agricultural operation.
- (3)
  - (a) A violation of Subsection (2)(a) is a class A misdemeanor.
  - (b) A violation of Subsection (2)(b), (c), or (d) is a class B misdemeanor.

**Editor's note:** **Utah Code Ann. § 76-6-112** was held unconstitutional by *Animal Legal Defense Fund v. Herbert*, 263 F.Supp.3d 1193 (2017).

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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

## UTAH CODE § 76-5-106.5. Stalking—Definitions—Injunction—Penalties—Duties of law enforcement officer

(1)

(a) *As used in this section:*

(i) “Course of conduct” means two or more acts directed at or toward a specific individual, including:

(A) acts in which the actor follows, monitors, observes, photographs, surveils, threatens, or communicates to or about an individual, or interferes with an individual's property:

(I) directly, indirectly, or through any third party; and

(II) by any action, method, device, or means; or

(B) when the actor engages in any of the following acts or causes someone else to engage in any of these acts:

(I) approaches or confronts an individual;

(II) appears at the individual's workplace or contacts the individual's employer or coworkers;

(III) appears at an individual's residence or contacts an individual's neighbor, or enters property owned, leased, or occupied by an individual;

(IV) sends material by any means to the individual or for the purpose of obtaining or disseminating information about or communicating with the individual to a member of the individual's family or household, employer, coworker, friend, or associate of the individual;

(V) places an object on or delivers an object to property owned, leased, or occupied by an individual, or to the individual's place of employment with the intent that the object be delivered to the individual; or

(VI) uses a computer, the Internet, text messaging, or any other electronic means to commit an act that is a part of the course of conduct.

(ii)

(A) “Emotional distress” means significant mental or psychological suffering, whether or not medical or other professional treatment or counseling is required.

(B) “Emotional distress” includes significant mental or psychological suffering resulting from harm to an animal.

(iii) “Immediate family” means a spouse, parent, child, sibling, or any other individual who regularly resides in the household or who regularly resided in the household within the prior six months.

(iv) “Private investigator” means the same as that term is defined in Section 76-9-408.

(v) “Reasonable person” means a reasonable person in the victim's circumstances.

(vi) “Stalking” means an offense as described in Subsection (2).

(vii) “Text messaging” means a communication in the form of electronic text or one or more electronic images sent by the actor from a telephone or computer to another

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individual's telephone or computer by addressing the communication to the recipient's telephone number.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) *An actor commits stalking if the actor intentionally or knowingly:*

(a) *engages in a course of conduct directed at a specific individual and knows or should know that the course of conduct would cause a reasonable person:*

- (i) to fear for the individual's own safety or the safety of a third individual; or
- (ii) to suffer other emotional distress; or

(c) violates:

- (i) a stalking injunction issued under Title 78B, Chapter 7, Part 7, Civil Stalking Injunctions; or
- (ii) a permanent criminal stalking injunction issued under Title 78B, Chapter 7, Part 9, Criminal Stalking Injunctions.

(3)

(a) A violation of Subsection (2) is a class A misdemeanor:

- (i) upon the actor's first violation of Subsection (2); or
- (ii) if the actor violated a stalking injunction issued under Title 78B, Chapter 7, Part 7, Civil Stalking Injunctions.

(b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a third degree felony if the actor:

- (i) has been previously convicted of an offense of stalking;
- (ii) has been previously convicted in another jurisdiction of an offense that is substantially similar to the offense of stalking;
- (iii) has been previously convicted of any felony offense in Utah or of any crime in another jurisdiction which if committed in Utah would be a felony, in which the victim of the stalking offense or a member of the victim's immediate family was also a victim of the previous felony offense;
- (iv) violated a permanent criminal stalking injunction issued under Title 78B, Chapter 7, Part 9, Criminal Stalking Injunctions; or
- (v) has been or is at the time of the offense a cohabitant, as defined in Section 78B-7-102, of the victim.

(c) Notwithstanding Subsection (3)(a) or (b), a violation of Subsection (2) is a second degree felony if the actor:

- (i) used a dangerous weapon or used other means or force likely to produce death or serious bodily injury, in the commission of the crime of stalking;
- (ii) has been previously convicted two or more times of the offense of stalking;
- (iii) has been convicted two or more times in another jurisdiction or jurisdictions of offenses that are substantially similar to the offense of stalking;
- (iv) has been convicted two or more times, in any combination, of offenses under Subsection (3)(b)(i), (ii), or (iii);
- (v) has been previously convicted two or more times of felony offenses in Utah or of crimes in another jurisdiction or jurisdictions which, if committed in Utah, would be felonies, in which the victim of the stalking was also a victim of the previous felony offenses; or



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- (vi) has been previously convicted of an offense under Subsection (3)(b)(iv) or (v).
- (4) In a prosecution under this section, it is not a defense that the actor:
  - (a) was not given actual notice that the course of conduct was unwanted; or
  - (b) did not intend to cause the victim fear or other emotional distress.
- (5) An offense of stalking may be prosecuted under this section in any jurisdiction where one or more of the acts that is part of the course of conduct was initiated or caused an effect on the victim.
- (6)
  - (a) Except as provided in Subsection (6)(b), an actor does not violate this section if the actor is acting:
    - (i) in the actor's official capacity as a law enforcement officer, governmental investigator, or private investigator; and
    - (ii) for a legitimate official or business purpose.
  - (b) A private investigator is not exempt from this section if the private investigator engages in conduct that would constitute a ground for disciplinary action under Section 53-9-118.
- (7)
  - (a) A permanent criminal stalking injunction limiting the contact between the actor and victim may be filed in accordance with Section 78B-7-902.
  - (b) This section does not preclude the filing of criminal information for stalking based on the same act which is the basis for the violation of the stalking injunction issued under Title 78B, Chapter 7, Part 7, Civil Stalking Injunctions, or a permanent criminal stalking injunction issued under Title 78B, Chapter 7, Part 9, Criminal Stalking Injunctions.
- (8)
  - (a) A law enforcement officer who responds to an allegation of stalking shall use all reasonable means to protect the victim and prevent further violence, including:
    - (i) taking action that, in the officer's discretion, is reasonably necessary to provide for the safety of the victim and any family or household member;
    - (ii) confiscating the weapon or weapons involved in the alleged stalking;
    - (iii) making arrangements for the victim and any child to obtain emergency housing or shelter;
    - (iv) providing protection while the victim removes essential personal effects;
    - (v) arranging, facilitating, or providing for the victim and any child to obtain medical treatment; and
    - (vi) arranging, facilitating, or providing the victim with immediate and adequate notice of the rights of victims and of the remedies and services available to victims of stalking, in accordance with Subsection (8)(b).
  - (b)
    - (i) A law enforcement officer shall give written notice to the victim in simple language, describing the rights and remedies available under this section and Title 78B, Chapter 7, Part 7, Civil Stalking Injunctions.
    - (ii) The written notice shall also include:
      - (A) a statement that the forms needed in order to obtain a stalking injunction are available from the court clerk's office in the judicial district where the victim resides or is temporarily domiciled; and

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- (B) a list of shelters, services, and resources available in the appropriate community, together with telephone numbers, to assist the victim in accessing any needed assistance.
- (c) If a weapon is confiscated under this Subsection (8), the law enforcement agency shall return the weapon to the individual from whom the weapon is confiscated if a stalking injunction is not issued or once the stalking injunction is terminated.

### Utah Code § 77-36-1. Definitions.

As used in this chapter:

- (1) "Cohabitant" means the same as that term is defined in Section 78B-7-102.
- (2) "Department" means the Department of Public Safety.
- (3) "Divorced" means an individual who has obtained a divorce under Title 30, Chapter 3, Divorce.
- (4) *"Domestic violence" or "domestic violence offense" means any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another. "Domestic violence" or "domestic violence offense" includes commission or attempt to commit, any of the following offenses by one cohabitant against another:*
  - (a) aggravated assault, as described in Section 76-5-103;
  - (b) *aggravated cruelty to an animal, as described in Subsection 76-9-301(4), with the intent to harass or threaten the other cohabitant;*
  - (c) assault, as described in Section 76-5-102;
  - (d) criminal homicide, as described in Section 76-5-201;
  - (e) harassment, as described in Section 76-5-106;
  - (f) electronic communication harassment, as described in Section 76-9-201;
  - (g) kidnapping, child kidnapping, or aggravated kidnapping, as described in Sections 76-5-301, 76-5-301.1, and 76-5-302;
  - (h) mayhem, as described in Section 76-5-105;
  - (i) sexual offenses, as described in Title 76, Chapter 5, Part 4, Sexual Offenses, and sexual exploitation of a minor and aggravated sexual exploitation of a minor, as described in Sections 76-5b-201 and 76-5b-201.1;
  - (j) *stalking, as described in Section 76-5-106.5;*
  - (k) unlawful detention or unlawful detention of a minor, as described in Section 76-5-304;
  - (l) violation of a protective order or ex parte protective order, as described in Section 76-5-108;
  - (m) any offense against property described in Title 76, Chapter 6, Part 1, Property Destruction, Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass, or Title 76, Chapter 6, Part 3, Robbery;
  - (n) possession of a deadly weapon with criminal intent, as described in Section 76-10-507;
  - (o) discharge of a firearm from a vehicle, near a highway, or in the direction of any person, building, or vehicle, as described in Section 76-10-508;
  - (p) disorderly conduct, as defined in Section 76-9-102, if a conviction or adjudication of disorderly conduct is the result of a plea agreement in which the perpetrator was originally charged with domestic violence offense otherwise described in this Subsection (4), except that a conviction

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or adjudication of disorderly conduct as a domestic violence offense, in the manner described in this Subsection (4)(p), does not constitute a misdemeanor crime of domestic violence under 18 U.S.C. Sec. 921, and is exempt from the federal Firearms Act, 18 U.S.C. Sec. 921 et seq.;

- (q) child abuse, as described in Section 76-5-114;
- (r) threatening use of a dangerous weapon, as described in Section 76-10-506;
- (s) threatening violence, as described in Section 76-5-107;
- (t) tampering with a witness, as described in Section 76-8-508;
- (u) retaliation against a witness or victim, as described in Section 76-8-508.3;
- (v) unlawful distribution of an intimate image, as described in Section 76-5b-203, or unlawful distribution of a counterfeit intimate image, as described in Section 76-5b-205;
- (w) sexual battery, as described in Section 76-9-702.1;
- (x) voyeurism, as described in Section 76-9-702.7;
- (y) damage to or interruption of a communication device, as described in Section 76-6-108; or
- (z) an offense described in Subsection 78B-7-806(1).

(5) "Jail release agreement" means the same as that term is defined in Section 78B-7-801.

(6) "Jail release court order" means the same as that term is defined in Section 78B-7-801.

(7) "Marital status" means married and living together, divorced, separated, or not married.

(8) "Married and living together" means a couple whose marriage was solemnized under Section 30-1-4 or 30-1-6 and who are living in the same residence.

(9) "Not married" means any living arrangement other than married and living together, divorced, or separated.

(10) "Protective order" includes an order issued under Subsection 78B-7-804(3).

(11) "Pretrial protective order" means a written order:

- (a) specifying and limiting the contact a person who has been charged with a domestic violence offense may have with an alleged victim or other specified individuals; and
- (b) specifying other conditions of release under Section 78B-7-802 or 78B-7-803, pending trial in the criminal case.

(12) "Sentencing protective order" means a written order of the court as part of sentencing in a domestic violence case that limits the contact an individual who is convicted or adjudicated of a domestic violence offense may have with a victim or other specified individuals under Section 78B-7-804.

(13) "Separated" means a couple who have had their marriage solemnized under Section 30-1-4 or 30-1-6 and who are not living in the same residence.

(14) "Victim" means a cohabitant who has been subjected to domestic violence.

### UTAH CODE § 78B-7-102. Definitions

**NOTE:** *Inapplicable portions of this statute have been omitted.*

As used in this chapter:

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(16) "Household animal" means an animal that is tamed and kept as a pet.

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### UTAH CODE § 78B-7-105. Forms for petitions, civil protection orders, civil stalking injunctions – Assistance – Fees.

**NOTE:** *Inapplicable portions of this statute have been omitted.*

(15)

- (a) The offices of the court clerk shall provide forms to an individual seeking any of the following under this chapter:
  - (i) an ex parte civil protective order;
  - (ii) a civil protective order;
  - (iii) an ex parte stalking injunction; or
  - (iv) a civil stalking injunction.
- (b) The Administrative Office of the Courts shall:
  - (i) develop and adopt uniform forms for petitions and the protective orders and stalking injunctions described in Subsection (1)(a) in accordance with the provisions of this chapter; and
  - (ii) provide the forms to the clerk of each court authorized to issue the protective orders and stalking injunctions described in Subsection (1)(a).

(16)

The forms described in Subsection (1)(b) shall include:

- (a) for a petition for an ex parte civil protective order or a civil protective order:
  - (i) a statement notifying the petitioner for an ex parte civil protective order that knowing falsification of any statement or information provided for the purpose of obtaining a civil protective order may subject the petitioner to felony prosecution;
  - (ii) language indicating the criminal penalty for a violation of an ex parte civil protective order or a civil protective order under this chapter and language stating a violation of or failure to comply with a civil provision is subject to contempt proceedings;
  - (iii) a space for information the petitioner is able to provide to facilitate identification of the respondent, including the respondent's social security number, driver license number, date of birth, address, telephone number, and physical description;
  - (iv) a space for information the petitioner is able to provide related to a proceeding for a civil protective order or a criminal protective order, civil litigation, a proceeding in juvenile court, or a criminal case involving either party, including the case name, file number, the county and state of the proceeding, and the judge's name;
  - (v) a space to indicate whether the party to be protected is an intimate partner to the respondent or a child of an intimate partner to the respondent; and
  - (vi) a space for the date on which the provisions of the protective order expire;
- (b) *for a petition under Part 4, Dating Violence Protective Orders, a space to indicate whether an order under Subsection 78B-7-404(2)(e) or (f) regarding a household animal is requested; and*
- (c) for a petition under Part 6, Cohabitant Abuse Protective Orders:
  - (i) a separate portion of the form for those provisions, the violation of which is a criminal offense, and a separate portion for those provisions, the violation of which is a civil violation;

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- (ii) a statement advising the petitioner that when a child is included in an ex parte protective order or a protective order, as part of either the criminal or the civil portion of the order, the petitioner may provide a copy of the order to the principal of the school that the child attends;
- (iii) a statement advising the petitioner that if the respondent fails to return custody of a minor child to the petitioner as ordered in a protective order, the petitioner may obtain from the court a writ of assistance; and
- (iv) *a space to indicate whether an order under Subsection 78B-7-603(2)(k) or (l) regarding a household animal is requested.*

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### UTAH CODE § 78B-7-404. Dating violence protective orders – Ex parte dating violence protective orders – Modification of orders – Service of process – Duties of the court.

**NOTE:** *Inapplicable portions of this statute have been omitted.*

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- (2) *A court may grant the following relief without notice in a dating violence protective order or a modification issued ex parte:*
- (a) prohibit the respondent from threatening to commit or committing dating violence or abuse against the petitioner and any designated family or household member described in the protective order;
  - (b) prohibit the respondent from telephoning, contacting, or otherwise communicating with the petitioner or any designated family or household member, directly or indirectly;
  - (c) order that the respondent:
    - (i) is excluded and shall stay away from the petitioner's residence and its premises;
    - (ii) except as provided in Subsection (4), stay away from the petitioner's:
      - (A) school and the school's premises; and
      - (B) place of employment and its premises; and
    - (iii) stay away from any specified place frequented by the petitioner or any designated family or household member;
  - (d) prohibit the respondent from being within a specified distance of the petitioner;
  - (e) prohibit the respondent from physically injuring, threatening to injure, or taking possession of a household animal that is owned or kept by the petitioner;
  - (f) *prohibit the respondent from physically injuring or threatening to injure a household animal that is owned or kept by the respondent; and*
  - (g) *order any further relief that the court considers necessary to provide for the safety and welfare of the petitioner and any designated family or household member.*

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### UTAH CODE § 78B-7-603. Cohabitant abuse protective orders--Ex parte cohabitant abuse protective orders--Modification of orders--Service of process--Duties of the court

**NOTE:** *Inapplicable portions of this statute have been omitted.*

- (1) If it appears from a petition for a protective order or a petition to modify a protective order that domestic violence or abuse has occurred, that there is a substantial likelihood domestic violence or abuse will occur, or that a modification of a protective order is required, a court may:
  - (a) without notice, immediately issue an ex parte cohabitant abuse protective order or modify a protective order ex parte as the court considers necessary to protect the petitioner and all parties named to be protected in the petition; or
  - (b) upon notice, issue a protective order or modify an order after a hearing, regardless of whether the respondent appears.
- (2) *A court may grant the following relief without notice in a protective order or a modification issued ex parte:*
  - (a) enjoin the respondent from threatening to commit domestic violence or abuse, committing domestic violence or abuse, or harassing the petitioner or any designated family or household member;
  - (b) prohibit the respondent from telephoning, contacting, or otherwise communicating with the petitioner or any designated family or household member, directly or indirectly, with the exception of any parent-time provisions in the ex parte order;
  - (c) subject to Subsection (2)(e), prohibit the respondent from being within a specified distance of the petitioner;
  - (d) subject to Subsection (2)(e), order that the respondent is excluded from and is to stay away from the following places and their premises:
    - (i) the petitioner's residence or any designated family or household member's residence;
    - (ii) the petitioner's school or any designated family or household member's school;
    - (iii) the petitioner's or any designated family or household member's place of employment;
    - (iv) the petitioner's place of worship or any designated family or household member's place of worship; or
    - (v) any specified place frequented by the petitioner or any designated family or household member;
  - (e) if the petitioner or designated family or household member attends the same school as the respondent, is employed at the same place of employment as the respondent, or attends the same place of worship, the court:
    - (i) may not enter an order under Subsection (2)(c) or (d) that excludes the respondent from the respondent's school, place of employment, or place of worship; and
    - (ii) may enter an order governing the respondent's conduct at the respondent's school, place of employment, or place of worship;
  - (f) upon finding that the respondent's use or possession of a weapon may pose a serious threat of harm to the petitioner, prohibit the respondent from purchasing, using, or possessing a firearm or other weapon specified by the court;
  - (g) order possession and use of an automobile and other essential personal effects, and direct the appropriate law enforcement officer to accompany the petitioner to the residence of the

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parties to ensure that the petitioner is safely restored to possession of the residence, automobile, and other essential personal effects, or to supervise the petitioner's or respondent's removal of personal belongings;

- (h) order the respondent to maintain an existing wireless telephone contract or account;
  - (i) grant to the petitioner or someone other than the respondent temporary custody of a minor child of the parties;
  - (j) order the appointment of an attorney guardian ad litem under Sections 78A-2-703 and 78A-2-803;
  - (k) *prohibit the respondent from physically injuring, threatening to injure, or taking possession of a household animal that is owned or kept by the petitioner;*
  - (l) *prohibit the respondent from physically injuring or threatening to injure a household animal that is owned or kept by the respondent;*
  - (m) order any further relief that the court considers necessary to provide for the safety and welfare of the petitioner and any designated family or household member; and
  - (n) if the petition requests child support or spousal support, at the hearing on the petition order both parties to provide verification of current income, including year-to-date pay stubs or employer statements of year-to-date or other period of earnings, as specified by the court, and complete copies of tax returns from at least the most recent year.
- (3) *A court may grant the following relief in a cohabitant abuse protective order or a modification of an order after notice and hearing, regardless of whether the respondent appears:*
- (a) *grant the relief described in Subsection (2); and*
  - (b) specify arrangements for parent-time of any minor child by the respondent and require supervision of that parent-time by a third party or deny parent-time if necessary to protect the safety of the petitioner or child.

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## 14. MAXIMUM PENALTIES AND STATUTE OF LIMITATIONS

**UTAH CODE ANN. § 76-1-302. Time limitations for prosecution of offenses – Provisions if DNA evidence would identify the defendant – Commencement of prosecution.**

- (1) Except as otherwise provided, a prosecution for:
  - (a) *a felony or negligent homicide shall be commenced within four years after it is committed, except that prosecution for:*
    - (i) forcible sexual abuse shall be commenced within eight years after the offense is committed, if within four years after its commission the offense is reported to a law enforcement agency; and
    - (ii) incest shall be commenced within eight years after the offense is committed, if within four years after its commission the offense is reported to a law enforcement agency;
  - (b) *a misdemeanor other than negligent homicide shall be commenced within two years after it is committed; and*
  - (c) any infraction shall be commenced within one year after it is committed.
- (2)
  - (a) Notwithstanding Subsection (1), prosecution for the offenses listed in Subsections 76-3-203.5(1)(c)(i)(A) through (CC) may be commenced at any time if the identity of the person who committed the crime is unknown but DNA evidence is collected that would identify the person at a later date.
  - (b) Subsection (2)(a) does not apply if the statute of limitations on a crime has run as of May 5, 2003, and no charges have been filed.
- (3) If the statute of limitations would have run but for the provisions of Subsection (2) and identification of a perpetrator is made through DNA, a prosecution shall be commenced within four years of confirmation of the identity of the perpetrator.
- (4) A prosecution is commenced upon:
  - (a) the finding and filing of an indictment by a grand jury;
  - (b) the filing of a complaint or information; or
  - (c) the issuance of a citation.

**UTAH CODE ANN. § 76-3-203. Felony conviction—Indeterminate term of imprisonment.**

*A person who has been convicted of a felony may be sentenced to imprisonment for an indeterminate term as follows:*

- (1) *In the case of a felony of the first degree, unless the statute provides otherwise, for a term of not less than five years and which may be for life.*
- (2) *In the case of a felony of the second degree, unless the statute provides otherwise, for a term of not less than one year nor more than 15 years.*
- (3) *In the case of a felony of the third degree, unless the statute provides otherwise, for a term not to exceed five years.*



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### UTAH CODE ANN. § 76-3-204. Misdemeanor conviction—Term of imprisonment.

*A person who has been convicted of a misdemeanor may be sentenced to imprisonment as follows:*

- (2) In the case of a class A misdemeanor, for a term not exceeding 364 days.*
- (3) In the case of a class B misdemeanor, for a term not exceeding six months.*
- (4) In the case of a class C misdemeanor, for a term not exceeding 90 days.*

### UTAH CODE ANN. § 76-3-301. Fines of persons.

- (1) A person convicted of an offense may be sentenced to pay a fine, not exceeding:*
  - (a) \$10,000 for a felony conviction of the first degree or second degree;*
  - (b) \$5,000 for a felony conviction of the third degree;*
  - (c) \$2,500 for a class A misdemeanor conviction;*
  - (d) \$1,000 for a class B misdemeanor conviction;*
  - (e) \$750 for a class C misdemeanor conviction or infraction conviction; and*
  - (f) any greater amounts specifically authorized by statute.*
- (2)*
  - (a) An individual convicted of a misdemeanor or infraction and sentenced to pay a fine may not be charged by a court:*
    - (i) notwithstanding Section 15-1-4, interest on the judgment that in the aggregate is more than 25% of the initial fine; or*
    - (ii) that issues an order to show cause under Section 78B-6-317 for failure to pay the fine, interest that is more than 25% of the initial fine.*
  - (b) An individual convicted of only an infraction and sentenced to pay a fine may not be charged:*
    - (i) by the Office of State Debt Collection, late fees and interest that in the aggregate are more than 25% of the initial fine; or*
    - (ii) by a third-party debt contractor of the Office of State Debt Collection, additional fees.*
- (3) Subsection (2) does not apply to a case that includes:*
  - (a) victim restitution; or*
  - (b) a felony conviction, even if that felony conviction is later reduced.*
- (4) This section does not apply to a corporation, association, partnership, government, or governmental instrumentality.*

### UTAH CODE ANN. § 76-9-301.7. Cruelty to animals—Enhanced penalties.

- (1) As used in this section, “conviction” means a conviction by plea or by verdict, including a plea of guilty or no contest that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, regardless of whether the charge was, or is, subsequently reduced or dismissed in accordance with the plea in abeyance agreement.*

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## ANIMAL PROTECTION LAWS OF UTAH

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- (2) *Except as provided in Subsection (4), a person who commits any violation of Section 76-9-301, Section 76-9-301.5, or Subsection 76-9-301.1(4) within the state and on at least one previous occasion has been convicted of violating Section 76-9-301, Section 76-9-301.5, or Subsection 76-9-301.1(4) shall be subject to an enhanced penalty as provided in Subsection (3).*
- (3) *The enhanced degree of offense for offenses committed under this section are:*
  - (a) *if the offense is a class C misdemeanor, it is a class B misdemeanor; and*
  - (b) *if the offense is a class B misdemeanor, it is a class A misdemeanor.*
- (4) *The penalty enhancements described in this section do not apply to a conviction for the offense described in Subsection 76-9-301(6).*

## ANIMAL PROTECTION LAWS OF UTAH

### 15. LAW ENFORCEMENT POLICIES

[None]

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## 16. SEIZURE

**UTAH CODE ANN. § 76-9-301.6. Dog fighting exhibition—Authority to arrest and take possession of dogs and property.**

- (2) *A peace officer as defined in Title 53, Chapter 13, Peace Officer Classifications, may enter any place, building, or tenement where an exhibition of dog fighting is occurring, or where preparations are being made for such an exhibition and, without a warrant, arrest all persons present.*
- (3)
- (a) *Notwithstanding the provisions of Section 76-9-305, any authorized officer who makes an arrest under Subsection (1) may lawfully take possession of all dogs, paraphernalia, implements, or other property or things used or employed, or to be employed, in an exhibition of dog fighting prohibited by Subsection 76-9-301(2)(e) or Section 76-9-301.1.*
  - (b) *The officer, at the time of the taking of property pursuant to Subsection (2)(a), shall state his name and provide other identifying information to the person in charge of the dogs or property taken.*
- (4)
- (a) *After taking possession of dogs, paraphernalia, implements, or other property or things under Subsection (2), the officer shall file an affidavit with the judge or magistrate before whom a complaint has been made against any person arrested under this section.*
  - (b) *The affidavit shall include:*
    - (i) *the name of the person charged in the complaint;*
    - (ii) *a description of all property taken;*
    - (iii) *the time and place of the taking of the property;*
    - (iv) *the name of the person from whom the property was taken;*
    - (v) *the name of the person who claims to own the property, if known; and*
    - (vi) *a statement that the officer has reason to believe and believes that the property taken was used or employed, or was to be used or employed, in violation of Section 76-9-301 or 76-9-301.1, and the grounds for the belief.*
- (5)
- (a) *The officer shall deliver the confiscated property to the judge or magistrate who shall, by order, place the property in the custody of the officer or any other person designated in the order, and that person shall keep the property until conviction or final discharge of the person against whom the complaint was made.*
  - (b) *The person designated in Subsection (4)(a) shall assume immediate custody of the property, and retain the property until further order of the court.*
  - (c) *Upon conviction of the person charged, all confiscated property shall be forfeited and destroyed or otherwise disposed of, as the court may order.*
  - (d) *If the person charged is acquitted or discharged without conviction, the court shall, on demand, order the property to be returned to its owner.*

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## ANIMAL PROTECTION LAWS OF UTAH

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### UTAH CODE ANN. § 76-9-305. Officer's authority to take possession of animals—Lien for care.

- (1) *Any law enforcement officer may take possession of any animals being treated cruelly and, after reasonable efforts to notify the owner, may provide shelter and care for them or upon permission from the owner may destroy them.*
- (2) Officers caring for animals pursuant to this section have a lien for the reasonable value of the care and/or destruction. Any court upon proof that the owner has been notified of the lien and amount due, at least five days prior, shall order the animal sold at public auction or destroyed.
- (3) Any law enforcement officer may humanely destroy any animal found suffering past recovery for any useful purpose. Before destroying the animal the officer shall obtain the judgment to the effect of a veterinarian, or of two reputable citizens called by him to view the animal in his presence, or shall obtain consent to the destruction from the owner of the animal.

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### 17. COURTROOM ANIMAL ADVOCATE PROGRAM

[None]

## ANIMAL PROTECTION LAWS OF UTAH

## 18. RESTITUTION

## UTAH CODE ANN. § 76-9-301. Cruelty to animals.

(1) As used in this section:

- (a)
  - (i) “Abandon” means to intentionally deposit, leave, or drop off any live animal:
    - (A) without providing for the care of that animal, in accordance with accepted animal husbandry practices or customary farming practices; or
    - (B) in a situation where conditions present an immediate, direct, and serious threat to the life, safety, or health of the animal.
  - (ii) “Abandon” does not include returning wildlife to its natural habitat.
- (b)
  - (i) “Animal” means, except as provided in Subsection (1)(b)(ii), a live, nonhuman vertebrate creature.
  - (ii) “Animal” does not include:
    - (A) a live, nonhuman vertebrate creature, if:
      - (I) the conduct toward the creature, and the care provided to the creature, is in accordance with accepted animal husbandry practices; and
      - (II) the creature is:
        - (Aa) owned or kept by a zoological park that is accredited by, or a member of, the American Zoo and Aquarium Association;
        - (Bb) kept, owned, or used for the purpose of training hunting dogs or raptors; or
        - (Cc) temporarily in the state as part of a circus or traveling exhibitor licensed by the United States Department of Agriculture under 7 U.S.C. Sec. 2133;
    - (B) a live, nonhuman vertebrate creature that is owned, kept, or used for rodeo purposes, if the conduct toward the creature, and the care provided to the creature, is in accordance with accepted rodeo practices;
    - (C) livestock, if the conduct toward the creature, and the care provided to the creature, is in accordance with accepted animal husbandry practices or customary farming practices; or
    - (D) wildlife, as defined in Section 23A-1-101, including protected and unprotected wildlife, if the conduct toward the wildlife is in accordance with lawful hunting, fishing, or trapping practices or other lawful practices.
- (c) “Companion animal” means an animal that is a domestic dog or a domestic cat.
- (d) “Custody” means ownership, possession, or control over an animal.
- (e) “Legal privilege” means an act that:
  - (i) is authorized by state law, including rules under Title 23A, Wildlife Resources Act; and
  - (ii) is not in violation of a local ordinance.
- (f) “Livestock” means:

## ANIMAL PROTECTION LAWS OF UTAH

- (i) domesticated:
    - (A) cattle;
    - (B) sheep;
    - (C) goats;
    - (D) turkeys;
    - (E) swine;
    - (F) equines;
    - (G) camelidae;
    - (H) ratites; or
    - (I) bison;
  - (ii) domesticated elk, as defined in Section 4-39-102;
  - (iii) a livestock guardian dog, as defined in Section 76-6-111; or
  - (iv) any domesticated nonhuman vertebrate creature, domestic furbearer, or domestic poultry, raised, kept, or used for agricultural purposes.
- (g) “Necessary food, water, care, or shelter” means the following, taking into account the species, age, and physical condition of the animal:
  - (i) appropriate and essential food and water;
  - (ii) adequate protection, including appropriate shelter, against extreme weather conditions; and
  - (iii) other essential care.
- (h) “Torture” means intentionally or knowingly causing or inflicting extreme physical pain to an animal in an especially heinous, atrocious, cruel, or exceptionally depraved manner.
- (2) Except as provided in Subsection (4) or (6), a person is guilty of cruelty to an animal if the person, without legal privilege to do so, intentionally, knowingly, recklessly, or with criminal negligence:
  - (a) fails to provide necessary food, water, care, or shelter for an animal in the person’s custody;
  - (b) abandons an animal in the person’s custody;
  - (c) injures an animal;
  - (d) causes any animal, not including a dog or game fowl, to fight with another animal of like kind for amusement or gain; or
  - (e) causes any animal, including a dog or game fowl, to fight with a different kind of animal or creature for amusement or gain.
- (3) Except as provided in Section 76-9-301.7, a violation of Subsection (2) is:
  - (a) a class B misdemeanor if committed intentionally or knowingly; and
  - (b) a class C misdemeanor if committed recklessly or with criminal negligence.
- (4) A person is guilty of aggravated cruelty to an animal if the person:
  - (a) tortures an animal;
  - (b) administers, or causes to be administered, poison or a poisonous substance to an animal; or
  - (c) kills an animal or causes an animal to be killed without having a legal privilege to do so.
- (5) Except as provided in Subsection (6) or Section 76-9-301.7, a violation of Subsection (4) is:
  - (a) a class A misdemeanor if committed intentionally or knowingly;
  - (b) a class B misdemeanor if committed recklessly; and
  - (c) a class C misdemeanor if committed with criminal negligence.



## ANIMAL PROTECTION LAWS OF UTAH

- (6) A person is guilty of a third degree felony if the person intentionally or knowingly tortures a companion animal.
- (7) It is a defense to prosecution under this section that the conduct of the actor towards the animal was:
  - (a) by a licensed veterinarian using accepted veterinary practice;
  - (b) directly related to bona fide experimentation for scientific research, provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved;
  - (c) permitted under Section 18-1-3;
  - (d) by a person who humanely destroys any animal found suffering past recovery for any useful purpose; or
  - (e) by a person who humanely destroys any apparently abandoned animal found on the person's property.
- (8) For purposes of Subsection (7)(d), before destroying the suffering animal, the person who is not the owner of the animal shall obtain:
  - (a) the judgment of a veterinarian of the animal's nonrecoverable condition;
  - (b) the judgment of two other persons called by the person to view the unrecoverable condition of the animal in the person's presence;
  - (c) the consent from the owner of the animal to the destruction of the animal; or
  - (d) a reasonable conclusion that the animal's suffering is beyond recovery, through the person's own observation, if the person is in a location or circumstance where the person is unable to contact another person.
- (9) This section does not affect or prohibit:
  - (a) the training, instruction, and grooming of animals, if the methods used are in accordance with accepted animal husbandry practices or customary farming practices;
  - (b) the use of an electronic locating or training collar by the owner of an animal for the purpose of lawful animal training, lawful hunting practices, or protecting against loss of that animal; or
  - (c) the lawful hunting of, fishing for, or trapping of, wildlife.
- (10) County and municipal governments may not prohibit the use of an electronic locating or training collar.
- (11) *Upon conviction under this section, the court may in its discretion, in addition to other penalties:*
  - (a) order the defendant to be evaluated to determine the need for psychiatric or psychological counseling, to receive counseling as the court determines to be appropriate, and to pay the costs of the evaluation and counseling;
  - (b) *require the defendant to forfeit any rights the defendant has to the animal subjected to a violation of this section and to repay the reasonable costs incurred by any person or agency in caring for each animal subjected to violation of this section;*
  - (c) order the defendant to no longer possess or retain custody of any animal, as specified by the court, during the period of the defendant's probation or parole or other period as designated by the court; and
  - (d) order the animal to be placed for the purpose of adoption or care in the custody of a county or municipal animal control agency or an animal welfare agency registered with the state to be sold at public auction or humanely destroyed.
- (12) This section does not prohibit the use of animals in lawful training.

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## ANIMAL PROTECTION LAWS OF UTAH

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- (13) A veterinarian who, acting in good faith, reports a violation of this section to law enforcement may not be held civilly liable for making the report.

### UTAH CODE ANN. § 76-9-305. Officer's authority to take possession of animals—Lien for care.

- (1) Any law enforcement officer may take possession of any animals being treated cruelly and, after reasonable efforts to notify the owner, may provide shelter and care for them or upon permission from the owner may destroy them.
- (2) *Officers caring for animals pursuant to this section have a lien for the reasonable value of the care and/or destruction. Any court upon proof that the owner has been notified of the lien and amount due, at least five days prior, shall order the animal sold at public auction or destroyed.*
- (3) Any law enforcement officer may humanely destroy any animal found suffering past recovery for any useful purpose. Before destroying the animal the officer shall obtain the judgment to the effect of a veterinarian, or of two reputable citizens called by him to view the animal in his presence, or shall obtain consent to the destruction from the owner of the animal.

## ANIMAL PROTECTION LAWS OF UTAH

## 19. FORFEITURE AND POSSESSION BANS

## UTAH CODE ANN. § 76-9-301. Cruelty to animals.

(1) As used in this section:

- (a)
  - (i) “Abandon” means to intentionally deposit, leave, or drop off any live animal:
    - (A) without providing for the care of that animal, in accordance with accepted animal husbandry practices or customary farming practices; or
    - (B) in a situation where conditions present an immediate, direct, and serious threat to the life, safety, or health of the animal.
  - (ii) “Abandon” does not include returning wildlife to its natural habitat.
- (b)
  - (i) “Animal” means, except as provided in Subsection (1)(b)(ii), a live, nonhuman vertebrate creature.
  - (ii) “Animal” does not include:
    - (A) a live, nonhuman vertebrate creature, if:
      - (I) the conduct toward the creature, and the care provided to the creature, is in accordance with accepted animal husbandry practices; and
      - (II) the creature is:
        - (Aa) owned or kept by a zoological park that is accredited by, or a member of, the American Zoo and Aquarium Association;
        - (Bb) kept, owned, or used for the purpose of training hunting dogs or raptors; or
        - (Cc) temporarily in the state as part of a circus or traveling exhibitor licensed by the United States Department of Agriculture under 7 U.S.C. Sec. 2133;
    - (B) a live, nonhuman vertebrate creature that is owned, kept, or used for rodeo purposes, if the conduct toward the creature, and the care provided to the creature, is in accordance with accepted rodeo practices;
    - (C) livestock, if the conduct toward the creature, and the care provided to the creature, is in accordance with accepted animal husbandry practices or customary farming practices; or
    - (D) wildlife, as defined in Section 23A-1-101, including protected and unprotected wildlife, if the conduct toward the wildlife is in accordance with lawful hunting, fishing, or trapping practices or other lawful practices.
- (c) “Companion animal” means an animal that is a domestic dog or a domestic cat.
- (d) “Custody” means ownership, possession, or control over an animal.
- (e) “Legal privilege” means an act that:
  - (i) is authorized by state law, including rules under Title 23A, Wildlife Resources Act; and
  - (ii) is not in violation of a local ordinance.
- (f) “Livestock” means:

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- (i) domesticated:
    - (A) cattle;
    - (B) sheep;
    - (C) goats;
    - (D) turkeys;
    - (E) swine;
    - (F) equines;
    - (G) camelidae;
    - (H) ratites; or
    - (I) bison;
  - (ii) domesticated elk, as defined in Section 4-39-102;
  - (iii) a livestock guardian dog, as defined in Section 76-6-111; or
  - (iv) any domesticated nonhuman vertebrate creature, domestic furbearer, or domestic poultry, raised, kept, or used for agricultural purposes.
- (g) “Necessary food, water, care, or shelter” means the following, taking into account the species, age, and physical condition of the animal:
  - (i) appropriate and essential food and water;
  - (ii) adequate protection, including appropriate shelter, against extreme weather conditions; and
  - (iii) other essential care.
- (h) “Torture” means intentionally or knowingly causing or inflicting extreme physical pain to an animal in an especially heinous, atrocious, cruel, or exceptionally depraved manner.
- (2) Except as provided in Subsection (4) or (6), a person is guilty of cruelty to an animal if the person, without legal privilege to do so, intentionally, knowingly, recklessly, or with criminal negligence:
  - (a) fails to provide necessary food, water, care, or shelter for an animal in the person’s custody;
  - (b) abandons an animal in the person’s custody;
  - (c) injures an animal;
  - (d) causes any animal, not including a dog or game fowl, to fight with another animal of like kind for amusement or gain; or
  - (e) causes any animal, including a dog or game fowl, to fight with a different kind of animal or creature for amusement or gain.
- (3) Except as provided in Section 76-9-301.7, a violation of Subsection (2) is:
  - (a) a class B misdemeanor if committed intentionally or knowingly; and
  - (b) a class C misdemeanor if committed recklessly or with criminal negligence.
- (4) A person is guilty of aggravated cruelty to an animal if the person:
  - (a) tortures an animal;
  - (b) administers, or causes to be administered, poison or a poisonous substance to an animal; or
  - (c) kills an animal or causes an animal to be killed without having a legal privilege to do so.
- (5) Except as provided in Subsection (6) or Section 76-9-301.7, a violation of Subsection (4) is:
  - (a) a class A misdemeanor if committed intentionally or knowingly;
  - (b) a class B misdemeanor if committed recklessly; and
  - (c) a class C misdemeanor if committed with criminal negligence.

## ANIMAL PROTECTION LAWS OF UTAH

- (6) A person is guilty of a third degree felony if the person intentionally or knowingly tortures a companion animal.
- (7) It is a defense to prosecution under this section that the conduct of the actor towards the animal was:
  - (a) by a licensed veterinarian using accepted veterinary practice;
  - (b) directly related to bona fide experimentation for scientific research, provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved;
  - (c) permitted under Section 18-1-3;
  - (d) by a person who humanely destroys any animal found suffering past recovery for any useful purpose; or
  - (e) by a person who humanely destroys any apparently abandoned animal found on the person's property.
- (8) For purposes of Subsection (7)(d), before destroying the suffering animal, the person who is not the owner of the animal shall obtain:
  - (a) the judgment of a veterinarian of the animal's nonrecoverable condition;
  - (b) the judgment of two other persons called by the person to view the unrecoverable condition of the animal in the person's presence;
  - (c) the consent from the owner of the animal to the destruction of the animal; or
  - (d) a reasonable conclusion that the animal's suffering is beyond recovery, through the person's own observation, if the person is in a location or circumstance where the person is unable to contact another person.
- (9) This section does not affect or prohibit:
  - (a) the training, instruction, and grooming of animals, if the methods used are in accordance with accepted animal husbandry practices or customary farming practices;
  - (b) the use of an electronic locating or training collar by the owner of an animal for the purpose of lawful animal training, lawful hunting practices, or protecting against loss of that animal; or
  - (c) the lawful hunting of, fishing for, or trapping of, wildlife.
- (10) County and municipal governments may not prohibit the use of an electronic locating or training collar.
- (11) *Upon conviction under this section, the court may in its discretion, in addition to other penalties:*
  - (a) order the defendant to be evaluated to determine the need for psychiatric or psychological counseling, to receive counseling as the court determines to be appropriate, and to pay the costs of the evaluation and counseling;
  - (b) *require the defendant to forfeit any rights the defendant has to the animal subjected to a violation of this section and to repay the reasonable costs incurred by any person or agency in caring for each animal subjected to violation of this section;*
  - (c) *order the defendant to no longer possess or retain custody of any animal, as specified by the court, during the period of the defendant's probation or parole or other period as designated by the court; and*
  - (d) *order the animal to be placed for the purpose of adoption or care in the custody of a county or municipal animal control agency or an animal welfare agency registered with the state to be sold at public auction or humanely destroyed.*
- (12) This section does not prohibit the use of animals in lawful training.

## ANIMAL PROTECTION LAWS OF UTAH

- (13) A veterinarian who, acting in good faith, reports a violation of this section to law enforcement may not be held civilly liable for making the report.

### UTAH CODE ANN. § 76-9-301.6. Dog fighting exhibition—Authority to arrest and take possession of dogs and property.

- (1) A peace officer as defined in Title 53, Chapter 13, Peace Officer Classifications, may enter any place, building, or tenement where an exhibition of dog fighting is occurring, or where preparations are being made for such an exhibition and, without a warrant, arrest all persons present.
- (2)
  - (a) *Notwithstanding the provisions of Section 76-9-305, any authorized officer who makes an arrest under Subsection (1) may lawfully take possession of all dogs, paraphernalia, implements, or other property or things used or employed, or to be employed, in an exhibition of dog fighting prohibited by Subsection 76-9-301(2)(e) or Section 76-9-301.1.*
  - (b) The officer, at the time of the taking of property pursuant to Subsection (2)(a), shall state his name and provide other identifying information to the person in charge of the dogs or property taken.
- (3)
  - (a) After taking possession of dogs, paraphernalia, implements, or other property or things under Subsection (2), the officer shall file an affidavit with the judge or magistrate before whom a complaint has been made against any person arrested under this section.
  - (b) The affidavit shall include:
    - (i) the name of the person charged in the complaint;
    - (ii) a description of all property taken;
    - (iii) the time and place of the taking of the property;
    - (iv) the name of the person from whom the property was taken;
    - (v) the name of the person who claims to own the property, if known; and
    - (vi) a statement that the officer has reason to believe and believes that the property taken was used or employed, or was to be used or employed, in violation of Section 76-9-301 or 76-9-301.1, and the grounds for the belief.
- (4)
  - (a) The officer shall deliver the confiscated property to the judge or magistrate who shall, by order, place the property in the custody of the officer or any other person designated in the order, and that person shall keep the property until conviction or final discharge of the person against whom the complaint was made.
  - (b) The person designated in Subsection (4)(a) shall assume immediate custody of the property, and retain the property until further order of the court.
  - (c) *Upon conviction of the person charged, all confiscated property shall be forfeited and destroyed or otherwise disposed of, as the court may order.*
  - (d) If the person charged is acquitted or discharged without conviction, the court shall, on demand, order the property to be returned to its owner.

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## ANIMAL PROTECTION LAWS OF UTAH

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### UTAH CODE ANN. § 76-9-305. Officer's authority to take possession of animals—Lien for care.

- (1) Any law enforcement officer may take possession of any animals being treated cruelly and, after reasonable efforts to notify the owner, may provide shelter and care for them or upon permission from the owner may destroy them.
- (2) Officers caring for animals pursuant to this section have a lien for the reasonable value of the care and/or destruction. Any court upon proof that the owner has been notified of the lien and amount due, at least five days prior, *shall order the animal sold at public auction or destroyed.*
- (3) *Any law enforcement officer may humanely destroy any animal found suffering past recovery for any useful purpose. Before destroying the animal the officer shall obtain the judgment to the effect of a veterinarian, or of two reputable citizens called by him to view the animal in his presence, or shall obtain consent to the destruction from the owner of the animal.*

## ANIMAL PROTECTION LAWS OF UTAH

## 20. REHABILITATIVE SENTENCING

## UTAH CODE ANN. § 76-9-301. Cruelty to animals.

(1) As used in this section:

- (a)
  - (i) “Abandon” means to intentionally deposit, leave, or drop off any live animal:
    - (A) without providing for the care of that animal, in accordance with accepted animal husbandry practices or customary farming practices; or
    - (B) in a situation where conditions present an immediate, direct, and serious threat to the life, safety, or health of the animal.
  - (ii) “Abandon” does not include returning wildlife to its natural habitat.
- (b)
  - (i) “Animal” means, except as provided in Subsection (1)(b)(ii), a live, nonhuman vertebrate creature.
  - (ii) “Animal” does not include:
    - (A) a live, nonhuman vertebrate creature, if:
      - (I) the conduct toward the creature, and the care provided to the creature, is in accordance with accepted animal husbandry practices; and
      - (II) the creature is:
        - (Aa) owned or kept by a zoological park that is accredited by, or a member of, the American Zoo and Aquarium Association;
        - (Bb) kept, owned, or used for the purpose of training hunting dogs or raptors; or
        - (Cc) temporarily in the state as part of a circus or traveling exhibitor licensed by the United States Department of Agriculture under 7 U.S.C. Sec. 2133;
    - (B) a live, nonhuman vertebrate creature that is owned, kept, or used for rodeo purposes, if the conduct toward the creature, and the care provided to the creature, is in accordance with accepted rodeo practices;
    - (C) livestock, if the conduct toward the creature, and the care provided to the creature, is in accordance with accepted animal husbandry practices or customary farming practices; or
    - (D) wildlife, as defined in Section 23A-1-101, including protected and unprotected wildlife, if the conduct toward the wildlife is in accordance with lawful hunting, fishing, or trapping practices or other lawful practices.
- (c) “Companion animal” means an animal that is a domestic dog or a domestic cat.
- (d) “Custody” means ownership, possession, or control over an animal.
- (e) “Legal privilege” means an act that:
  - (i) is authorized by state law, including rules under Title 23A, Wildlife Resources Act; and
  - (ii) is not in violation of a local ordinance.
- (f) “Livestock” means:



## ANIMAL PROTECTION LAWS OF UTAH

- (i) domesticated:
    - (A) cattle;
    - (B) sheep;
    - (C) goats;
    - (D) turkeys;
    - (E) swine;
    - (F) equines;
    - (G) camelidae;
    - (H) ratites; or
    - (I) bison;
  - (ii) domesticated elk, as defined in Section 4-39-102;
  - (iii) a livestock guardian dog, as defined in Section 76-6-111; or
  - (iv) any domesticated nonhuman vertebrate creature, domestic furbearer, or domestic poultry, raised, kept, or used for agricultural purposes.
- (g) “Necessary food, water, care, or shelter” means the following, taking into account the species, age, and physical condition of the animal:
  - (i) appropriate and essential food and water;
  - (ii) adequate protection, including appropriate shelter, against extreme weather conditions; and
  - (iii) other essential care.
- (h) “Torture” means intentionally or knowingly causing or inflicting extreme physical pain to an animal in an especially heinous, atrocious, cruel, or exceptionally depraved manner.
- (2) Except as provided in Subsection (4) or (6), a person is guilty of cruelty to an animal if the person, without legal privilege to do so, intentionally, knowingly, recklessly, or with criminal negligence:
  - (a) fails to provide necessary food, water, care, or shelter for an animal in the person’s custody;
  - (b) abandons an animal in the person’s custody;
  - (c) injures an animal;
  - (d) causes any animal, not including a dog or game fowl, to fight with another animal of like kind for amusement or gain; or
  - (e) causes any animal, including a dog or game fowl, to fight with a different kind of animal or creature for amusement or gain.
- (3) Except as provided in Section 76-9-301.7, a violation of Subsection (2) is:
  - (a) a class B misdemeanor if committed intentionally or knowingly; and
  - (b) a class C misdemeanor if committed recklessly or with criminal negligence.
- (4) A person is guilty of aggravated cruelty to an animal if the person:
  - (a) tortures an animal;
  - (b) administers, or causes to be administered, poison or a poisonous substance to an animal; or
  - (c) kills an animal or causes an animal to be killed without having a legal privilege to do so.
- (5) Except as provided in Subsection (6) or Section 76-9-301.7, a violation of Subsection (4) is:
  - (a) a class A misdemeanor if committed intentionally or knowingly;
  - (b) a class B misdemeanor if committed recklessly; and
  - (c) a class C misdemeanor if committed with criminal negligence.

## ANIMAL PROTECTION LAWS OF UTAH

- (6) A person is guilty of a third degree felony if the person intentionally or knowingly tortures a companion animal.
- (7) It is a defense to prosecution under this section that the conduct of the actor towards the animal was:
  - (a) by a licensed veterinarian using accepted veterinary practice;
  - (b) directly related to bona fide experimentation for scientific research, provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved;
  - (c) permitted under Section 18-1-3;
  - (d) by a person who humanely destroys any animal found suffering past recovery for any useful purpose; or
  - (e) by a person who humanely destroys any apparently abandoned animal found on the person's property.
- (8) For purposes of Subsection (7)(d), before destroying the suffering animal, the person who is not the owner of the animal shall obtain:
  - (a) the judgment of a veterinarian of the animal's nonrecoverable condition;
  - (b) the judgment of two other persons called by the person to view the unrecoverable condition of the animal in the person's presence;
  - (c) the consent from the owner of the animal to the destruction of the animal; or
  - (d) a reasonable conclusion that the animal's suffering is beyond recovery, through the person's own observation, if the person is in a location or circumstance where the person is unable to contact another person.
- (9) This section does not affect or prohibit:
  - (a) the training, instruction, and grooming of animals, if the methods used are in accordance with accepted animal husbandry practices or customary farming practices;
  - (b) the use of an electronic locating or training collar by the owner of an animal for the purpose of lawful animal training, lawful hunting practices, or protecting against loss of that animal; or
  - (c) the lawful hunting of, fishing for, or trapping of, wildlife.
- (10) County and municipal governments may not prohibit the use of an electronic locating or training collar.
- (11) *Upon conviction under this section, the court may in its discretion, in addition to other penalties:*
  - (a) *order the defendant to be evaluated to determine the need for psychiatric or psychological counseling, to receive counseling as the court determines to be appropriate, and to pay the costs of the evaluation and counseling;*
  - (b) require the defendant to forfeit any rights the defendant has to the animal subjected to a violation of this section and to repay the reasonable costs incurred by any person or agency in caring for each animal subjected to violation of this section;
  - (c) order the defendant to no longer possess or retain custody of any animal, as specified by the court, during the period of the defendant's probation or parole or other period as designated by the court; and
  - (d) order the animal to be placed for the purpose of adoption or care in the custody of a county or municipal animal control agency or an animal welfare agency registered with the state to be sold at public auction or humanely destroyed.
- (12) This section does not prohibit the use of animals in lawful training.

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## ANIMAL PROTECTION LAWS OF UTAH

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- (13) A veterinarian who, acting in good faith, reports a violation of this section to law enforcement may not be held civilly liable for making the report.