

# ANIMAL PROTECTION LAWS OF ARIZONA

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*This chapter contains Arizona's general animal protection and related statutes with an effective date on or before September 1, 2017. 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. Within the first thirteen of these categories, the relevant part of each statute is italicized. Category 14 provides a non-italicized version of each of the previously referenced statutes, in numerical order. The penalties and related provisions for categories 12 and 13 are generally located within each of those respective sections.*

*Arizona 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.*

## ARIZONA

<b>1. <u>GENERAL PROHIBITIONS</u></b> *	<p>(1) General cruelty, neglect, abandonment ARIZ. REV. STAT. §§ 13-2910(A)(1)-(7),(12)</p> <p>(2) Aggravated cruelty ARIZ. REV. STAT. §§ 13-2910(A)(8)-(11),(13)</p>
<i>Animals Covered in Definition</i>	<p>“[M]ammal, bird, reptile or amphibian” ARIZ. REV. STAT. § 13-2910(H)(1)</p>
<i>Classification of Crimes</i>	<p>(1) Class 1 misdemeanor</p> <p>(2) Class 6 felony</p>
<b>2. <u>MAXIMUM PENALTIES</u></b> **	<p>(1) 6 months imprisonment ARIZ. REV. STAT. § 13-707(A)(1) <i>and/or</i> \$2,500 fine ARIZ. REV. STAT. § 13-802(A)</p> <p>(2) (Aggravated) 2 years imprisonment ARIZ. REV. STAT. § 13-702(D) <i>and/or</i> \$150,000 fine ARIZ. REV. STAT. § 13-801(A)</p> <p>Repeat offenders may face additional penalties based on the history of offenses. ARIZ. REV. STAT. § 13-703</p>

**ARIZONA** *continued*

<p><b>3. <u>EXEMPTIONS</u></b> ***</p>	<p>3, 4, 5 ARIZ. REV. STAT. § 13-2910(C) ARIZ. REV. STAT. § 13-2910.05</p> <p>6 ARIZ. REV. STAT. § 13-2910(B)</p> <p>7 ARIZ. REV. STAT. § 13-2910.05</p> <p>9 ARIZ. REV. STAT. § 13-2910(B) ARIZ. REV. STAT. § 13-2910.05</p>
<p><b>4. <u>COUNSELING / EVALUATIONS</u></b> †</p>	<p>-----</p>
<p><b>5. <u>PROTECTIVE ORDERS</u></b> †</p>	<p>ARIZ. REV. STAT. § 13-3602</p>
<p><b>6. <u>RESTITUTION / REIMBURSEMENT OF COSTS / BONDING &amp; LIENS</u></b> †</p>	<p>Owner may be required to pay impound fees and any other costs for boarding or necessary veterinary care of an animal impounded on probable cause that the animal is vicious or may be a danger to the safety of any person or other animals. ARIZ. REV. STAT. § 11-1029(B)</p> <p>Upon conviction, owner is liable for the expenses incurred in rescuing the owner's cruelly treated or neglected animals. ARIZ. REV. STAT. § 12-1011</p> <p>An owner is responsible for the cost of care for an animal that was properly seized and the owner is required to post a bond to defray the cost of care. ARIZ. REV. STAT. § 13-4281(A)(5)</p>

**ARIZONA** *continued*

<p><b>7. <u>SEIZURE / ON-SITE SUPERVISION</u></b></p>	<p>A peace officer, animal control agent or deputy may use reasonable force to open a vehicle and rescue an animal when physical injury or death is likely to result. ARIZ. REV. STAT. § 13-2910(D)</p> <p>A peace officer, county enforcement agent or animal control officer who lawfully seizes an animal shall give notice of the seizure. ARIZ. REV. STAT. § 13-4281(A)</p>
<p><b>8. <u>FORFEITURE / POSSESSION</u> <sup>†</sup></b></p>	<p>If an owner fails to appear at a requested disposition hearing for a suspected vicious animal, or if the justice of the peace or city magistrate determines that the animal is vicious, the animal may be forfeited. ARIZ. REV. STAT. § 11-1029(B)</p> <p>The court may terminate the rights of the seized animal's owner upon a finding of cruel mistreatment, cruel neglect or abandonment. ARIZ. REV. STAT. § 13-4281(B)</p> <p>If the owner of a seized animal fails to post bond, or to request or attend a hearing, the owner forfeits the animal to the seizing agency. ARIZ. REV. STAT. § 13-4281(C)</p>
<p><b>9. <u>CROSS ENFORCEMENT / REPORTING</u></b></p>	<p>-----</p>
<p><b>10. <u>VETERINARIAN REPORTING / IMMUNITY</u></b></p>	<p>Veterinarians shall report in writing, within forty-eight hours of treatment or examination, any suspected dog fighting or animal abuse to a local law enforcement agency; and in cases of suspected abuse of livestock, to the department of agriculture. Veterinarians are immune from civil liability for reports filed in good faith. ARIZ. REV. STAT. § 32-2239</p>

**ARIZONA** *continued*

<b>11. <u>LAW ENFORCEMENT POLICIES</u></b>	-----
<b>12. <u>SEXUAL ASSAULT</u></b>	<p>A public act involving the sexual assault of an animal may be a Class 1 misdemeanor under certain circumstances, and a Class 5 felony if a minor under the age of fifteen is present. ARIZ. REV. STAT. § 13-1403</p> <p>Sexual assault of an animal is a Class 6 felony, and a Class 3 felony if the defendant causes a person under the age of fifteen to sexually assault an animal. ARIZ. REV. STAT. § 13-1411</p>
<b>13. <u>FIGHTING</u></b>	<p>Various animal fighting and cockfighting activities are Class 5 felonies. ARIZ. REV. STAT. §§ 13-2910.01, -2910.03</p> <p>Being a spectator at an animal fight or being present at any place where an animal fight is being prepared is a Class 6 felony. ARIZ. REV. STAT. § 13-2910.02</p> <p>Being a spectator at a cockfight or being present at any place where a cockfight is being prepared is a Class 1 misdemeanor. ARIZ. REV. STAT. § 13-2910.04</p>
<b><i>Other Felony Provisions Affecting Animals</i> ‡</b>	<p>Intentionally killing or disabling working or service animal is Class 6 felony. ARIZ. REV. STAT. § 13-2910(E)</p> <p>Unlawful killing of livestock is a Class 5 felony. ARIZ. REV. STAT. § 3-1307</p> <p>Theft of an animal for fighting purposes is a Class 6 felony. ARIZ. REV. STAT. § 13-1802(G)</p>

## ARIZONA *continued*

<b>NOTES</b>	<p>Special provisions for seizure of horses ARIZ. REV. STAT. § 3-1721</p> <p>Special provisions regulating the confinement of calves raised for veal and pregnant pigs ARIZ. REV. STAT. § 13-2910.07</p> <p>Horse tripping is a misdemeanor ARIZ. REV. STAT. § 13-2910.09</p> <p>Harassing a horse of the Salt River horse herd is a misdemeanor ARIZ. REV. STAT. § 3-1491</p> <p>Breed specific regulations are prohibited ARIZ. REV. STAT. § 9-499.04</p> <p>Civil immunity for removing a domestic animal from a vehicle ARIZ. REV. STAT. §12-558.02</p>
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\* States may have other more specific statutes in addition to the general animal protection statutes referenced in this table.

\*\* Despite statutory maximums, states often employ sentencing guidelines that may significantly alter the allowable sentence.

\*\*\* Exemptions: 1-veterinary practice, 2-research animals, 3-wildlife, 4-traditional farm animal husbandry practices, 5-slaughter, 6-pest control, 7-rodeo, 8-zoos/circuses, 9-other.

† This table generally references only those provisions that are within each state's animal protection statutes. States may employ similar provisions within other non-animal-specific criminal and civil statutes, and may also have a variety of animal-related regulations in effect.

‡ This list is not exhaustive; states may authorize felony penalties for other crimes involving animals not included in this table.

## 1. GENERAL PROHIBITIONS

**ARIZ. REV. STAT. § 13-2910 (2017). Cruelty to animals; interference with working or service animal; classification; definitions.**

A. *A person commits cruelty to animals if the person does any of the following:*

- 1. Intentionally, knowingly or recklessly subjects any animal under the person's custody or control to cruel neglect or abandonment.*
- 2. Intentionally, knowingly or recklessly fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's custody or control.*
- 3. Intentionally, knowingly or recklessly inflicts unnecessary physical injury to any animal.*
- 4. Recklessly subjects any animal to cruel mistreatment.*
- 5. Intentionally, knowingly or recklessly kills any animal under the custody or control of another person without either legal privilege or consent of the owner.*
- 6. Recklessly interferes with, kills or harms a working or service animal without either legal privilege or consent of the owner.*
- 7. Intentionally, knowingly or recklessly leaves an animal unattended and confined in a motor vehicle and physical injury to or death of the animal is likely to result.*
- 8. Intentionally or knowingly subjects any animal under the person's custody or control to cruel neglect or abandonment that results in serious physical injury to the animal.*
- 9. Intentionally or knowingly subjects any animal to cruel mistreatment.*
- 10. Intentionally or knowingly interferes with, kills or harms a working or service animal without either legal privilege or consent of the owner.*
- 11. Intentionally or knowingly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.*
- 12. Recklessly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.*
- 13. Intentionally or knowingly obtains or exerts unauthorized control over a service animal with the intent to deprive the service animal handler of the service animal.*

B. It is a defense to subsection A of this section if:

1. Any person exposes poison to be taken by a dog that has killed or wounded livestock or poison to be taken by predatory animals on premises owned, leased or controlled by the person for the purpose of protecting the person or the person's livestock or poultry, the treated property is kept posted by the person who authorized or performed the treatment until the poison has been removed and the poison is removed by the person exposing the poison after the threat to the person or the person's livestock or poultry has ceased to exist. The posting required shall provide adequate warning to persons who enter the property by the point or points of normal entry. The warning notice that is posted shall be readable at a distance of fifty feet, shall contain a poison statement and symbol and shall state the word "danger" or "warning".

2. Any person uses poisons in and immediately around buildings owned, leased or controlled by the person for the purpose of controlling wild and domestic rodents as otherwise allowed by the laws of the state, excluding any fur-bearing animals as defined in § 17-101.

C. This section does not prohibit or restrict:

1. The taking of wildlife or other activities permitted by or pursuant to title 17.

2. Activities permitted by or pursuant to title 3.

3. Activities regulated by the Arizona game and fish department or the Arizona department of agriculture.

D. A peace officer, animal control enforcement agent or animal control enforcement deputy may use reasonable force to open a vehicle to rescue an animal if the animal is left in the vehicle as prescribed in subsection A, paragraph 7 of this section.

E. A person who is convicted of a violation of subsection A, paragraph 6 or 10 of this section is liable as follows:

1. If the working or service animal was killed or disabled, to the owner or agency that owns the working or service animal and that employs the handler or to the owner or handler for the replacement and training costs of the working or service animal and for any veterinary bills.

2. To the owner or agency that owns a working or service animal for the salary of the handler for the period of time that the handler's services are lost to the owner or agency.

3. To the owner for the owner's contractual losses with the agency.



F. An incorporated city or town or a county may adopt an ordinance with misdemeanor provisions at least as stringent as the misdemeanor provisions of this section, except that any ordinance adopted shall not prohibit or restrict any activity involving a dog, whether the dog is restrained or not, if the activity is directly related to the business of shepherding or herding livestock and the activity is necessary for the safety of a human, the dog or livestock or is permitted by or pursuant to title 3.

G. *A person who violates subsection A, paragraph 1, 2, 3, 4, 5, 6, 7 or 12 of this section is guilty of a class 1 misdemeanor. A person who violates subsection A, paragraph 8, 9, 10, 11 or 13 of this section is guilty of a class 6 felony.*

H. *For the purposes of this section:*

1. *“Animal” means a mammal, bird, reptile or amphibian.*
2. *“Cruel mistreatment” means to torture or otherwise inflict unnecessary serious physical injury on an animal or to kill an animal in a manner that causes protracted suffering to the animal.*
3. *“Cruel neglect” means to fail to provide an animal with necessary food, water or shelter.*
4. *“Handler” means a law enforcement officer or any other person who has successfully completed a course of training prescribed by the person's agency or the service animal owner and who used a specially trained animal under the direction of the person's agency or the service animal owner.*
5. *“Service animal” means an animal that has completed a formal training program, that assists its owner in one or more daily living tasks that are associated with a productive lifestyle and that is trained to not pose a danger to the health and safety of the general public.*
6. *“Working animal” means a horse or dog that is used by a law enforcement agency, that is specially trained for law enforcement work and that is under the control of a handler.*

## 2. PENALTIES

### **ARIZ. REV. STAT. § 13-701 (2017). Sentence of imprisonment for felony; presentence report; aggravating and mitigating factors; consecutive terms of imprisonment; definition.**

*A. A sentence of imprisonment for a felony shall be a definite term of years and the person sentenced, unless otherwise provided by law or subsection J of this section applies, shall be committed to the custody of the state department of corrections.*

*B. No prisoner may be transferred to the custody of the state department of corrections without a certified copy of the judgment and sentence, signed by the sentencing judge, and a copy of a recent presentence investigation report unless the court has waived preparation of the report.*

*C. The minimum or maximum term imposed pursuant to section 13-702, 13-703, 13-704, 13-705, 13-708, 13-710, 13-1406, 13-3212 or 13-3419 may be imposed only if one or more of the circumstances alleged to be in aggravation of the crime are found to be true by the trier of fact beyond a reasonable doubt or are admitted by the defendant, except that an alleged aggravating circumstance under subsection D, paragraph 11 of this section shall be found to be true by the court, or in mitigation of the crime are found to be true by the court, on any evidence or information introduced or submitted to the court or the trier of fact before sentencing or any evidence presented at trial, and factual findings and reasons in support of such findings are set forth on the record at the time of sentencing.*

*D. For the purpose of determining the sentence pursuant to subsection C of this section, the trier of fact shall determine and the court shall consider the following aggravating circumstances, except that the court shall determine an aggravating circumstance under paragraph 11 of this subsection:*

- 1. Infliction or threatened infliction of serious physical injury, except if this circumstance is an essential element of the offense of conviction or has been utilized to enhance the range of punishment under section 13-704.*
- 2. Use, threatened use or possession of a deadly weapon or dangerous instrument during the commission of the crime, except if this circumstance is an essential element of the offense of conviction or has been utilized to enhance the range of punishment under section 13-704.*
- 3. If the offense involves the taking of or damage to property, the value of the property taken or damaged.*
- 4. Presence of an accomplice.*
- 5. Especially heinous, cruel or depraved manner in which the offense was committed.*

6. *The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.*
7. *The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.*
8. *At the time of the commission of the offense, the defendant was a public servant and the offense involved conduct directly related to the defendant's office or employment.*
9. *The victim or, if the victim has died as a result of the conduct of the defendant, the victim's immediate family suffered physical, emotional or financial harm.*
10. *During the course of the commission of the offense, the death of an unborn child at any stage of its development occurred.*
11. *The defendant was previously convicted of a felony within the ten years immediately preceding the date of the offense. A conviction outside the jurisdiction of this state for an offense that if committed in this state would be punishable as a felony is a felony conviction for the purposes of this paragraph.*
12. *The defendant was wearing body armor as defined in section 13-3116.*
13. *The victim of the offense is at least sixty-five years of age or is a disabled person as defined in section 38-492, subsection B.*
14. *The defendant was appointed pursuant to title 14 as a fiduciary and the offense involved conduct directly related to the defendant's duties to the victim as fiduciary.*
15. *Evidence that the defendant committed the crime out of malice toward a victim because of the victim's identity in a group listed in section 41-1750, subsection A, paragraph 3 or because of the defendant's perception of the victim's identity in a group listed in section 41-1750, subsection A, paragraph 3.*
16. *The defendant was convicted of a violation of section 13-1102, section 13-1103, section 13-1104, subsection A, paragraph 3 or section 13-1204, subsection A, paragraph 1 or 2 arising from an act that was committed while driving a motor vehicle and the defendant's alcohol concentration at the time of committing the offense was 0.15 or more. For the purposes of this paragraph, "alcohol concentration" has the same meaning prescribed in section 28-101.*
17. *Lying in wait for the victim or ambushing the victim during the commission of any felony.*
18. *The offense was committed in the presence of a child and any of the circumstances exists that are set forth in section 13-3601, subsection A.*

*19. The offense was committed in retaliation for a victim either reporting criminal activity or being involved in an organization, other than a law enforcement agency, that is established for the purpose of reporting or preventing criminal activity.*

*20. The defendant was impersonating a peace officer as defined in section 1-215.*

*21. The defendant was in violation of 8 United States Code section 1323, 1324, 1325, 1326 or 1328 at the time of the commission of the offense.*

*22. The defendant used a remote stun gun or an authorized remote stun gun in the commission of the offense. For the purposes of this paragraph:*

*(a) "Authorized remote stun gun" means a remote stun gun that has all of the following:*

*(i) An electrical discharge that is less than one hundred thousand volts and less than nine joules of energy per pulse.*

*(ii) A serial or identification number on all projectiles that are discharged from the remote stun gun.*

*(iii) An identification and tracking system that, on deployment of remote electrodes, disperses coded material that is traceable to the purchaser through records that are kept by the manufacturer on all remote stun guns and all individual cartridges sold.*

*(iv) A training program that is offered by the manufacturer.*

*(b) "Remote stun gun" means an electronic device that emits an electrical charge and that is designed and primarily employed to incapacitate a person or animal either through contact with electrodes on the device itself or remotely through wired probes that are attached to the device or through a spark, plasma, ionization or other conductive means emitting from the device.*

*23. During or immediately following the commission of the offense, the defendant committed a violation of section 28-661, 28-662 or 28-663.*

*24. The defendant was convicted of a violation of section 13-1307 or 13-1308 and the defendant recruited, enticed or obtained the victim from a shelter that is designed to serve runaway youth, foster children, homeless persons or victims of human trafficking, domestic violence or sexual assault.*

*25. Any other factor that the state alleges is relevant to the defendant's character or background or to the nature or circumstances of the crime.*

*E. For the purpose of determining the sentence pursuant to subsection C of this section, the court shall consider the following mitigating circumstances:*

- 1. The age of the defendant.*
- 2. The defendant's capacity to appreciate the wrongfulness of the defendant's conduct or to conform the defendant's conduct to the requirements of law was significantly impaired, but not so impaired as to constitute a defense to prosecution.*
- 3. The defendant was under unusual or substantial duress, although not to a degree that would constitute a defense to prosecution.*
- 4. The degree of the defendant's participation in the crime was minor, although not so minor as to constitute a defense to prosecution.*
- 5. During or immediately following the commission of the offense, the defendant complied with all duties imposed under sections 28-661, 28-662 and 28-663.*
- 6. Any other factor that is relevant to the defendant's character or background or to the nature or circumstances of the crime and that the court finds to be mitigating.*

*F. If the trier of fact finds at least one aggravating circumstance, the trial court may find by a preponderance of the evidence additional aggravating circumstances. In determining what sentence to impose, the court shall take into account the amount of aggravating circumstances and whether the amount of mitigating circumstances is sufficiently substantial to justify the lesser term. If the trier of fact finds aggravating circumstances and the court does not find any mitigating circumstances, the court shall impose an aggravated sentence.*

*G. The court in imposing a sentence shall consider the evidence and opinions presented by the victim or the victim's immediate family at any aggravation or mitigation proceeding or in the presentence report.*

*H. This section does not affect any provision of law that imposes the death penalty, that expressly provides for imprisonment for life or that authorizes or restricts the granting of probation and suspending the execution of sentence.*

*I. The intentional failure by the court to impose the mandatory sentences or probation conditions provided in this title is malfeasance.*

*J. For the purposes of this section, "trier of fact" means a jury, unless the defendant and the state waive a jury in which case the trier of fact means the court.*

**ARIZ. REV. STAT. § 13-702 (2017). First time felony offenders; sentencing; definition.**

*A. Unless a specific sentence is otherwise provided, the term of imprisonment for a first felony offense shall be the presumptive sentence determined pursuant to subsection D of this section. Except for those felonies involving a dangerous offense or if a specific sentence is otherwise provided, the court may increase or reduce the presumptive sentence within the ranges set by subsection D of this section. Any reduction or increase shall be based on the aggravating and mitigating circumstances listed in § 13-701, subsections D and E and shall be within the ranges prescribed in subsection D of this section.*

*B. If a person is convicted of a felony without having previously been convicted of any felony and if at least two of the aggravating factors listed in § 13-701, subsection D apply, the court may increase the maximum term of imprisonment otherwise authorized for that offense to an aggravated term. If a person is convicted of a felony without having previously been convicted of any felony and if the court finds at least two mitigating factors listed in § 13-701, subsection E apply, the court may decrease the minimum term of imprisonment otherwise authorized for that offense to a mitigated term.*

*C. The aggravated or mitigated term imposed pursuant to subsection D of this section may be imposed only if at least two of the aggravating circumstances are found beyond a reasonable doubt to be true by the trier of fact or are admitted by the defendant, except that an aggravating circumstance § 13-701, subsection D, paragraph 11 shall be found to be true by the court, or in mitigation of the crime are found to be true by the court, on any evidence or information introduced or submitted to the court or the trier of fact before sentencing or any evidence presented at trial, and factual findings and reasons in support of these findings are set forth on the record at the time of sentencing.*

*D. The term of imprisonment for a presumptive, minimum, maximum, mitigated or aggravated sentence shall be within the range prescribed under this subsection. The terms are as follows:*

<u>Felony</u>	<u>Mitigated</u>	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>	<u>Aggravated</u>
Class 2	3 years	4 years	5 years	10 years	12.5 years
Class 3	2 years	2.5 years	3.5 years	7 years	8.75 years
Class 4	1 year	1.5 years	2.5 years	3 years	3.75 years
Class 5	.5 years	.75 years	1.5 years	2 years	2.5 years
Class 6	.33 years	.5 years	1 year	1.5 years	2 years

*E. The court shall inform all of the parties before sentencing occurs of its intent to increase or decrease a sentence to the aggravated or mitigated sentence pursuant this section. If the court fails to inform the parties, a party waives its right to be informed unless the party timely objects at the time of sentencing.*

F. For the purposes of this section, “trier of fact” means a jury, unless the defendant and the state waive a jury in which case the trier of fact means the court.

**ARIZ. REV. STAT. § 13-703 (2017). Repetitive offenders; sentencing.**

*A. If a person is convicted of multiple felony offenses that were not committed on the same occasion but that either are consolidated for trial purposes or are not historical prior felony convictions, the person shall be sentenced as a first time felony offender pursuant to section 13-702 for the first offense, as a category one repetitive offender for the second offense, and as a category two repetitive offender for the third and subsequent offenses.*

*B. Except as provided in § 13-704 or 13-705, a person shall be sentenced as a category two repetitive offender if the person is at least eighteen years of age or has been tried as an adult and stands convicted of a felony and has one historical prior felony conviction.*

*C. Except as provided in § 13-704 or 13-705, a person shall be sentenced as a category three repetitive offender if the person is at least eighteen years of age or has been tried as an adult and stands convicted of a felony and has two or more historical prior felony convictions.*

*D. The presumptive term set by this section may be aggravated or mitigated within the range under this section pursuant to § 13-701, subsections C, D and E.*

*E. If a person is sentenced as a category one repetitive offender pursuant to subsection A of this section and if at least two aggravating circumstances listed in § 13-701, subsection D apply or at least two mitigating circumstances listed in § 13-701, subsection E apply, the court may impose a mitigated or aggravated sentence pursuant to subsection H of this section.*

*F. If a person is sentenced as a category two repetitive offender pursuant to subsection A or B, paragraph 2 of this section and if at least two aggravating circumstances listed in § 13-701, subsection D apply or at least two mitigating circumstances listed in § 13-701, subsection E apply, the court may impose a mitigated or aggravated sentence pursuant to subsection I of this section.*

*G. If a person is sentenced as a category three repetitive offender pursuant to subsection C of this section and at least two aggravating circumstances listed in § 13-701, subsection D or at least two mitigating circumstances listed in § 13-701, subsection E apply, the court may impose a mitigated or aggravated sentence pursuant to subsection J of this section.*

*H. A category one repetitive offender shall be sentenced within the following ranges:*

<i>Felony</i>	<i>Mitigated</i>	<i>Minimum</i>	<i>Presumptive</i>	<i>Maximum</i>	<i>Aggravated</i>
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<i>Class 2</i>	<i>3 years</i>	<i>4 years</i>	<i>5 years</i>	<i>10 years</i>	<i>12.5 years</i>
<i>Class 3</i>	<i>1.8 years</i>	<i>2.5 years</i>	<i>3.5 years</i>	<i>7 years</i>	<i>8.75 years</i>
<i>Class 4</i>	<i>1.1 years</i>	<i>1.5 years</i>	<i>2.5 years</i>	<i>3 years</i>	<i>3.75 years</i>
<i>Class 5</i>	<i>.5 years</i>	<i>.75 years</i>	<i>1.5 years</i>	<i>2 years</i>	<i>2.5 years</i>
<i>Class 6</i>	<i>.25 years</i>	<i>.5 years</i>	<i>1 year</i>	<i>1.5 years</i>	<i>1.8 years</i>

*I. A category two repetitive offender shall be sentenced within the following ranges:*

<i>Felony</i>	<i>Mitigated</i>	<i>Minimum</i>	<i>Presumptive</i>	<i>Maximum</i>	<i>Aggravated</i>
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<i>Class 2</i>	<i>4.5 years</i>	<i>6 years</i>	<i>9.25 years</i>	<i>18.5 years</i>	<i>23.1 years</i>
<i>Class 3</i>	<i>3.25 years</i>	<i>4.5 years</i>	<i>6.5 years</i>	<i>13 years</i>	<i>16.25 years</i>
<i>Class 4</i>	<i>2.25 years</i>	<i>3 years</i>	<i>4.5 years</i>	<i>6 years</i>	<i>7.5 years</i>
<i>Class 5</i>	<i>1 year</i>	<i>1.5 years</i>	<i>2.25 years</i>	<i>3 years</i>	<i>3.75 years</i>
<i>Class 6</i>	<i>.75 years</i>	<i>1 year</i>	<i>1.75 years</i>	<i>2.25 years</i>	<i>2.75 years</i>

*J. A category three repetitive offender shall be sentenced within the following ranges:*

<i>Felony</i>	<i>Mitigated</i>	<i>Minimum</i>	<i>Presumptive</i>	<i>Maximum</i>	<i>Aggravated</i>
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<i>Class 2</i>	<i>10.5 years</i>	<i>14 years</i>	<i>15.75 years</i>	<i>28 years</i>	<i>35 years</i>
<i>Class 3</i>	<i>7.5 years</i>	<i>10 years</i>	<i>11.25 years</i>	<i>20 years</i>	<i>25 years</i>
<i>Class 4</i>	<i>6 years</i>	<i>8 years</i>	<i>10 years</i>	<i>12 years</i>	<i>15 years</i>
<i>Class 5</i>	<i>3 years</i>	<i>4 years</i>	<i>5 years</i>	<i>6 years</i>	<i>3.75 years</i>
<i>Class 6</i>	<i>2.25 years</i>	<i>3 years</i>	<i>3.75 years</i>	<i>4.5 years</i>	<i>5.75 years</i>

*K. The aggravated or mitigated term imposed pursuant to subsection H, I or J of this section may be imposed only if at least two of the aggravating circumstances are found beyond a reasonable doubt to be true by the trier of fact or are admitted by the defendant, except that an aggravating circumstance under § 13-701, subsection D, paragraph 11 shall be found to be true by the court, or in mitigation of the crime are found to be true by the court, on any evidence or information introduced or submitted to the court or the trier of fact before sentencing or any evidence presented at trial, and factual findings and reasons in support of these findings are set forth on the record at the time of sentencing.*

*L. Convictions for two or more offenses committed on the same occasion shall be counted as*



*only one conviction for the purposes of subsections B and C of this section.*

*M. A person who has been convicted in any court outside the jurisdiction of this state of an offense that if committed in this state would be punishable as a felony is subject to this section. A person who has been convicted as an adult of an offense punishable as a felony under the provisions of any prior code in this state is subject to this section.*

*N. The penalties prescribed by this section shall be substituted for the penalties otherwise authorized by law if an allegation of prior conviction is charged in the indictment or information and admitted or found by the court. The release provisions prescribed by this section shall not be substituted for any penalties required by the substantive offense or a provision of law that specifies a later release or completion of the sentence imposed before release. The court shall allow the allegation of a prior conviction at any time before the date the case is actually tried unless the allegation is filed fewer than twenty days before the case is actually tried and the court finds on the record that the person was in fact prejudiced by the untimely filing and states the reasons for these findings. If the allegation of a prior conviction is filed, the state must make available to the person a copy of any material or information obtained concerning the prior conviction. The charge of previous conviction shall not be read to the jury. For the purposes of this subsection, "substantive offense" means the felony offense that the trier of fact found beyond a reasonable doubt the person committed. Substantive offense does not include allegations that, if proven, would enhance the sentence of imprisonment or fine to which the person otherwise would be subject.*

*O. A person who is sentenced pursuant to this section is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis, except as specifically authorized by § 31-233, subsection A or B, until the sentence imposed by the court has been served, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted.*

*P. The court shall inform all of the parties before sentencing occurs of its intent to impose an aggravated or mitigated sentence pursuant to subsection H, I or J of this section. If the court fails to inform the parties, a party waives its right to be informed unless the party timely objects at the time of sentencing.*

*Q. The court in imposing a sentence shall consider the evidence and opinions presented by the victim or the victim's immediate family at any aggravation or mitigation proceeding or in the presentence report.*

**ARIZ. REV. STAT. § 13-707 (2017). Sentence of imprisonment for misdemeanor.**

*A. A sentence of imprisonment for a misdemeanor shall be for a definite term to be served other than a place within custody of the state department of corrections. The court shall fix the term of imprisonment within the following maximum limitations:*

- 1. For a class 1 misdemeanor, six months.*
- 2. For a class 2 misdemeanor, four months.*
- 3. For a class 3 misdemeanor, thirty days.*

B. A person who is at least eighteen years of age or who has been tried as an adult and who stands convicted of any misdemeanor or petty offense, other than a traffic offense, and who has been convicted of one or more of the same misdemeanors or petty offenses within two years next preceding the date of the present offense shall be sentenced for the next higher class of offense than that for which the person currently is convicted. Time spent incarcerated within the two years next preceding the date of the offense for which a person is currently being sentenced shall not be included in the two years required to be free of convictions.

C. If a person is convicted of a misdemeanor offense and the offense requires enhanced punishment because it is a second or subsequent offense, the court shall determine the existence of the previous conviction. The court shall allow the allegation of a prior conviction to be made in the same manner as the allegation prescribed by section 28-1387, subsection A.

D. A person who has been convicted in any court outside the jurisdiction of this state of an offense that if committed in this state would be punishable as a misdemeanor or petty offense is subject to this section. A person who has been convicted as an adult of an offense punishable as a misdemeanor or petty offense under the provisions of any prior code in this state is subject to this section.

E. The court may direct that a person who is sentenced pursuant to subsection A of this section shall not be released on any basis until the sentence imposed by the court has been served.

**ARIZ. REV. STAT. § 13-801 (2017). Fines for felonies.**

*A. A sentence to pay a fine for a felony shall be a sentence to pay an amount fixed by the court not more than one hundred fifty thousand dollars.*

*B. A judgment that the defendant shall pay a fine, with or without the alternative of imprisonment, shall constitute a lien in like manner as a judgment for money rendered in a civil action.*

*C. This section does not apply to an enterprise.*

**ARIZ. REV. STAT. § 13-802 (2017). Fines for misdemeanor.**

*A. A sentence to pay a fine for a class 1 misdemeanor shall be a sentence to pay an amount, fixed by the court, not more than two thousand five hundred dollars.*

B. A sentence to pay a fine for a class 2 misdemeanor shall be a sentence to pay an amount, fixed by the court, not more than seven hundred fifty dollars.

C. A sentence to pay a fine for a class 3 misdemeanor shall be a sentence to pay an amount, fixed by the court, not more than five hundred dollars.

D. A sentence to pay a fine for a petty offense shall be a sentence to pay an amount, fixed by the court, of not more than three hundred dollars.

E. A judgment that the defendant shall pay a fine, with or without the alternative of imprisonment, shall constitute a lien in like manner as a judgment for money rendered in a civil action.

F. This section does not apply to an enterprise.

### **3. EXEMPTIONS**

**ARIZ. REV. STAT. § 13-2910 (2017). Cruelty to animals; interference with working or service animal; classification; definitions.**

A. A person commits cruelty to animals if the person does any of the following:

1. Intentionally, knowingly or recklessly subjects any animal under the person's custody or control to cruel neglect or abandonment.
2. Intentionally, knowingly or recklessly fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's custody or control.
3. Intentionally, knowingly or recklessly inflicts unnecessary physical injury to any animal.
4. Recklessly subjects any animal to cruel mistreatment.
5. Intentionally, knowingly or recklessly kills any animal under the custody or control of another person without either legal privilege or consent of the owner.
6. Recklessly interferes with, kills or harms a working or service animal without either legal privilege or consent of the owner.
7. Intentionally, knowingly or recklessly leaves an animal unattended and confined in a motor vehicle and physical injury to or death of the animal is likely to result.
8. Intentionally or knowingly subjects any animal under the person's custody or control to cruel neglect or abandonment that results in serious physical injury to the animal.
9. Intentionally or knowingly subjects any animal to cruel mistreatment.
10. Intentionally or knowingly interferes with, kills or harms a working or service animal without either legal privilege or consent of the owner.
11. Intentionally or knowingly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.
12. Recklessly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.
13. Intentionally or knowingly obtains or exerts unauthorized control over a service animal with the intent to deprive the service animal handler of the service animal.

B. *It is a defense to subsection A of this section if:*

- 1. Any person exposes poison to be taken by a dog that has killed or wounded livestock or poison to be taken by predatory animals on premises owned, leased or controlled by the person for the purpose of protecting the person or the person's livestock or poultry, the treated property is kept posted by the person who authorized or performed the treatment until the poison has been removed and the poison is removed by the person exposing the poison after the threat to the person or the person's livestock or poultry has ceased to exist. The posting required shall provide adequate warning to persons who enter the property by the point or points of normal entry. The warning notice that is posted shall be readable at a distance of fifty feet, shall contain a poison statement and symbol and shall state the word "danger" or "warning".*
- 2. Any person uses poisons in and immediately around buildings owned, leased or controlled by the person for the purpose of controlling wild and domestic rodents as otherwise allowed by the laws of the state, excluding any fur-bearing animals as defined in § 17-101.*

C. *This section does not prohibit or restrict:*

- 1. The taking of wildlife or other activities permitted by or pursuant to title 17.*
- 2. Activities permitted by or pursuant to title 3.*
- 3. Activities regulated by the Arizona game and fish department or the Arizona department of agriculture.*

D. A peace officer, animal control enforcement agent or animal control enforcement deputy may use reasonable force to open a vehicle to rescue an animal if the animal is left in the vehicle as prescribed in subsection A, paragraph 7 of this section.

E. A person who is convicted of a violation of subsection A, paragraph 6 or 10 of this section is liable as follows:

1. If the working or service animal was killed or disabled, to the owner or agency that owns the working or service animal and that employs the handler or to the owner or handler for the replacement and training costs of the working or service animal and for any veterinary bills.
2. To the owner or agency that owns a working or service animal for the salary of the handler for the period of time that the handler's services are lost to the owner or agency.
3. To the owner for the owner's contractual losses with the agency.

F. An incorporated city or town or a county may adopt an ordinance with misdemeanor provisions at least as stringent as the misdemeanor provisions of this section, except that any ordinance adopted shall not prohibit or restrict any activity involving a dog, whether the dog is restrained or not, if the activity is directly related to the business of shepherding or herding livestock and the activity is necessary for the safety of a human, the dog or livestock or is permitted by or pursuant to title 3.

G. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, 6, 7 or 12 of this section is guilty of a class 1 misdemeanor. A person who violates subsection A, paragraph 8, 9, 10, 11 or 13 of this section is guilty of a class 6 felony.

H. For the purposes of this section:

1. "Animal" means a mammal, bird, reptile or amphibian.
2. "Cruel mistreatment" means to torture or otherwise inflict unnecessary serious physical injury on an animal or to kill an animal in a manner that causes protracted suffering to the animal.
3. "Cruel neglect" means to fail to provide an animal with necessary food, water or shelter.
4. "Handler" means a law enforcement officer or any other person who has successfully completed a course of training prescribed by the person's agency or the service animal owner and who used a specially trained animal under the direction of the person's agency or the service animal owner.
5. "Service animal" means an animal that has completed a formal training program, that assists its owner in one or more daily living tasks that are associated with a productive lifestyle and that is trained to not pose a danger to the health and safety of the general public.
6. "Working animal" means a horse or dog that is used by a law enforcement agency, that is specially trained for law enforcement work and that is under the control of a handler.

**ARIZ. REV. STAT. § 13-2910.05 (2017). Exempt activities.**

*Activity involving the possession, training, exhibition or use of an animal in the otherwise lawful pursuits of hunting, ranching, farming, rodeos, shows and security services shall be exempt from the provisions of §§ 13-2910.01, 13- 2910.02, 13-2910.03 and 13-2910.04.*

**ARIZ. REV. STAT. § 13-2910.06 (2017). Defense to cruelty to animals and bird fighting.**

*It is a defense to §§ 13-2910, 13-2910.01, 13-2910.02, 13-2910.03 and 13-2910.04 that the activity charged involves the possession, training, exhibition or use of a bird or animal in the otherwise lawful sports of falconry, animal hunting, rodeos, ranching or the training or use of hunting dogs.*

#### **4. COUNSELING**

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## 5. PROTECTIVE ORDERS

### **ARIZ. REV. STAT. § 13-3602 (2017). Order of protection; procedure; contents; arrest for violation; penalty; protection order from another jurisdiction.**

A. A person may file a verified petition, as in civil actions, with a magistrate, justice of the peace or superior court judge for an order of protection for the purpose of restraining a person from committing an act included in domestic violence. If the person is a minor, the parent, legal guardian or person who has legal custody of the minor shall file the petition unless the court determines otherwise. The petition shall name the parent, guardian or custodian as the plaintiff and the minor is a specifically designated person for the purposes of subsection G of this section. If a person is either temporarily or permanently unable to request an order, a third party may request an order of protection on behalf of the plaintiff. After the request, the judicial officer shall determine if the third party is an appropriate requesting party for the plaintiff. For the purposes of this section, notwithstanding the location of the plaintiff or defendant, any court in this state may issue or enforce an order of protection.

B. An order of protection shall not be granted:

1. Unless the party who requests the order files a written verified petition for an order.
2. Against a person who is less than twelve years of age unless the order is granted by the juvenile division of the superior court.
3. Against more than one defendant.

C. The petition shall state the:

1. Name of the plaintiff. The plaintiff's address shall be disclosed to the court for purposes of service. If the address of the plaintiff is unknown to the defendant, the plaintiff may request that the address be protected. On the plaintiff's request, the address shall not be listed on the petition. Whether the court issues an order of protection, the protected address shall be maintained in a separate document or automated database and is not subject to release or disclosure by the court or any form of public access except as ordered by the court.
2. Name and address, if known, of the defendant.
3. Specific statement, including dates, of the domestic violence alleged.
4. Relationship between the parties pursuant to section 13-3601, subsection A and whether there is pending between the parties an action for maternity or paternity, annulment, legal separation or dissolution of marriage.

5. Name of the court in which any prior or pending proceeding or order was sought or issued concerning the conduct that is sought to be restrained.

6. Desired relief.

D. A fee shall not be charged for filing a petition under this section or for service of process. On request of the plaintiff, each order of protection that is issued by a municipal court shall be served by the police agency for that city if the defendant can be served within the city. If the defendant cannot be served within the city, the police agency in the city in which the defendant can be served shall serve the order. If the order cannot be served within a city, the sheriff shall serve the order. On request of the plaintiff, each order of protection that is issued by a justice of the peace shall be served by the constable or sheriff for that jurisdiction if the defendant can be served within the jurisdiction. If the defendant cannot be served within that jurisdiction, the constable or sheriff in the jurisdiction in which the defendant can be served shall serve the order. On request of the plaintiff, each order of protection that is issued by a superior court judge or commissioner shall be served by the sheriff of the county. If the defendant cannot be served within that jurisdiction, the sheriff in the jurisdiction in which the defendant can be served shall serve the order. Each court shall provide, without charge, forms for purposes of this section for assisting parties without counsel. The court shall make reasonable efforts to provide to both parties an appropriate information sheet on emergency and counseling services that are available in the local area.

E. The court shall review the petition, any other pleadings on file and any evidence offered by the plaintiff, including any evidence of harassment by electronic contact or communication, to determine whether the orders requested should issue without further hearing. The court shall issue an order of protection under subsection G of this section if the court determines that there is reasonable cause to believe any of the following:

1. The defendant may commit an act of domestic violence.
2. The defendant has committed an act of domestic violence within the past year or within a longer period of time if the court finds that good cause exists to consider a longer period.

F. For the purposes of determining the period of time under subsection E, paragraph 2 of this section, any time that the defendant has been incarcerated or out of this state shall not be counted. If the court denies the requested relief, it may schedule a further hearing within ten days, with reasonable notice to the defendant.

*G. If a court issues an order of protection, the court may do any of the following:*

1. Enjoin the defendant from committing a violation of one or more of the offenses included in domestic violence.

2. Grant one party the use and exclusive possession of the parties' residence on a showing that there is reasonable cause to believe that physical harm may otherwise result. If the other party is accompanied by a law enforcement officer, the other party may return to the residence on one occasion to retrieve belongings. A law enforcement officer is not liable for any act or omission in the good faith exercise of the officer's duties under this paragraph.
3. Restrain the defendant from contacting the plaintiff or other specifically designated persons and from coming near the residence, place of employment or school of the plaintiff or other specifically designated locations or persons on a showing that there is reasonable cause to believe that physical harm may otherwise result.
4. If the court finds that the defendant is a credible threat to the physical safety of the plaintiff or other specifically designated persons, prohibit the defendant from possessing or purchasing a firearm for the duration of the order. If the court prohibits the defendant from possessing a firearm, the court shall also order the defendant to transfer any firearm owned or possessed by the defendant immediately after service of the order to the appropriate law enforcement agency for the duration of the order. If the defendant does not immediately transfer the firearm, the defendant shall transfer the firearm within twenty-four hours after service of the order.
5. If the order was issued after notice and a hearing at which the defendant had an opportunity to participate, require the defendant to complete a domestic violence offender treatment program that is provided by a facility approved by the department of health services or a probation department or any other program deemed appropriate by the court.
6. Grant relief that is necessary for the protection of the alleged victim and other specifically designated persons and that is proper under the circumstances.
7. *Grant the petitioner the exclusive care, custody or control of any animal that is owned, possessed, leased, kept or held by the petitioner, the respondent or a minor child residing in the residence or household of the petitioner or the respondent, and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, committing an act of cruelty or neglect in violation of section 13-2910 or otherwise disposing of the animal.*

H. The court shall not grant a mutual order of protection. If opposing parties separately file verified petitions for an order of protection, the courts after consultation between the judges involved may consolidate the petitions of the opposing parties for hearing. This does not prohibit a court from issuing cross orders of protection.

I. At any time during the period during which the order is in effect, a party who is under an order of protection or who is restrained from contacting the other party is entitled to one hearing on written request. No fee may be charged for requesting a hearing. A hearing that is requested by a party who is under an order of protection or who is restrained from contacting the other party shall be held within ten days from the date requested unless the court finds good cause to continue the hearing. If exclusive use of the home is awarded, the hearing shall be held within five days from the date requested. The hearing shall be held at the earliest possible time. An ex parte order that is issued under this section shall state on its face that the defendant is entitled to a hearing on written request and shall include the name and address of the judicial office where the request may be filed. After the hearing, the court may modify, quash or continue the order.

J. The order shall include the following statement:

Warning

This is an official court order. If you disobey this order, you will be subject to arrest and prosecution for the crime of interfering with judicial proceedings and any other crime you may have committed in disobeying this order.

K. A copy of the petition and the order shall be served on the defendant within one year from the date the order is signed. An order of protection that is not served on the defendant within one year expires. An order is effective on the defendant on service of a copy of the order and petition. An order expires one year after service on the defendant. A modified order is effective on service and expires one year after service of the initial order and petition.

L. A supplemental information form that is utilized by the court or a law enforcement agency solely for the purposes of service of process on the defendant and that contains information provided by the plaintiff is confidential.

M. Each affidavit, acceptance or return of service shall be promptly filed with the clerk of the issuing court. This filing shall be completed in person, shall be made by fax or shall be postmarked, if sent by mail, no later than the end of the seventh court business day after the date of service. If the filing is made by fax, the original affidavit, acceptance or return of service shall be promptly filed with the court. Within twenty-four hours after the affidavit, acceptance or return of service has been filed, excluding weekends and holidays, the court from which the order or any modified order was issued shall forward to the sheriff of the county in which the court is located a copy of the order of protection and a copy of the affidavit or certificate of service of process or acceptance of service. On receiving these copies, the sheriff shall register the order. Registration of an order means that a copy of the order of protection and a copy of the affidavit or acceptance of service have been received by the sheriff's office. The sheriff shall maintain a central repository for orders of protection so that the existence and validity of the orders can be easily verified. The effectiveness of an order does not depend on its registration, and for enforcement purposes pursuant to section 13-2810, a copy of an order of the court, whether or not registered, is presumed to be a valid existing order of the court for a period of one year from the date of service of the order on the defendant.

N. A peace officer, with or without a warrant, may arrest a person if the peace officer has probable cause to believe that the person has violated section 13-2810 by disobeying or resisting an order that is issued in any jurisdiction in this state pursuant to this section, whether or not such violation occurred in the presence of the officer. Criminal violations of an order issued pursuant to this section shall be referred to an appropriate law enforcement agency. The law enforcement agency shall request that a prosecutorial agency file the appropriate charges. A violation of an order of protection shall not be adjudicated by a municipal or justice court unless a complaint has been filed or other legal process has been requested by the prosecuting agency. The provisions for release under section 13-3883, subsection A, paragraph 4 and section 13-3903 do not apply to an arrest made pursuant to this section. For the purposes of this section, any court in this state has jurisdiction to enforce a valid order of protection that is issued in this state and that has been violated in any jurisdiction in this state.

O. A person who is arrested pursuant to subsection M of this section may be released from custody in accordance with the Arizona rules of criminal procedure or any other applicable statute. An order for release, with or without an appearance bond, shall include pretrial release conditions that are necessary to provide for the protection of the alleged victim and other specifically designated persons and may provide for any other additional conditions that the court deems appropriate, including participation in any counseling programs available to the defendant. The agency with custody of the defendant shall make reasonable efforts to contact the victim and other specifically designated persons in the order of protection, if known to the custodial agency, who requested notification immediately on release of the arrested person from custody.

P. The remedies provided in this section for enforcement of the orders of the court are in addition to any other civil and criminal remedies available. The superior court shall have exclusive jurisdiction to issue orders of protection in all cases if it appears from the petition that an action for maternity or paternity, annulment, legal separation or dissolution of marriage is pending between the parties. A municipal court or justice court shall not issue an order of protection if it appears from the petition that an action for maternity or paternity, annulment, legal separation or dissolution of marriage is pending between the parties. After issuance of an order of protection, if the municipal court or justice court determines that an action for maternity or paternity, annulment, legal separation or dissolution of marriage is pending between the parties, the municipal court or justice court shall stop further proceedings in the action and forward all papers, together with a certified copy of docket entries or any other record in the action, to the superior court where they shall be docketed in the pending superior court action and shall proceed as though the petition for an order of protection had been originally brought in the superior court. Notwithstanding any other law and unless prohibited by an order of the superior court, a municipal court or justice court may hold a hearing on all matters relating to its ex parte order of protection if the hearing was requested before receiving written notice of the pending superior court action. No order of protection shall be invalid or determined to be ineffective merely because it was issued by a lower court at a time when an action for maternity or paternity, annulment, legal separation or dissolution of marriage was pending in a higher court. After a hearing with notice to the affected party, the court may enter an order requiring any party to pay the costs of the action, including reasonable attorney fees, if any. An order that is entered by a

justice court or municipal court after a hearing pursuant to this section may be appealed to the superior court as provided in title 22, chapter 2, article 4, section 22-425, subsection B and the superior court rules of civil appellate procedure without regard to an amount in controversy. No fee may be charged to either party for filing an appeal. For the purposes of this subsection, “pending” means, with respect to an action for annulment, legal separation or dissolution of marriage or for maternity or paternity, either that:

1. An action has been commenced but a final judgment, decree or order has not been entered.
2. A post-decree proceeding has been commenced but a judgment, decree or order finally determining the proceeding has not been entered.

Q. A peace officer who makes an arrest pursuant to this section or section 13-3601 is not civilly or criminally liable for the arrest if the officer acts on probable cause and without malice.

R. In addition to persons authorized to serve process pursuant to rule 4(d) of the Arizona rules of civil procedure, a peace officer or a correctional officer as defined in section 41-1661 who is acting in the officer's official capacity may serve an order of protection that is issued pursuant to this section. Service of the order of protection has priority over other service of process that does not involve an immediate threat to the safety of a person.

S. A valid protection order that is related to domestic or family violence and that is issued by a court in another state, a court of a United States territory or a tribal court shall be accorded full faith and credit and shall be enforced as if it were issued in this state for as long as the order is effective in the issuing jurisdiction. For the purposes of this subsection:

1. A protection order includes any injunction or other order that is issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with or physical proximity to another person. A protection order includes temporary and final orders other than support or child custody orders that are issued by civil and criminal courts if the order is obtained by the filing of an independent action or is a pendente lite order in another proceeding. The civil order shall be issued in response to a complaint, petition or motion that was filed by or on behalf of a person seeking protection.
2. A protection order is valid if the issuing court had jurisdiction over the parties and the matter under the laws of the issuing state, a United States territory or an Indian tribe and the person against whom the order was issued had reasonable notice and an opportunity to be heard. If the order is issued ex parte, the notice and opportunity to be heard shall be provided within the time required by the laws of the issuing state, a United States territory or an Indian tribe and within a reasonable time after the order was issued.

3. A mutual protection order that is issued against both the party who filed a petition or a complaint or otherwise filed a written pleading for protection against abuse and the person against whom the filing was made is not entitled to full faith and credit if either:
  - (a) The person against whom an initial order was sought has not filed a cross or counter petition or other written pleading seeking a protection order.
  - (b) The issuing court failed to make specific findings supporting the entitlement of both parties to be granted a protection order.
4. A peace officer may presume the validity of and rely on a copy of a protection order that is issued by another state, a United States territory or an Indian tribe if the order was given to the officer by any source. A peace officer may also rely on the statement of any person who is protected by the order that the order remains in effect. A peace officer who acts in good faith reliance on a protection order is not civilly or criminally liable for enforcing the protection order pursuant to this section.

## **6. RESTITUTION / REIMBURSEMENT OF COSTS / BONDING & LIENS**

### **ARIZ. REV. STAT. § 11-1029 (2017). Hearing on disposition of vicious animals; forfeiture; exception.**

A. A peace officer, county enforcement agent or animal control officer who has impounded an animal pursuant to section 11-1014, on a showing of probable cause that the animal is vicious or may be a danger to the safety of any person or other animal, may request a disposition hearing before a justice of the peace or city magistrate to determine whether the animal is vicious. The hearing shall be set within fifteen business days after the request has been filed.

B. The officer or agent who has requested a hearing under subsection A of this section shall serve the order on the owner of the animal either by personal service on the owner or by leaving a copy of the order with a person of suitable discretion at the owner's residence or place of business. Proof of service shall be filed with the court. If the justice of the peace or city magistrate determines that the animal is vicious, the justice of the peace or city magistrate may order that the animal be forfeited to the officer or agent for transfer to a legally incorporated humane society, county animal shelter or approved rescue agency or be humanely destroyed. *The owner shall pay impound fees and any other costs for boarding or necessary veterinary care. If the justice of the peace or city magistrate determines that the animal is not vicious, the justice of the peace or city magistrate may order the animal returned to the owner, except that if the owner fails to appear at the hearing, the justice of the peace or city magistrate may order that the animal be forfeited to the officer or agent for transfer to a legally incorporated humane society, county animal shelter or approved rescue agency and be made available for adoption or humane destruction.*

C. This section does not apply to the seizure of an equine pursuant to section 3-1721 or to a city, town or county that adopts or has adopted an ordinance or resolution providing for the forfeiture of a vicious animal if the ordinance or resolution imposes requirements that are equal to or more stringent than this section.

### **ARIZ. REV. STAT. § 12-1011 (2017). Liability for animal rescue costs.**

*An owner is liable to this state or a political subdivision of this state for the expenses incurred by this state or a political subdivision of this state in rescuing animals that belong to the owner if the animals have been cruelly treated or neglected and the owner has been convicted of a violation of § 13-2910.*



**ARIZ. REV. STAT. § 13-4281 (2017). Animal seizure; notification; forfeiture; bond; hearing; exceptions.**

A. A peace officer, county enforcement agent or animal control officer who lawfully seizes an animal pursuant to § 13-2910 shall affix a notice of seizure in a conspicuous place where the animal was found or personally deliver the notice of seizure to the owner or keeper of the animal, if known or ascertainable after reasonable investigation. The officer or agent shall file proof of service with the court. If it is determined that the suffering of the animal does not require humane destruction, the notice shall include the following:

1. The name, business address and telephone number of the person providing the notice.
2. A description of the seized animal.
3. The authority and purpose for the seizure, including the time, place and circumstance under which the animal was seized.
4. A statement that in order to receive a postseizure hearing the owner or person authorized to keep the animal, or the owner or person's agent, shall request the hearing by signing and returning to the court an enclosed declaration of ownership or right to keep the animal within ten days, including weekends and holidays, after the date of the notice.
5. A statement that *the owner is responsible for the cost of care for an animal that was properly seized and that the owner is required to post a bond in the amount of twenty-five dollars per animal with the court to defray the cost of care.*
6. A warning that if the owner fails to post a bond within ten days after the seizure, the animal will be deemed abandoned and become the property of the seizing agency.

B. On receipt of a declaration of ownership and postseizure hearing request, the justice of the peace or city magistrate shall set a hearing date within fifteen business days. At the hearing, the seizing agency shall have the burden of establishing by a preponderance of evidence that the animal was subjected to cruel mistreatment, cruel neglect or abandonment in violation of § 13-2910 or will suffer needlessly if humane destruction is delayed. On this finding, the court may terminate the owner's rights in the animal and transfer the rights to the seizing agency or a designated animal care agency and shall forfeit the bond to pay the expenses incurred for the housing, care and treatment of the animal. If at the conclusion of the hearing the animal is not forfeited under this section, the court shall order the bond exonerated and returned to the owner.

C. If the owner or person authorized to keep the animal fails to post bond as prescribed by subsection A, paragraph 5 of this section, fails to request a hearing or fails to attend a scheduled hearing, the animal is deemed abandoned and all rights of the owner in the animal are transferred to the seizing agency.

D. This section does not apply to any of the following:

1. Activities permitted by or pursuant to title 3.1
2. The seizure of an equine pursuant to § 3-1721.
3. A city, town or county that adopts or has adopted an ordinance or resolution providing for bonding and forfeiture of an animal that has suffered cruel mistreatment or cruel neglect if the ordinance or resolution imposes requirements that are equal or more stringent than this section.

## **7. SEIZURE / ON-SITE SUPERVISION**

**ARIZ. REV. STAT. § 13-2910 (2017). Cruelty to animals; interference with working or service animal; classification; definitions.**

A. A person commits cruelty to animals if the person does any of the following:

1. Intentionally, knowingly or recklessly subjects any animal under the person's custody or control to cruel neglect or abandonment.
2. Intentionally, knowingly or recklessly fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's custody or control.
3. Intentionally, knowingly or recklessly inflicts unnecessary physical injury to any animal.
4. Recklessly subjects any animal to cruel mistreatment.
5. Intentionally, knowingly or recklessly kills any animal under the custody or control of another person without either legal privilege or consent of the owner.
6. Recklessly interferes with, kills or harms a working or service animal without either legal privilege or consent of the owner.
7. Intentionally, knowingly or recklessly leaves an animal unattended and confined in a motor vehicle and physical injury to or death of the animal is likely to result.
8. Intentionally or knowingly subjects any animal under the person's custody or control to cruel neglect or abandonment that results in serious physical injury to the animal.
9. Intentionally or knowingly subjects any animal to cruel mistreatment.
10. Intentionally or knowingly interferes with, kills or harms a working or service animal without either legal privilege or consent of the owner.
11. Intentionally or knowingly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.
12. Recklessly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.
13. Intentionally or knowingly obtains or exerts unauthorized control over a service animal with the intent to deprive the service animal handler of the service animal.

B. It is a defense to subsection A of this section if:

1. Any person exposes poison to be taken by a dog that has killed or wounded livestock or poison to be taken by predatory animals on premises owned, leased or controlled by the person for the purpose of protecting the person or the person's livestock or poultry, the treated property is kept posted by the person who authorized or performed the treatment until the poison has been removed and the poison is removed by the person exposing the poison after the threat to the person or the person's livestock or poultry has ceased to exist. The posting required shall provide adequate warning to persons who enter the property by the point or points of normal entry. The warning notice that is posted shall be readable at a distance of fifty feet, shall contain a poison statement and symbol and shall state the word "danger" or "warning".
2. Any person uses poisons in and immediately around buildings owned, leased or controlled by the person for the purpose of controlling wild and domestic rodents as otherwise allowed by the laws of the state, excluding any fur-bearing animals as defined in § 17-101.

C. This section does not prohibit or restrict:

1. The taking of wildlife or other activities permitted by or pursuant to title 17.
2. Activities permitted by or pursuant to title 3.
3. Activities regulated by the Arizona game and fish department or the Arizona department of agriculture.

*D. A peace officer, animal control enforcement agent or animal control enforcement deputy may use reasonable force to open a vehicle to rescue an animal if the animal is left in the vehicle as prescribed in subsection A, paragraph 7 of this section.*

E. A person who is convicted of a violation of subsection A, paragraph 6 or 10 of this section is liable as follows:

1. If the working or service animal was killed or disabled, to the owner or agency that owns the working or service animal and that employs the handler or to the owner or handler for the replacement and training costs of the working or service animal and for any veterinary bills.
2. To the owner or agency that owns a working or service animal for the salary of the handler for the period of time that the handler's services are lost to the owner or agency.
3. To the owner for the owner's contractual losses with the agency.

F. An incorporated city or town or a county may adopt an ordinance with misdemeanor provisions at least as stringent as the misdemeanor provisions of this section, except that any ordinance adopted shall not prohibit or restrict any activity involving a dog, whether the dog is restrained or not, if the activity is directly related to the business of shepherding or herding livestock and the activity is necessary for the safety of a human, the dog or livestock or is permitted by or pursuant to title 3.

G. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, 6, 7 or 12 of this section is guilty of a class 1 misdemeanor. A person who violates subsection A, paragraph 8, 9, 10, 11 or 13 of this section is guilty of a class 6 felony.

H. For the purposes of this section:

1. "Animal" means a mammal, bird, reptile or amphibian.
2. "Cruel mistreatment" means to torture or otherwise inflict unnecessary serious physical injury on an animal or to kill an animal in a manner that causes protracted suffering to the animal.
3. "Cruel neglect" means to fail to provide an animal with necessary food, water or shelter.
4. "Handler" means a law enforcement officer or any other person who has successfully completed a course of training prescribed by the person's agency or the service animal owner and who used a specially trained animal under the direction of the person's agency or the service animal owner.
5. "Service animal" means an animal that has completed a formal training program, that assists its owner in one or more daily living tasks that are associated with a productive lifestyle and that is trained to not pose a danger to the health and safety of the general public.
6. "Working animal" means a horse or dog that is used by a law enforcement agency, that is specially trained for law enforcement work and that is under the control of a handler.

**ARIZ. REV. STAT. § 13-4281 (2017). Animal seizure; notification; forfeiture; bond; hearing; exceptions.**

*A. A peace officer, county enforcement agent or animal control officer who lawfully seizes an animal pursuant to § 13-2910 shall affix a notice of seizure in a conspicuous place where the animal was found or personally deliver the notice of seizure to the owner or keeper of the animal, if known or ascertainable after reasonable investigation. The officer or agent shall file proof of service with the court. If it is determined that the suffering of the animal does not require humane destruction, the notice shall include the following:*

- 1. The name, business address and telephone number of the person providing the notice.*
- 2. A description of the seized animal.*
- 3. The authority and purpose for the seizure, including the time, place and circumstance under which the animal was seized.*
- 4. A statement that in order to receive a postseizure hearing the owner or person authorized to keep the animal, or the owner or person's agent, shall request the hearing by signing and returning to the court an enclosed declaration of ownership or right to keep the animal within ten days, including weekends and holidays, after the date of the notice.*
- 5. A statement that the owner is responsible for the cost of care for an animal that was properly seized and that the owner is required to post a bond in the amount of twenty-five dollars per animal with the court to defray the cost of care.*
- 6. A warning that if the owner fails to post a bond within ten days after the seizure, the animal will be deemed abandoned and become the property of the seizing agency.*

B. On receipt of a declaration of ownership and postseizure hearing request, the justice of the peace or city magistrate shall set a hearing date within fifteen business days. At the hearing, the seizing agency shall have the burden of establishing by a preponderance of evidence that the animal was subjected to cruel mistreatment, cruel neglect or abandonment in violation of § 13-2910 or will suffer needlessly if humane destruction is delayed. On this finding, the court may terminate the owner's rights in the animal and transfer the rights to the seizing agency or a designated animal care agency and shall forfeit the bond to pay the expenses incurred for the housing, care and treatment of the animal. If at the conclusion of the hearing the animal is not forfeited under this section, the court shall order the bond exonerated and returned to the owner.

C. If the owner or person authorized to keep the animal fails to post bond as prescribed by subsection A, paragraph 5 of this section, fails to request a hearing or fails to attend a scheduled hearing, the animal is deemed abandoned and all rights of the owner in the animal are transferred to the seizing agency.

D. This section does not apply to any of the following:

1. Activities permitted by or pursuant to title 3.1
2. The seizure of an equine pursuant to § 3-1721.
3. A city, town or county that adopts or has adopted an ordinance or resolution providing for bonding and forfeiture of an animal that has suffered cruel mistreatment or cruel neglect if the ordinance or resolution imposes requirements that are equal or more stringent than this section.

## **8. FORFEITURE / POSSESSION**

### **ARIZ. REV. STAT. § 11-1029 (2017). Hearing on disposition of vicious animals; forfeiture; exception.**

*A. A peace officer, county enforcement agent or animal control officer who has impounded an animal pursuant to section 11-1014, on a showing of probable cause that the animal is vicious or may be a danger to the safety of any person or other animal, may request a disposition hearing before a justice of the peace or city magistrate to determine whether the animal is vicious. The hearing shall be set within fifteen business days after the request has been filed.*

*B. The officer or agent who has requested a hearing under subsection A of this section shall serve the order on the owner of the animal either by personal service on the owner or by leaving a copy of the order with a person of suitable discretion at the owner's residence or place of business. Proof of service shall be filed with the court. If the justice of the peace or city magistrate determines that the animal is vicious, the justice of the peace or city magistrate may order that the animal be forfeited to the officer or agent for transfer to a legally incorporated humane society, county animal shelter or approved rescue agency or be humanely destroyed. The owner shall pay impound fees and any other costs for boarding or necessary veterinary care. If the justice of the peace or city magistrate determines that the animal is not vicious, the justice of the peace or city magistrate may order the animal returned to the owner, except that if the owner fails to appear at the hearing, the justice of the peace or city magistrate may order that the animal be forfeited to the officer or agent for transfer to a legally incorporated humane society, county animal shelter or approved rescue agency and be made available for adoption or humane destruction.*

*C. This section does not apply to the seizure of an equine pursuant to section 3-1721 or to a city, town or county that adopts or has adopted an ordinance or resolution providing for the forfeiture of a vicious animal if the ordinance or resolution imposes requirements that are equal to or more stringent than this section.*

### **ARIZ. REV. STAT. § 13-4281 (2017). Animal seizure; notification; forfeiture; bond; hearing; exceptions.**

*A. A peace officer, county enforcement agent or animal control officer who lawfully seizes an animal pursuant to § 13-2910 shall affix a notice of seizure in a conspicuous place where the animal was found or personally deliver the notice of seizure to the owner or keeper of the animal, if known or ascertainable after reasonable investigation. The officer or agent shall file proof of service with the court. If it is determined that the suffering of the animal does not require humane destruction, the notice shall include the following:*

- 1. The name, business address and telephone number of the person providing the notice.*

2. A description of the seized animal.

3. The authority and purpose for the seizure, including the time, place and circumstance under which the animal was seized.

4. A statement that in order to receive a postseizure hearing the owner or person authorized to keep the animal, or the owner or person's agent, shall request the hearing by signing and returning to the court an enclosed declaration of ownership or right to keep the animal within ten days, including weekends and holidays, after the date of the notice.

5. A statement that the owner is responsible for the cost of care for an animal that was properly seized and that the owner is required to post a bond in the amount of twenty-five dollars per animal with the court to defray the cost of care.

6. A warning that if the owner fails to post a bond within ten days after the seizure, the animal will be deemed abandoned and become the property of the seizing agency.

B. On receipt of a declaration of ownership and postseizure hearing request, the justice of the peace or city magistrate shall set a hearing date within fifteen business days. At the hearing, the seizing agency shall have the burden of establishing by a preponderance of evidence that the animal was subjected to cruel mistreatment, cruel neglect or abandonment in violation of § 13-2910 or will suffer needlessly if humane destruction is delayed. *On this finding, the court may terminate the owner's rights in the animal and transfer the rights to the seizing agency or a designated animal care agency and shall forfeit the bond to pay the expenses incurred for the housing, care and treatment of the animal. If at the conclusion of the hearing the animal is not forfeited under this section, the court shall order the bond exonerated and returned to the owner.*

C. *If the owner or person authorized to keep the animal fails to post bond as prescribed by subsection A, paragraph 5 of this section, fails to request a hearing or fails to attend a scheduled hearing, the animal is deemed abandoned and all rights of the owner in the animal are transferred to the seizing agency.*

D. This section does not apply to any of the following:

1. Activities permitted by or pursuant to title 3.1

2. The seizure of an equine pursuant to § 3-1721.

3. A city, town or county that adopts or has adopted an ordinance or resolution providing for bonding and forfeiture of an animal that has suffered cruel mistreatment or cruel neglect if the ordinance or resolution imposes requirements that are equal or more stringent than this section.



## **9. CROSS ENFORCEMENT / REPORTING**

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## **10. VETERINARIAN REPORTING / IMMUNITY**

**ARIZ. REV. STAT. § 32-2239 (2017). Duty of veterinarian to report suspected abuse, cruelty, neglect or animal fighting; immunity.**

*A. A veterinarian who reasonably suspects or believes that an animal has been a victim of abuse, cruelty or neglect or has been involved in animal fighting shall report that suspicion, or cause a report to be made, to law enforcement within forty-eight hours after treatment or examination. The report shall include the breed and description of the animal and the name and address of the owner or person who sought the examination or treatment. Veterinary records shall be provided to local law enforcement on request in furtherance of any criminal investigation for abuse, cruelty, neglect or animal fighting.*

*B. A veterinarian shall report, in writing, suspected cases of abuse of livestock to the associate director of the division of animal services in the Arizona department of agriculture pursuant to title 3, chapter 11, article 1. The report shall be made within forty-eight hours after treatment or examination and shall include the breed and description of the animal together with the name and address of the owner.*

*C. A veterinarian who files a report as provided in this section shall be immune from civil liability with respect to any report made in good faith.*

## **11. LAW ENFORCEMENT POLICIES**

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## 12. SEXUAL ASSAULT

### **ARIZ. REV. STAT. § 13-1403 (2017). Public sexual indecency; public sexual indecency to a minor; classifications.**

*A. A person commits public sexual indecency by intentionally or knowingly engaging in any of the following acts, if another person is present, and the defendant is reckless about whether such other person, as a reasonable person, would be offended or alarmed by the act:*

- 1. An act of sexual contact.*
- 2. An act of oral sexual contact.*
- 3. An act of sexual intercourse.*
- 4. An act of bestiality.*

*B. A person commits public sexual indecency to a minor if the person intentionally or knowingly engages in any of the acts listed in subsection A of this section and such person is reckless about whether a minor who is under fifteen years of age is present.*

*C. Public sexual indecency is a class 1 misdemeanor. Public sexual indecency to a minor is a class 5 felony.*

*D. A person who is convicted of a felony violation of this section and who has two or more historical prior felony convictions for a violation of this section or section 13-1402 involving indecent exposure or public sexual indecency to a minor who is under fifteen years of age shall be sentenced to a term of imprisonment as follows:*

<u>Mitigated</u>	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>	<u>Aggravated</u>
<i>6 years</i>	<i>8 years</i>	<i>10 years</i>	<i>12 years</i>	<i>15 years</i>

*E. The presumptive term imposed pursuant to subsection D of this section may be mitigated or aggravated pursuant to section 13-701, subsections D and E.*

### **ARIZ. REV. STAT. § 13-1411 (2017). Bestiality; classification; definition**

*A. A person commits bestiality by knowingly doing either of the following:*

- 1. Engaging in oral sexual contact, sexual contact or sexual intercourse with an animal.*

*2. Causing another person to engage in oral sexual contact, sexual contact or sexual intercourse with an animal.*

*B. In addition to any other penalty imposed for a violation of subsection A of this section, the court may order that the convicted person do any of the following:*

*1. Undergo a psychological assessment and participate in appropriate counseling at the convicted person's own expense.*

*2. Reimburse an animal shelter as defined in § 11-1022 for any reasonable costs incurred for the care and maintenance of any animal that was taken to the animal shelter as a result of conduct proscribed by subsection A of this section.*

*C. This section does not apply to:*

*1. Accepted veterinary medical practices performed by a licensed veterinarian or veterinary technician.*

*2. Insemination of animals by the same species, bred for commercial purposes.*

*3. Accepted animal husbandry practices that provide necessary care for animals bred for commercial purposes.*

*D. Bestiality is a class 6 felony, except that bestiality pursuant to subsection A, paragraph 2 of this section is a class 3 felony punishable pursuant to section 13-705 if the other person is a minor under fifteen years of age.*

*E. For the purposes of this section, "animal" means a nonhuman mammal, bird, reptile or amphibian, either dead or alive.*

### **13. FIGHTING**

#### **ARIZ. REV. STAT. § 13-2910.01 (2017). Animal fighting; classification.**

*A. A person commits animal fighting by knowingly:*

- 1. Owning, possessing, keeping or training any animal if the person knows or has reason to know that the animal will engage in an exhibition of fighting with another animal.*
- 2. For amusement or gain, causing any animal to fight with another animal, or causing any animals to injure each other.*
- 3. Permitting any act in violation of paragraph 1 or 2 to be done on any premises under the person's charge or control.*

*B. This section does not:*

- 1. Prohibit or restrict activities permitted by or pursuant to Title 3.*
- 2. Apply to animals that are trained to protect livestock from predation and that engage in actions to protect livestock.*

*C. Animal fighting is a class 5 felony.*

#### **ARIZ. REV. STAT. § 13-2910.02 (2017). Presence at animal fight; classification.**

*Any person who is knowingly present at any place or building where preparations are being made for an exhibition of the fighting of animals, or who is present at such exhibition, is guilty of a class 6 felony.*

#### **ARIZ. REV. STAT. § 13-2910.03 (2017). Cockfighting; classification.**

*A. A person commits cockfighting by knowingly:*

- 1. Owning, possessing, keeping or training any cock with the intent that such cock engage in an exhibition of fighting with another cock.*
- 2. For amusement or gain, causing any cock to fight with another cock or causing any cocks to injure each other.*
- 3. Permitting any act in violation of paragraph 1 or 2 to be done on any premises under his charge or control.*

B. *Cockfighting is a class 5 felony.*

C. *For purposes of this section and § 13-2910.04, cock means any male chicken, including game fowl except wildlife as defined in A.R.S. § 17-101.*

**ARIZ. REV. STAT. § 13-2910.04 (2017). Presence at cockfight; classification.**

*Any person who is knowingly present at any place or building where preparations are being made for an exhibition of the fighting of cocks, or is present at such exhibition, is guilty of a class 1 misdemeanor.*

## **14. REFERENCED STATUTES**

### **ARIZ. REV. STAT. § 3-1307 (2017). Unlawfully killing, selling or purchasing livestock of another; classification; civil penalty; exception**

A person who knowingly kills or sells livestock of another, the ownership of which is known or unknown, or who knowingly purchases livestock of another, the ownership of which is known or unknown, from a person not having the lawful right to sell or dispose of such animals, is guilty of a class 5 felony.

B. A person who knowingly attempts to take or does take all or any part of a carcass of any such animal, pursuant to subsection A, for such person's own use, the use of others or for sale is guilty of a class 5 felony.

C. In addition to any other penalty imposed by this section, a person depriving the owner of the use of his animal or animals under subsection A or B of this section shall be liable to the owner for damages equal to three times the value of such animal or animals.

D. This section shall not apply to taking up animals under the estray laws.

### **ARIZ. REV. STAT. § 3-1491 (2017). Salt River horse herd; necessary interaction; written authorization; violation; classification; definition**

A. A person shall not harass, shoot, injure, kill or slaughter a horse that is part of the Salt River horse herd.

B. A person shall not interfere with, take, chase, capture or euthanize a horse that is part of the salt river horse herd without written authorization from either the department or the county sheriff. The department or the county sheriff may provide written authorization pursuant to this subsection only for humane purposes.

C. If an incident occurs that requires interaction with the Salt River horse herd in order to protect the safety or health of a horse that is or horses that are part of the Salt River horse herd or the public, a private or public entity may address the incident after obtaining written authorization from either the department or the county sheriff.

D. If a horse has any brand or other mark that indicates ownership, the department shall attempt to prove ownership of the horse or the county sheriff shall contact the department to attempt to establish ownership of the horse. If the department cannot prove ownership of the horse, the department or the county sheriff may provide written authorization pursuant to this section.



E. This state shall enter into an agreement pursuant to section 11-952 with the United States forest service to implement this article or to address any issue relating to the Salt River horse herd.

F. This state may enter into an agreement with a private entity to address any issue relating to the Salt River horse herd.

G. A horse that is part of the Salt River horse herd is not a stray animal as defined in section 3-1401 and is not subject to sections 3-1371 and 3-1402.

H. A person who violates subsection a of this section is guilty of a class 1 misdemeanor.

I. For the purposes of this section, "Salt River horse herd" includes the horses that inhabit and that have historically lived in and around the lower Salt River and Saguaro Lake areas in the Tonto National Forest and that do not have a brand or other mark that indicates ownership.

**ARIZ. REV. STAT. § 3-1721 (2017). Petition of seizure; notice of seizure; lien for expenses; forced sale; disposition of proceeds; nonliability of state; neglect or cruel treatment of equine; civil penalty; legal representation**

A. Any person or peace officer who believes that an equine is in poor physical condition because of neglect or cruel treatment may petition on affidavit a justice of the peace of the precinct or a city magistrate of the city in which the equine is found for an order authorizing the department to take possession of and provide care for the equine for a fifteen-day period. The order shall not be issued unless the affidavit provides that the livestock custody trust fund established by § 3-1377 has a balance that permits the department to provide such care or that the department can demonstrate that the expenses have been contracted for pursuant to subsection E of this section. The clerk of the court or justice of the peace, as the case may be, after filing and docketing the petition, shall enter a brief statement of the petition on the docket and set a time for a hearing that is not less than five and not more than fifteen days after the petition is filed. The order shall state the time and place of the hearing.

B. On receiving the order the department shall take possession of the equine. The department shall serve the order on the owner of the equine, if known, at least twenty-four hours before the hearing, either by personal service on the owner or by leaving a copy of the order with a person of suitable discretion at the owner's residence or place of business. If the owner is not known, the department shall give notice by posting a copy of the order on the day of the seizure in a conspicuous place at the location where the equine was seized and in at least two public places in the county where the equine was seized. The order shall be served by a livestock officer, constable or sheriff of the county.

C. If, at the hearing, it is determined that the equine at the time of taking possession was not in poor physical condition because of neglect or cruel treatment, the owner may immediately reclaim the equine and shall not be liable for payment of any expense incurred in the handling, feeding and care of the equine. Unless malice is proved, no action taken by an employee of the department or by a peace officer pursuant to this article shall be subject to civil or criminal liability.

D. On failure of the owner to be awarded immediate, expense-free possession of the equine pursuant to subsection C of this section, the department shall either sell the equine at public auction or, if the equine's condition makes its sale impractical, dispose of the equine in the most humane manner possible. The department shall deposit the proceeds of the sale in the livestock custody trust fund established by § 3-1377 for distribution in the following priority:

1. The department shall be reimbursed for auction, handling, feeding and caring expenses.
2. Any monies derived from the sale in excess of the expenses to be paid pursuant to paragraph 1 shall be paid to the owner of the equine. After thirty days if the owner has not claimed the money, this money shall revert to the livestock custody trust fund established by § 3-1377.

E. The director may contract with any person or group to handle, feed and care for any equine taken into custody pursuant to this section. The state shall not be liable for injury or death of any person or equine or damage to property caused by the performance of the contract.

F. Notwithstanding any provision of this article to the contrary, the county attorney of the county in which the equine was seized, at any time prior to the expiration of fifteen days after the seizure of the equine, may take charge of and keep the equine at the expense of the county when the county attorney considers it to be of evidentiary value in any criminal prosecution relating to the condition of the equine.

G. In addition to violating § 13-2910, a person who subjects an equine to neglect or cruel treatment is subject to a civil penalty of not more than seven hundred fifty dollars for each violation. All civil penalties assessed pursuant to this subsection shall be deposited, pursuant to §§ 35-146 and 35-147, in the state general fund.

H. The county attorney of the county, or the city attorney of the city, in which the livestock is seized may represent the livestock officer and the interests of this state in proceedings under this section.

I. On receipt the department shall deposit all monies, except civil penalties, collected pursuant to this section or received as a money donation from any public or private group, society, association or individual in the livestock custody trust fund established by § 3-1377. The monies in the fund shall be used to reimburse the department for expenses incurred in the handling, feeding, care and auctioning of equines seized pursuant to this section.

**ARIZ. REV. STAT. § 9-499.04 (2017). Animal control officers; appointment; authority; regulation of dogs; powers and duties**

A. Any city and town may by ordinance provide for the appointment of animal control officers who may commence an action or proceeding before a court for any violation of a state statute or local ordinance relating to rabies and animal control that occurs within the jurisdiction of the city or town.

B. An animal control officer appointed pursuant to subsection A of this section shall:

1. Be unarmed during the course of duties except that a small caliber firearm may be available to be used in controlling vicious animals or in dispatching of a wounded animal. For the purposes of this paragraph, "small caliber firearm" means a rifle or pistol utilizing a rimfire cartridge with a caliber not to exceed twenty-two hundredths of an inch and with a non-ricocheting bullet or a shotgun whose bore size does not exceed forty-one hundredths of an inch.

2. Be an employee of the appointing city or town.

C. A city or town may regulate the control of dogs if the regulation is not specific to any breed.

D. Subsection B of this section does not grant other powers or benefits to animal control officers to which peace officers of this state are entitled.

**ARIZ. REV. STAT. § 11-1029 (2017). Hearing on disposition of vicious animals; forfeiture; exception.**

A. A peace officer, county enforcement agent or animal control officer who has impounded an animal pursuant to section 11-1014, on a showing of probable cause that the animal is vicious or may be a danger to the safety of any person or other animal, may request a disposition hearing before a justice of the peace or city magistrate to determine whether the animal is vicious. The hearing shall be set within fifteen business days after the request has been filed.

B. The officer or agent who has requested a hearing under subsection A of this section shall serve the order on the owner of the animal either by personal service on the owner or by leaving a copy of the order with a person of suitable discretion at the owner's residence or place of business. Proof of service shall be filed with the court. If the justice of the peace or city magistrate determines that the animal is vicious, the justice of the peace or city magistrate may order that the animal be forfeited to the officer or agent for transfer to a legally incorporated humane society, county animal shelter or approved rescue agency or be humanely destroyed.

The owner shall pay impound fees and any other costs for boarding or necessary veterinary care. If the justice of the peace or city magistrate determines that the animal is not vicious, the justice of the peace or city magistrate may order the animal returned to the owner, except that if the owner fails to appear at the hearing, the justice of the peace or city magistrate may order that the animal be forfeited to the officer or agent for transfer to a legally incorporated humane society, county animal shelter or approved rescue agency and be made available for adoption or humane destruction.

C. This section does not apply to the seizure of an equine pursuant to section 3-1721 or to a city, town or county that adopts or has adopted an ordinance or resolution providing for the forfeiture of a vicious animal if the ordinance or resolution imposes requirements that are equal to or more stringent than this section.

**ARIZ. REV. STAT. § 12-1011 (2017). Liability for animal rescue costs.**

An owner is liable to this state or a political subdivision of this state for the expenses incurred by this state or a political subdivision of this state in rescuing animals that belong to the owner if the animals have been cruelly treated or neglected and the owner has been convicted of a violation of § 13-2910.

**ARIZ. REV. STAT. § 13-701 (2017). Sentence of imprisonment for felony; presentence report; aggravating and mitigating factors; consecutive terms of imprisonment; definition.**

A. A sentence of imprisonment for a felony shall be a definite term of years and the person sentenced, unless otherwise provided by law or subsection J of this section applies, shall be committed to the custody of the state department of corrections.

B. No prisoner may be transferred to the custody of the state department of corrections without a certified copy of the judgment and sentence, signed by the sentencing judge, and a copy of a recent presentence investigation report unless the court has waived preparation of the report.

C. The minimum or maximum term imposed pursuant to section 13-702, 13-703, 13-704, 13-705, 13-708, 13-710, 13-1406, 13-3212 or 13-3419 may be imposed only if one or more of the circumstances alleged to be in aggravation of the crime are found to be true by the trier of fact beyond a reasonable doubt or are admitted by the defendant, except that an alleged aggravating circumstance under subsection D, paragraph 11 of this section shall be found to be true by the court, or in mitigation of the crime are found to be true by the court, on any evidence or information introduced or submitted to the court or the trier of fact before sentencing or any evidence presented at trial, and factual findings and reasons in support of such findings are set forth on the record at the time of sentencing.

D. For the purpose of determining the sentence pursuant to subsection C of this section, the trier of fact shall determine and the court shall consider the following aggravating circumstances,

except that the court shall determine an aggravating circumstance under paragraph 11 of this subsection:

1. Infliction or threatened infliction of serious physical injury, except if this circumstance is an essential element of the offense of conviction or has been utilized to enhance the range of punishment under section 13-704.
2. Use, threatened use or possession of a deadly weapon or dangerous instrument during the commission of the crime, except if this circumstance is an essential element of the offense of conviction or has been utilized to enhance the range of punishment under section 13-704.
3. If the offense involves the taking of or damage to property, the value of the property taken or damaged.
4. Presence of an accomplice.
5. Especially heinous, cruel or depraved manner in which the offense was committed.
6. The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.
7. The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.
8. At the time of the commission of the offense, the defendant was a public servant and the offense involved conduct directly related to the defendant's office or employment.
9. The victim or, if the victim has died as a result of the conduct of the defendant, the victim's immediate family suffered physical, emotional or financial harm.
10. During the course of the commission of the offense, the death of an unborn child at any stage of its development occurred.
11. The defendant was previously convicted of a felony within the ten years immediately preceding the date of the offense. A conviction outside the jurisdiction of this state for an offense that if committed in this state would be punishable as a felony is a felony conviction for the purposes of this paragraph.
12. The defendant was wearing body armor as defined in section 13-3116.
13. The victim of the offense is at least sixty-five years of age or is a disabled person as defined in section 38-492, subsection B.
14. The defendant was appointed pursuant to title 14 as a fiduciary and the offense

involved conduct directly related to the defendant's duties to the victim as fiduciary.

15. Evidence that the defendant committed the crime out of malice toward a victim because of the victim's identity in a group listed in section 41-1750, subsection A, paragraph 3 or because of the defendant's perception of the victim's identity in a group listed in section 41-1750, subsection A, paragraph 3.

16. The defendant was convicted of a violation of section 13-1102, section 13-1103, section 13-1104, subsection A, paragraph 3 or section 13-1204, subsection A, paragraph 1 or 2 arising from an act that was committed while driving a motor vehicle and the defendant's alcohol concentration at the time of committing the offense was 0.15 or more. For the purposes of this paragraph, "alcohol concentration" has the same meaning prescribed in section 28-101.

17. Lying in wait for the victim or ambushing the victim during the commission of any felony.

18. The offense was committed in the presence of a child and any of the circumstances exists that are set forth in section 13-3601, subsection A.

19. The offense was committed in retaliation for a victim either reporting criminal activity or being involved in an organization, other than a law enforcement agency, that is established for the purpose of reporting or preventing criminal activity.

20. The defendant was impersonating a peace officer as defined in section 1-215.

21. The defendant was in violation of 8 United States Code section 1323, 1324, 1325, 1326 or 1328 at the time of the commission of the offense.

22. The defendant used a remote stun gun or an authorized remote stun gun in the commission of the offense. For the purposes of this paragraph:

(a) "Authorized remote stun gun" means a remote stun gun that has all of the following:

(i) An electrical discharge that is less than one hundred thousand volts and less than nine joules of energy per pulse.

(ii) A serial or identification number on all projectiles that are discharged from the remote stun gun.

(iii) An identification and tracking system that, on deployment of remote electrodes, disperses coded material that is traceable to the purchaser through records that are kept by the manufacturer on all remote stun guns and all individual cartridges sold.

(iv) A training program that is offered by the manufacturer.

(b) "Remote stun gun" means an electronic device that emits an electrical charge and that is designed and primarily employed to incapacitate a person or animal either through contact with electrodes on the device itself or remotely through wired probes that are attached to the device or through a spark, plasma, ionization or other conductive means emitting from the device.

23. During or immediately following the commission of the offense, the defendant committed a violation of section 28-661, 28-662 or 28-663.

24. The defendant was convicted of a violation of section 13-1307 or 13-1308 and the defendant recruited, enticed or obtained the victim from a shelter that is designed to serve runaway youth, foster children, homeless persons or victims of human trafficking, domestic violence or sexual assault.

25. Any other factor that the state alleges is relevant to the defendant's character or background or to the nature or circumstances of the crime.

E. For the purpose of determining the sentence pursuant to subsection C of this section, the court shall consider the following mitigating circumstances:

1. The age of the defendant.

2. The defendant's capacity to appreciate the wrongfulness of the defendant's conduct or to conform the defendant's conduct to the requirements of law was significantly impaired, but not so impaired as to constitute a defense to prosecution.

3. The defendant was under unusual or substantial duress, although not to a degree that would constitute a defense to prosecution.

4. The degree of the defendant's participation in the crime was minor, although not so minor as to constitute a defense to prosecution.

5. During or immediately following the commission of the offense, the defendant complied with all duties imposed under sections 28-661, 28-662 and 28-663.

6. Any other factor that is relevant to the defendant's character or background or to the nature or circumstances of the crime and that the court finds to be mitigating.

F. If the trier of fact finds at least one aggravating circumstance, the trial court may find by a preponderance of the evidence additional aggravating circumstances. In determining what sentence to impose, the court shall take into account the amount of aggravating circumstances and whether the amount of mitigating circumstances is sufficiently substantial to justify the lesser term. If the trier of fact finds aggravating circumstances and the court does not find any

mitigating circumstances, the court shall impose an aggravated sentence.

G. The court in imposing a sentence shall consider the evidence and opinions presented by the victim or the victim's immediate family at any aggravation or mitigation proceeding or in the presentence report.

H. This section does not affect any provision of law that imposes the death penalty, that expressly provides for imprisonment for life or that authorizes or restricts the granting of probation and suspending the execution of sentence.

I. The intentional failure by the court to impose the mandatory sentences or probation conditions provided in this title is malfeasance.

J. For the purposes of this section, "trier of fact" means a jury, unless the defendant and the state waive a jury in which case the trier of fact means the court.

**ARIZ. REV. STAT. § 13-702 (2017). First time felony offenders; sentencing; definition.**

A. Unless a specific sentence is otherwise provided, the term of imprisonment for a first felony offense shall be the presumptive sentence determined pursuant to subsection D of this section. Except for those felonies involving a dangerous offense or if a specific sentence is otherwise provided, the court may increase or reduce the presumptive sentence within the ranges set by subsection D of this section. Any reduction or increase shall be based on the aggravating and mitigating circumstances listed in § 13-701, subsections D and E and shall be within the ranges prescribed in subsection D of this section.

B. If a person is convicted of a felony without having previously been convicted of any felony and if at least two of the aggravating factors listed in § 13-701, subsection D apply, the court may increase the maximum term of imprisonment otherwise authorized for that offense to an aggravated term. If a person is convicted of a felony without having previously been convicted of any felony and if the court finds at least two mitigating factors listed in § 13-701, subsection E apply, the court may decrease the minimum term of imprisonment otherwise authorized for that offense to a mitigated term.

C. The aggravated or mitigated term imposed pursuant to subsection D of this section may be imposed only if at least two of the aggravating circumstances are found beyond a reasonable doubt to be true by the trier of fact or are admitted by the defendant, except that an aggravating circumstance § 13-701, subsection D, paragraph 11 shall be found to be true by the court, or in mitigation of the crime are found to be true by the court, on any evidence or information introduced or submitted to the court or the trier of fact before sentencing or any evidence presented at trial, and factual findings and reasons in support of these findings are set forth on the record at the time of sentencing.



D. The term of imprisonment for a presumptive, minimum, maximum, mitigated or aggravated sentence shall be within the range prescribed under this subsection. The terms are as follows:

<u>Felony</u>	<u>Mitigated</u>	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>	<u>Aggravated</u>
Class 2	3 years	4 years	5 years	10 years	12.5 years
Class 3	2 years	2.5 years	3.5 years	7 years	8.75 years
Class 4	1 year	1.5 years	2.5 years	3 years	3.75 years
Class 5	.5 years	.75 years	1.5 years	2 years	2.5 years
Class 6	.33 years	.5 years	1 year	1.5 years	2 years

E. The court shall inform all of the parties before sentencing occurs of its intent to increase or decrease a sentence to the aggravated or mitigated sentence pursuant this section. If the court fails to inform the parties, a party waives its right to be informed unless the party timely objects at the time of sentencing.

F. For the purposes of this section, “trier of fact” means a jury, unless the defendant and the state waive a jury in which case the trier of fact means the court.

**ARIZ. REV. STAT. § 13-703 (2017). Repetitive offenders; sentencing.**

A. If a person is convicted of multiple felony offenses that were not committed on the same occasion but that either are consolidated for trial purposes or are not historical prior felony convictions the person shall be sentenced as a first time felony offender pursuant to section 13-702 for the first offense, as a category one repetitive offender for the second offense, and as a category two repetitive offender for the third and subsequent offenses.

B. Except as provided in § 13-704 or 13-705, a person shall be sentenced as a category two repetitive offender if the person is at least eighteen years of age or has been tried as an adult and stands convicted of a felony and has one historical prior felony conviction.

C. Except as provided in § 13-704 or 13-705, a person shall be sentenced as a category three repetitive offender if the person is at least eighteen years of age or has been tried as an adult and stands convicted of a felony and has two or more historical prior felony convictions.

D. The presumptive term set by this section may be aggravated or mitigated within the range under this section pursuant to § 13-701, subsections C, D and E.

E. If a person is sentenced as a category one repetitive offender pursuant to subsection A of this section and if at least two aggravating circumstances listed in § 13-701, subsection D apply or at

least two mitigating circumstances listed in § 13-701, subsection E apply, the court may impose a mitigated or aggravated sentence pursuant to subsection H of this section.

F. If a person is sentenced as a category two repetitive offender pursuant to subsection A or B, paragraph 2 of this section and if at least two aggravating circumstances listed in § 13-701, subsection D apply or at least two mitigating circumstances listed in § 13-701, subsection E apply, the court may impose a mitigated or aggravated sentence pursuant to subsection I of this section.

G. If a person is sentenced as a category three repetitive offender pursuant to subsection C of this section and at least two aggravating circumstances listed in § 13-701, subsection D or at least two mitigating circumstances listed in § 13-701, subsection E apply, the court may impose a mitigated or aggravated sentence pursuant to subsection J of this section.

H. A category one repetitive offender shall be sentenced within the following ranges:

Felony	Mitigated	Minimum	Presumptive	Maximum	Aggravated
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Class 2	3 years	4 years	5 years	10 years	12.5 years
Class 3	1.8 years	2.5 years	3.5 years	7 years	8.75 years
Class 4	1.1 years	1.5 years	2.5 years	3 years	3.75 years
Class 5	.5 years	.75 years	1.5 years	2 years	2.5 years
Class 6	.25 years	.5 years	1 year	1.5 years	1.8 years

I. A category two repetitive offender shall be sentenced within the following ranges:

Felony	Mitigated	Minimum	Presumptive	Maximum	Aggravated
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Class 2	4.5 years	6 years	9.25 years	18.5 years	23.1 years
Class 3	3.25 years	4.5 years	6.5 years	13 years	16.25 years
Class 4	2.25 years	3 years	4.5 years	6 years	7.5 years
Class 5	1 year	1.5 years	2.25 years	3 years	3.75 years
Class 6	.75 years	1 year	1.75 years	2.25 years	2.75 years

J. A category three repetitive offender shall be sentenced within the following ranges:

Felony	Mitigated	Minimum	Presumptive	Maximum	Aggravated
-----	-----	-----	-----	-----	-----
Class 2	10.5 years	14 years	15.75 years	28 years	35 years
Class 3	7.5 years	10 years	11.25 years	20 years	25 years
Class 4	6 years	8 years	10 years	12 years	15 years
Class 5	3 years	4 years	5 years	6 years	3.75 years
Class 6	2.25 years	3 years	3.75 years	4.5 years	5.75 years

K. The aggravated or mitigated term imposed pursuant to subsection H, I or J of this section may be imposed only if at least two of the aggravating circumstances are found beyond a reasonable doubt to be true by the trier of fact or are admitted by the defendant, except that an aggravating

circumstance under § 13-701, subsection D, paragraph 11 shall be found to be true by the court, or in mitigation of the crime are found to be true by the court, on any evidence or information introduced or submitted to the court or the trier of fact before sentencing or any evidence presented at trial, and factual findings and reasons in support of these findings are set forth on the record at the time of sentencing.

L. Convictions for two or more offenses committed on the same occasion shall be counted as only one conviction for the purposes of subsections B or C of this section.

M. A person who has been convicted in any court outside the jurisdiction of this state of an offense that if committed in this state would be punishable as a felony is subject to this section. A person who has been convicted as an adult of an offense punishable as a felony under the provisions of any prior code in this state is subject to this section.

N. The penalties prescribed by this section shall be substituted for the penalties otherwise authorized by law if an allegation of prior conviction is charged in the indictment or information and admitted or found by the court. The release provisions prescribed by this section shall not be substituted for any penalties required by the substantive offense or a provision of law that specifies a later release or completion of the sentence imposed before release. The court shall allow the allegation of a prior conviction at any time before the date the case is actually tried unless the allegation is filed fewer than twenty days before the case is actually tried and the court finds on the record that the person was in fact prejudiced by the untimely filing and states the reasons for these findings. If the allegation of a prior conviction is filed, the state must make available to the person a copy of any material or information obtained concerning the prior conviction. The charge of previous conviction shall not be read to the jury. For the purposes of this subsection, "substantive offense" means the felony offense that the trier of fact found beyond a reasonable doubt the person committed. Substantive offense does not include allegations that, if proven, would enhance the sentence of imprisonment or fine to which the person otherwise would be subject.

O. A person who is sentenced pursuant to this section is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis, except as specifically authorized by § 31-233, subsection A or B, until the sentence imposed by the court has been served, the person is eligible for release pursuant to section 41-1604.07 or the sentence is commuted.

P. The court shall inform all of the parties before sentencing occurs of its intent to impose an aggravated or mitigated sentence pursuant to subsection H, I or J of this section. If the court fails to inform the parties, a party waives its right to be informed unless the party timely objects at the time of sentencing.

Q. The court in imposing a sentence shall consider the evidence and opinions presented by the victim or the victim's immediate family at any aggravation or mitigation proceeding or in the presentence report.

**ARIZ. REV. STAT. § 13-707 (2017). Sentence of imprisonment for misdemeanor.**

A. A sentence of imprisonment for a misdemeanor shall be for a definite term to be served other than a place within custody of the state department of corrections. The court shall fix the term of imprisonment within the following maximum limitations:

1. For a class 1 misdemeanor, six months.
2. For a class 2 misdemeanor, four months.
3. For a class 3 misdemeanor, thirty days.

B. A person who is at least eighteen years of age or who has been tried as an adult and who stands convicted of any misdemeanor or petty offense, other than a traffic offense, and who has been convicted of one or more of the same misdemeanors or petty offenses within two years next preceding the date of the present offense shall be sentenced for the next higher class of offense than that for which the person currently is convicted. Time spent incarcerated within the two years next preceding the date of the offense for which a person is currently being sentenced shall not be included in the two years required to be free of convictions.

C. If a person is convicted of a misdemeanor offense and the offense requires enhanced punishment because it is a second or subsequent offense, the court shall determine the existence of the previous conviction. The court shall allow the allegation of a prior conviction to be made in the same manner as the allegation prescribed by section 28-1387, subsection A.

D. A person who has been convicted in any court outside the jurisdiction of this state of an offense that if committed in this state would be punishable as a misdemeanor or petty offense is subject to this section. A person who has been convicted as an adult of an offense punishable as a misdemeanor or petty offense under the provisions of any prior code in this state is subject to this section.

E. The court may direct that a person who is sentenced pursuant to subsection A of this section shall not be released on any basis until the sentence imposed by the court has been served.

**ARIZ. REV. STAT. § 13-801 (2017). Fines for felonies.**

A. A sentence to pay a fine for a felony shall be a sentence to pay an amount fixed by the court not more than one hundred fifty thousand dollars.

B. A judgment that the defendant shall pay a fine, with or without the alternative of imprisonment, shall constitute a lien in like manner as a judgment for money rendered in a civil action.

C. This section does not apply to an enterprise.

**ARIZ. REV. STAT. § 13-802 (2017). Fines for misdemeanor.**

- A. A sentence to pay a fine for a class 1 misdemeanor shall be a sentence to pay an amount, fixed by the court, not more than two thousand five hundred dollars.
- B. A sentence to pay a fine for a class 2 misdemeanor shall be a sentence to pay an amount, fixed by the court, not more than seven hundred fifty dollars.
- C. A sentence to pay a fine for a class 3 misdemeanor shall be a sentence to pay an amount, fixed by the court, not more than five hundred dollars.
- D. A sentence to pay a fine for a petty offense shall be a sentence to pay an amount, fixed by the court, of not more than three hundred dollars.
- E. A judgment that the defendant shall pay a fine, with or without the alternative of imprisonment, shall constitute a lien in like manner as a judgment for money rendered in a civil action.
- F. This section does not apply to an enterprise.

**ARIZ. REV. STAT. § 13-1403 (2017). Public sexual indecency; public sexual indecency to a minor; classifications.**

- A. A person commits public sexual indecency by intentionally or knowingly engaging in any of the following acts, if another person is present, and the defendant is reckless about whether such other person, as a reasonable person, would be offended or alarmed by the act:
  - 1. An act of sexual contact.
  - 2. An act of oral sexual contact.
  - 3. An act of sexual intercourse.
  - 4. An act of bestiality.
- B. A person commits public sexual indecency to a minor if the person intentionally or knowingly engages in any of the acts listed in subsection A of this section and such person is reckless about whether a minor who is under fifteen years of age is present.
- C. Public sexual indecency is a class 1 misdemeanor. Public sexual indecency to a minor is a class 5 felony.
- D. A person who is convicted of a felony violation of this section and who has two or more historical prior felony convictions for a violation of this section or section 13-1402 involving

indecent exposure or public sexual indecency to a minor who is under fifteen years of age shall be sentenced to a term of imprisonment as follows:

<u>Mitigated</u>	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>	<u>Aggravated</u>
6 years	8 years	10 years	12 years	15 years

E. The presumptive term imposed pursuant to subsection D of this section may be mitigated or aggravated pursuant to section 13-701, subsections D and E.

**ARIZ. REV. STAT. § 13-1411 (2017). Bestiality; classification; definition.**

A. A person commits bestiality by knowingly doing either of the following:

1. Engaging in oral sexual contact, sexual contact or sexual intercourse with an animal.
2. Causing another person to engage in oral sexual contact, sexual contact or sexual intercourse with an animal.

B. In addition to any other penalty imposed for a violation of subsection A of this section, the court may order that the convicted person do any of the following:

1. Undergo a psychological assessment and participate in appropriate counseling at the convicted person's own expense.
2. Reimburse an animal shelter as defined in § 11-1022 for any reasonable costs incurred for the care and maintenance of any animal that was taken to the animal shelter as a result of conduct proscribed by subsection A of this section.

C. This section does not apply to:

1. Accepted veterinary medical practices performed by a licensed veterinarian or veterinary technician.
2. Insemination of animals by the same species, bred for commercial purposes.
3. Accepted animal husbandry practices that provide necessary care for animals bred for commercial purposes.

D. Bestiality is a class 6 felony, except that bestiality pursuant to subsection A, paragraph 2 of this section is a class 3 felony punishable pursuant to section 13-705 if the other person is a minor under fifteen years of age.

E. For the purposes of this section, “animal” means a nonhuman mammal, bird, reptile or amphibian, either dead or alive.

**ARIZ. REV. STAT. § 13-1802 (2017). Theft; classification; definitions.**

A. A person commits theft if, without lawful authority, the person knowingly:

1. Controls property of another with the intent to deprive the other person of such property; or
2. Converts for an unauthorized term or use services or property of another entrusted to the defendant or placed in the defendant's possession for a limited, authorized term or use; or
3. Obtains services or property of another by means of any material misrepresentation with intent to deprive the other person of such property or services; or
4. Comes into control of lost, mislaid or misdelivered property of another under circumstances providing means of inquiry as to the true owner and appropriates such property to the person's own or another's use without reasonable efforts to notify the true owner; or
5. Controls property of another knowing or having reason to know that the property was stolen; or
6. Obtains services known to the defendant to be available only for compensation without paying or an agreement to pay the compensation or diverts another's services to the person's own or another's benefit without authority to do so; or
7. Controls the ferrous metal or nonferrous metal of another with the intent to deprive the other person of the metal; or
8. Controls the ferrous metal or nonferrous metal of another knowing or having reason to know that the metal was stolen; or
9. Purchases within the scope of the ordinary course of business the ferrous metal or nonferrous metal of another person knowing that the metal was stolen.

B. A person commits theft if, without lawful authority, the person knowingly takes control, title, use or management of a vulnerable adult's property while acting in a position of trust and confidence and with the intent to deprive the vulnerable adult of the property. Proof that a person took control, title, use or management of a vulnerable adult's property without adequate consideration to the vulnerable adult may give rise to an inference that the person intended to deprive the vulnerable adult of the property.

C. It is an affirmative defense to any prosecution under subsection B of this section that either:

1. The property was given as a gift consistent with a pattern of gift giving to the person that existed before the adult became vulnerable.
2. The property was given as a gift consistent with a pattern of gift giving to a class of individuals that existed before the adult became vulnerable.
3. The superior court approved the transaction before the transaction occurred.

D. The inferences set forth in § 13-2305 apply to any prosecution under subsection A, paragraph 5 of this section.

E. At the conclusion of any grand jury proceeding, hearing or trial, the court shall preserve any trade secret that is admitted in evidence or any portion of a transcript that contains information relating to the trade secret pursuant to § 44-405.

F. Subsection B of this section does not apply to an agent who is acting within the scope of the agent's duties as or on behalf of a health care institution that is licensed pursuant to title 36, chapter 41 and that provides services to the vulnerable adult.

G. Theft of property or services with a value of twenty-five thousand dollars or more is a class 2 felony. Theft of property or services with a value of four thousand dollars or more but less than twenty-five thousand dollars is a class 3 felony. Theft of property or services with a value of three thousand dollars or more but less than four thousand dollars is a class 4 felony, except that theft of any vehicle engine or transmission is a class 4 felony regardless of value. Theft of property or services with a value of two thousand dollars or more but less than three thousand dollars is a class 5 felony. Theft of property or services with a value of one thousand dollars or more but less than two thousand dollars is a class 6 felony. Theft of any property or services valued at less than one thousand dollars is a class 1 misdemeanor, unless the property is taken from the person of another, is a firearm or is an animal taken for the purpose of animal fighting in violation of § 13-2910.01, in which case the theft is a class 6 felony.

H. A person who is convicted of a violation of subsection A, paragraph 1 or 3 of this section that involved property with a value of one hundred thousand dollars or more is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except pursuant to § 31-233, subsection A or B until the sentence imposed by the court has been served, the person is eligible for release pursuant to § 41-1604.07 or the sentence is commuted.

I. For the purposes of this section, the value of ferrous metal or nonferrous metal includes the amount of any damage to the property of another caused as a result of the theft of the metal.

J. In an action for theft of ferrous metal or nonferrous metal:



1. Unless satisfactorily explained or acquired in the ordinary course of business by an automotive recycler as defined and licensed pursuant to title 28, chapter 102 or by a scrap metal dealer as defined in § 44-1641, proof of possession of scrap metal that was recently stolen may give rise to an inference that the person in possession of the scrap metal was aware of the risk that it had been stolen or in some way participated in its theft.

2. Unless satisfactorily explained or sold in the ordinary course of business by an automotive recycler as defined and licensed pursuant to title 28, chapter 10 or by a scrap metal dealer as defined in § 44-1641, proof of the sale of stolen scrap metal at a price substantially below its fair market value may give rise to an inference that the person selling the scrap metal was aware of the risk that it had been stolen.

K. For the purposes of this section:

1. “Adequate consideration” means the property was given to the person as payment for bona fide goods or services provided by the person and the payment was at a rate that was customary for similar goods or services in the community that the vulnerable adult resided in at the time of the transaction.

2. “Ferrous metal” and “nonferrous metal” have the same meanings prescribed in § 44-1641.

3. “Pattern of gift giving” means two or more gifts that are the same or similar in type and monetary value.

4. “Position of trust and confidence” has the same meaning prescribed in § 46-456.

5. “Property” includes all forms of real property and personal property.

6. “Vulnerable adult” has the same meaning prescribed in § 46-451.

**ARIZ. REV. STAT. § 13-2910 (2017). Cruelty to animals; interference with working or service animal; classification; definitions.**

A. A person commits cruelty to animals if the person does any of the following:

1. Intentionally, knowingly or recklessly subjects any animal under the person's custody or control to cruel neglect or abandonment.

2. Intentionally, knowingly or recklessly fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's custody or control.

3. Intentionally, knowingly or recklessly inflicts unnecessary physical injury to any animal.

4. Recklessly subjects any animal to cruel mistreatment.
5. Intentionally, knowingly or recklessly kills any animal under the custody or control of another person without either legal privilege or consent of the owner.
6. Recklessly interferes with, kills or harms a working or service animal without either legal privilege or consent of the owner.
7. Intentionally, knowingly or recklessly leaves an animal unattended and confined in a motor vehicle and physical injury to or death of the animal is likely to result.
8. Intentionally or knowingly subjects any animal under the person's custody or control to cruel neglect or abandonment that results in serious physical injury to the animal.
9. Intentionally or knowingly subjects any animal to cruel mistreatment.
10. Intentionally or knowingly interferes with, kills or harms a working or service animal without either legal privilege or consent of the owner.
11. Intentionally or knowingly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.
12. Recklessly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.
13. Intentionally or knowingly obtains or exerts unauthorized control over a service animal with the intent to deprive the service animal handler of the service animal.

B. It is a defense to subsection A of this section if:

1. Any person exposes poison to be taken by a dog that has killed or wounded livestock or poison to be taken by predatory animals on premises owned, leased or controlled by the person for the purpose of protecting the person or the person's livestock or poultry, the treated property is kept posted by the person who authorized or performed the treatment until the poison has been removed and the poison is removed by the person exposing the poison after the threat to the person or the person's livestock or poultry has ceased to exist. The posting required shall provide adequate warning to persons who enter the property by the point or points of normal entry. The warning notice that is posted shall be readable at a distance of fifty feet, shall contain a poison statement and symbol and shall state the word "danger" or "warning".
2. Any person uses poisons in and immediately around buildings owned, leased or controlled by the person for the purpose of controlling wild and domestic rodents as otherwise allowed by the laws of the state, excluding any fur-bearing animals as defined in § 17-101.

C. This section does not prohibit or restrict:

1. The taking of wildlife or other activities permitted by or pursuant to title 17.
2. Activities permitted by or pursuant to title 3.
3. Activities regulated by the Arizona game and fish department or the Arizona department of agriculture.

D. A peace officer, animal control enforcement agent or animal control enforcement deputy may use reasonable force to open a vehicle to rescue an animal if the animal is left in the vehicle as prescribed in subsection A, paragraph 7 of this section.

E. A person who is convicted of a violation of subsection A, paragraph 6 or 10 of this section is liable as follows:

1. If the working or service animal was killed or disabled, to the owner or agency that owns the working or service animal and that employs the handler or to the owner or handler for the replacement and training costs of the working or service animal and for any veterinary bills.
2. To the owner or agency that owns a working or service animal for the salary of the handler for the period of time that the handler's services are lost to the owner or agency.
3. To the owner for the owner's contractual losses with the agency.

F. An incorporated city or town or a county may adopt an ordinance with misdemeanor provisions at least as stringent as the misdemeanor provisions of this section, except that any ordinance adopted shall not prohibit or restrict any activity involving a dog, whether the dog is restrained or not, if the activity is directly related to the business of shepherding or herding livestock and the activity is necessary for the safety of a human, the dog or livestock or is permitted by or pursuant to title 3.

G. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, 6, 7 or 12 of this section is guilty of a class 1 misdemeanor. A person who violates subsection A, paragraph 8, 9, 10, 11 or 13 of this section is guilty of a class 6 felony.

H. For the purposes of this section:

1. "Animal" means a mammal, bird, reptile or amphibian.
2. "Cruel mistreatment" means to torture or otherwise inflict unnecessary serious physical injury on an animal or to kill an animal in a manner that causes protracted suffering to the animal.

3. “Cruel neglect” means to fail to provide an animal with necessary food, water or shelter.

4. “Handler” means a law enforcement officer or any other person who has successfully completed a course of training prescribed by the person's agency or the service animal owner and who used a specially trained animal under the direction of the person's agency or the service animal owner.

5. “Service animal” means an animal that has completed a formal training program, that assists its owner in one or more daily living tasks that are associated with a productive lifestyle and that is trained to not pose a danger to the health and safety of the general public.

6. “Working animal” means a horse or dog that is used by a law enforcement agency, that is specially trained for law enforcement work and that is under the control of a handler.

**ARIZ. REV. STAT. § 13-2910.01 (2017). Animal fighting; classification.**

A. A person commits animal fighting by knowingly:

1. Owning, possessing, keeping or training any animal if the person knows or has reason to know that the animal will engage in an exhibition of fighting with another animal.
2. For amusement or gain, causing any animal to fight with another animal, or causing any animals to injure each other.
3. Permitting any act in violation of paragraph 1 or 2 to be done on any premises under the person’s charge or control.

B. This section does not:

1. Prohibit or restrict activities permitted by or pursuant to Title 3.
2. Apply to animals that are trained to protect livestock from predation and that engage in actions to protect livestock.

C. Animal fighting is a class 5 felony.

**ARIZ. REV. STAT. § 13-2910.02 (2017). Presence at animal fight; classification.**

Any person who is knowingly present at any place or building where preparations are being made for an exhibition of the fighting of animals, or who is present at such exhibition, is guilty of a class 6 felony.

**ARIZ. REV. STAT. § 13-2910.03 (2017). Cockfighting; classification.**

A. A person commits cockfighting by knowingly:

1. Owning, possessing, keeping or training any cock with the intent that such cock engage in an exhibition of fighting with another cock.
2. For amusement or gain, causing any cock to fight with another cock or causing any cocks to injure each other.
3. Permitting any act in violation of paragraph 1 or 2 to be done on any premises under his charge or control.

B. Cockfighting is a class 5 felony.

C. For purposes of this section and § 13-2910.04, cock means any male chicken, including game fowl except wildlife as defined in A.R.S. § 17-101.

**ARIZ. REV. STAT. § 13-2910.04 (2017). Presence at cockfight; classification.**

Any person who is knowingly present at any place or building where preparations are being made for an exhibition of the fighting of cocks, or is present at such exhibition, is guilty of a class 1 misdemeanor.

**ARIZ. REV. STAT. § 13-2910.05 (2017). Exempt activities.**

Activity involving the possession, training, exhibition or use of an animal in the otherwise lawful pursuits of hunting, ranching, farming, rodeos, shows and security services shall be exempt from the provisions of §§ 13-2910.01, 13-2910.02, 13-2910.03 and 13-2910.04.

**ARIZ. REV. STAT. § 13-2910.06 (2017). Defense to cruelty to animals and bird fighting.**

It is a defense to §§ 13-2910, 13-2910.01, 13-2910.02, 13-2910.03 and 13-2910.04 that the activity charged involves the possession, training, exhibition or use of a bird or animal in the otherwise lawful sports of falconry, animal hunting, rodeos, ranching or the training or use of hunting dogs.

**ARIZ. REV. STAT. § 13-2910.07 (2017). Cruel and inhumane confinement of a pig during pregnancy or of a calf raised for veal.**

A. Notwithstanding any other provision of title 31 or title 13,2 a person shall not tether or confine any pig during pregnancy or any calf raised for veal, on a farm, for all or the majority of any day, in a manner that prevents such animal from:

1. Lying down and fully extending his or her limbs; or
2. Turning around freely.

B. This section shall not apply to:

1. Pigs or calves during transportation.
2. Pigs or calves in rodeo exhibitions, state or county fair exhibitions, or other similar exhibitions.
3. The killing of pigs or calves according to the provisions of chapter 13, title 33 and other applicable law and regulations.
4. Pigs or calves involved in lawful scientific or agricultural research.
5. Pigs or calves while undergoing an examination, test, treatment or operation for veterinary purposes.
6. A pig during the seven day period prior to the pig's expected date of giving birth.

C. A person who violates this section is guilty of a class 1 misdemeanor.

D. The following definitions shall govern this section:

1. "Calf" means a calf of the bovine species.
2. "Calf raised for veal" means a calf raised with the intent of selling, marketing or distributing the meat, organs or any part of such calf as a food product described as "veal."
3. "Farm" means the land, buildings, support facilities, and other equipment that is wholly or partially used for the production of animals for food or fiber.
4. "Pig" means any animal of the porcine species.
5. "Turning around freely" means having the ability to turn around in a complete circle without any impediment, including a tether, or, in the case of an enclosure (including

what is commonly described as a “gestation crate” for pigs and a “veal crate” for calves) without touching any side of the enclosure.

**ARIZ. REV. STAT. § 13-2910.09 (2017). Equine tripping; classification; definitions.**

A. A person who knowingly or intentionally trips an equine for entertainment or sport is guilty of a class 1 misdemeanor.

B. A person who is convicted of a first violation of this section:

1. Shall be sentenced to serve not less than forty-eight consecutive hours in jail and is not eligible for probation or suspension of execution of sentence unless the entire sentence is served.

2. Shall pay a fine of not less than one thousand dollars.

C. A person who is convicted of a second violation of this section:

1. Shall be sentenced to serve not less than thirty consecutive days in jail and is not eligible for probation or suspension of execution of sentence unless the entire sentence is served.

2. Shall pay a fine of not less than two thousand dollars.

D. A person who is convicted of a third or subsequent violation of this section:

1. Shall be sentenced to serve not less than ninety consecutive days in jail and is not eligible for probation or suspension of execution of sentence unless the entire sentence is served.

2. Shall pay a fine of not less than two thousand dollars.

E. This section does not apply to any jumping or steeplechase events, racing, training, branding, show events, calf or steer roping events, bulldogging or steer wrestling events or any other traditional western rodeo events, including barrel racing, bareback or saddled bronc riding or other similar activities or events.

F. For the purposes of this section:

1. “Equine” means a horse, pony, mule, donkey or hinny.
2. “Trips” means knowingly or intentionally causing an equine to lose its balance or fall by use of a wire, pole, stick or rope or any other object or by any other means.

**ARIZ. REV. STAT. § 13-3602 (2017). Order of protection; procedure; contents; arrest for violation; penalty; protection order from another jurisdiction.**

A. A person may file a verified petition, as in civil actions, with a magistrate, justice of the peace or superior court judge for an order of protection for the purpose of restraining a person from committing an act included in domestic violence. If the person is a minor, the parent, legal guardian or person who has legal custody of the minor shall file the petition unless the court determines otherwise. The petition shall name the parent, guardian or custodian as the plaintiff and the minor is a specifically designated person for the purposes of subsection G of this section. If a person is either temporarily or permanently unable to request an order, a third party may request an order of protection on behalf of the plaintiff. After the request, the judicial officer shall determine if the third party is an appropriate requesting party for the plaintiff. For the purposes of this section, notwithstanding the location of the plaintiff or defendant, any court in this state may issue or enforce an order of protection.

B. An order of protection shall not be granted:

1. Unless the party who requests the order files a written verified petition for an order.
2. Against a person who is less than twelve years of age unless the order is granted by the juvenile division of the superior court.
3. Against more than one defendant.

C. The petition shall state the:

1. Name of the plaintiff. The plaintiff's address shall be disclosed to the court for purposes of service. If the address of the plaintiff is unknown to the defendant, the plaintiff may request that the address be protected. On the plaintiff's request, the address shall not be listed on the petition. Whether the court issues an order of protection, the protected address shall be maintained in a separate document or automated database and is not subject to release or disclosure by the court or any form of public access except as ordered by the court.
2. Name and address, if known, of the defendant.



3. Specific statement, including dates, of the domestic violence alleged.
4. Relationship between the parties pursuant to section 13-3601, subsection A and whether there is pending between the parties an action for maternity or paternity, annulment, legal separation or dissolution of marriage.
5. Name of the court in which any prior or pending proceeding or order was sought or issued concerning the conduct that is sought to be restrained.
6. Desired relief.

D. A fee shall not be charged for filing a petition under this section or for service of process. On request of the plaintiff, each order of protection that is issued by a municipal court shall be served by the police agency for that city if the defendant can be served within the city. If the defendant cannot be served within the city, the police agency in the city in which the defendant can be served shall serve the order. If the order cannot be served within a city, the sheriff shall serve the order. On request of the plaintiff, each order of protection that is issued by a justice of the peace shall be served by the constable or sheriff for that jurisdiction if the defendant can be served within the jurisdiction. If the defendant cannot be served within that jurisdiction, the constable or sheriff in the jurisdiction in which the defendant can be served shall serve the order. On request of the plaintiff, each order of protection that is issued by a superior court judge or commissioner shall be served by the sheriff of the county. If the defendant cannot be served within that jurisdiction, the sheriff in the jurisdiction in which the defendant can be served shall serve the order. Each court shall provide, without charge, forms for purposes of this section for assisting parties without counsel. The court shall make reasonable efforts to provide to both parties an appropriate information sheet on emergency and counseling services that are available in the local area.

E. The court shall review the petition, any other pleadings on file and any evidence offered by the plaintiff, including any evidence of harassment by electronic contact or communication, to determine whether the orders requested should issue without further hearing. The court shall issue an order of protection under subsection G of this section if the court determines that there is reasonable cause to believe any of the following:

1. The defendant may commit an act of domestic violence.
2. The defendant has committed an act of domestic violence within the past year or within a longer period of time if the court finds that good cause exists to consider a longer period.

F. For the purposes of determining the period of time under subsection E, paragraph 2 of this section, any time that the defendant has been incarcerated or out of this state shall not be counted. If the court denies the requested relief, it may schedule a further hearing within ten days, with reasonable notice to the defendant.

G. If a court issues an order of protection, the court may do any of the following:

1. Enjoin the defendant from committing a violation of one or more of the offenses included in domestic violence.
2. Grant one party the use and exclusive possession of the parties' residence on a showing that there is reasonable cause to believe that physical harm may otherwise result. If the other party is accompanied by a law enforcement officer, the other party may return to the residence on one occasion to retrieve belongings. A law enforcement officer is not liable for any act or omission in the good faith exercise of the officer's duties under this paragraph.
3. Restrain the defendant from contacting the plaintiff or other specifically designated persons and from coming near the residence, place of employment or school of the plaintiff or other specifically designated locations or persons on a showing that there is reasonable cause to believe that physical harm may otherwise result.
4. If the court finds that the defendant is a credible threat to the physical safety of the plaintiff or other specifically designated persons, prohibit the defendant from possessing or purchasing a firearm for the duration of the order. If the court prohibits the defendant from possessing a firearm, the court shall also order the defendant to transfer any firearm owned or possessed by the defendant immediately after service of the order to the appropriate law enforcement agency for the duration of the order. If the defendant does not immediately transfer the firearm, the defendant shall transfer the firearm within twenty-four hours after service of the order.
5. If the order was issued after notice and a hearing at which the defendant had an opportunity to participate, require the defendant to complete a domestic violence offender treatment program that is provided by a facility approved by the department of health services or a probation department or any other program deemed appropriate by the court.
6. Grant relief that is necessary for the protection of the alleged victim and other specifically designated persons and that is proper under the circumstances.
7. Grant the petitioner the exclusive care, custody or control of any animal that is owned, possessed, leased, kept or held by the petitioner, the respondent or a minor child residing in the residence or household of the petitioner or the respondent, and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, committing an act of cruelty or neglect in violation of section 13-2910 or otherwise disposing of the animal.

H. The court shall not grant a mutual order of protection. If opposing parties separately file verified petitions for an order of protection, the courts after consultation between the judges involved may consolidate the petitions of the opposing parties for hearing. This does not prohibit a court from issuing cross orders of protection.

I. At any time during the period during which the order is in effect, a party who is under an order of protection or who is restrained from contacting the other party is entitled to one hearing on written request. No fee may be charged for requesting a hearing. A hearing that is requested by a party who is under an order of protection or who is restrained from contacting the other party shall be held within ten days from the date requested unless the court finds good cause to continue the hearing. If exclusive use of the home is awarded, the hearing shall be held within five days from the date requested. The hearing shall be held at the earliest possible time. An ex parte order that is issued under this section shall state on its face that the defendant is entitled to a hearing on written request and shall include the name and address of the judicial office where the request may be filed. After the hearing, the court may modify, quash or continue the order.

J. The order shall include the following statement:

**Warning**

This is an official court order. If you disobey this order, you will be subject to arrest and prosecution for the crime of interfering with judicial proceedings and any other crime you may have committed in disobeying this order.

K. A copy of the petition and the order shall be served on the defendant within one year from the date the order is signed. An order of protection that is not served on the defendant within one year expires. An order is effective on the defendant on service of a copy of the order and petition. An order expires one year after service on the defendant. A modified order is effective on service and expires one year after service of the initial order and petition.

L. A supplemental information form that is utilized by the court or a law enforcement agency solely for the purposes of service of process on the defendant and that contains information provided by the plaintiff is confidential.

M. Each affidavit, acceptance or return of service shall be promptly filed with the clerk of the issuing court. This filing shall be completed in person, shall be made by fax or shall be postmarked, if sent by mail, no later than the end of the seventh court business day after the date of service. If the filing is made by fax, the original affidavit, acceptance or return of service shall be promptly filed with the court. Within twenty-four hours after the affidavit, acceptance or return of service has been filed, excluding weekends and holidays, the court from which the order or any modified order was issued shall forward to the sheriff of the county in which the court is located a copy of the order of protection and a copy of the affidavit or certificate of service of process or acceptance of service. On receiving these copies, the sheriff shall register the order. Registration of an order means that a copy of the order of protection and a copy of the affidavit or acceptance of service have been received by the sheriff's office. The sheriff shall maintain a central repository for orders of protection so that the existence and validity of the

orders can be easily verified. The effectiveness of an order does not depend on its registration, and for enforcement purposes pursuant to section 13-2810, a copy of an order of the court, whether or not registered, is presumed to be a valid existing order of the court for a period of one year from the date of service of the order on the defendant.

N. A peace officer, with or without a warrant, may arrest a person if the peace officer has probable cause to believe that the person has violated section 13-2810 by disobeying or resisting an order that is issued in any jurisdiction in this state pursuant to this section, whether or not such violation occurred in the presence of the officer. Criminal violations of an order issued pursuant to this section shall be referred to an appropriate law enforcement agency. The law enforcement agency shall request that a prosecutorial agency file the appropriate charges. A violation of an order of protection shall not be adjudicated by a municipal or justice court unless a complaint has been filed or other legal process has been requested by the prosecuting agency. The provisions for release under section 13-3883, subsection A, paragraph 4 and section 13-3903 do not apply to an arrest made pursuant to this section. For the purposes of this section, any court in this state has jurisdiction to enforce a valid order of protection that is issued in this state and that has been violated in any jurisdiction in this state.

O. A person who is arrested pursuant to subsection M of this section may be released from custody in accordance with the Arizona rules of criminal procedure or any other applicable statute. An order for release, with or without an appearance bond, shall include pretrial release conditions that are necessary to provide for the protection of the alleged victim and other specifically designated persons and may provide for any other additional conditions that the court deems appropriate, including participation in any counseling programs available to the defendant. The agency with custody of the defendant shall make reasonable efforts to contact the victim and other specifically designated persons in the order of protection, if known to the custodial agency, who requested notification immediately on release of the arrested person from custody.

P. The remedies provided in this section for enforcement of the orders of the court are in addition to any other civil and criminal remedies available. The superior court shall have exclusive jurisdiction to issue orders of protection in all cases if it appears from the petition that an action for maternity or paternity, annulment, legal separation or dissolution of marriage is pending between the parties. A municipal court or justice court shall not issue an order of protection if it appears from the petition that an action for maternity or paternity, annulment, legal separation or dissolution of marriage is pending between the parties. After issuance of an order of protection, if the municipal court or justice court determines that an action for maternity or paternity, annulment, legal separation or dissolution of marriage is pending between the parties, the municipal court or justice court shall stop further proceedings in the action and forward all papers, together with a certified copy of docket entries or any other record in the action, to the superior court where they shall be docketed in the pending superior court action and shall proceed as though the petition for an order of protection had been originally brought in the superior court. Notwithstanding any other law and unless prohibited by an order of the superior court, a municipal court or justice court may hold a hearing on all matters relating to its ex parte order of protection if the hearing was requested before receiving written notice of the pending

superior court action. No order of protection shall be invalid or determined to be ineffective merely because it was issued by a lower court at a time when an action for maternity or paternity, annulment, legal separation or dissolution of marriage was pending in a higher court. After a hearing with notice to the affected party, the court may enter an order requiring any party to pay the costs of the action, including reasonable attorney fees, if any. An order that is entered by a justice court or municipal court after a hearing pursuant to this section may be appealed to the superior court as provided in title 22, chapter 2, article 4, section 22-425, subsection B and the superior court rules of civil appellate procedure without regard to an amount in controversy. No fee may be charged to either party for filing an appeal. For the purposes of this subsection, “pending” means, with respect to an action for annulment, legal separation or dissolution of marriage or for maternity or paternity, either that:

1. An action has been commenced but a final judgment, decree or order has not been entered.
2. A post-decree proceeding has been commenced but a judgment, decree or order finally determining the proceeding has not been entered.

Q. A peace officer who makes an arrest pursuant to this section or section 13-3601 is not civilly or criminally liable for the arrest if the officer acts on probable cause and without malice.

R. In addition to persons authorized to serve process pursuant to rule 4(d) of the Arizona rules of civil procedure, a peace officer or a correctional officer as defined in section 41-1661 who is acting in the officer's official capacity may serve an order of protection that is issued pursuant to this section. Service of the order of protection has priority over other service of process that does not involve an immediate threat to the safety of a person.

S. A valid protection order that is related to domestic or family violence and that is issued by a court in another state, a court of a United States territory or a tribal court shall be accorded full faith and credit and shall be enforced as if it were issued in this state for as long as the order is effective in the issuing jurisdiction. For the purposes of this subsection:

1. A protection order includes any injunction or other order that is issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with or physical proximity to another person. A protection order includes temporary and final orders other than support or child custody orders that are issued by civil and criminal courts if the order is obtained by the filing of an independent action or is a pendente lite order in another proceeding. The civil order shall be issued in response to a complaint, petition or motion that was filed by or on behalf of a person seeking protection.
2. A protection order is valid if the issuing court had jurisdiction over the parties and the matter under the laws of the issuing state, a United States territory or an Indian tribe and the person against whom the order was issued had reasonable notice and an opportunity to be heard. If the order is issued ex parte, the notice

and opportunity to be heard shall be provided within the time required by the laws of the issuing state, a United States territory or an Indian tribe and within a reasonable time after the order was issued.

3. A mutual protection order that is issued against both the party who filed a petition or a complaint or otherwise filed a written pleading for protection against abuse and the person against whom the filing was made is not entitled to full faith and credit if either:

(a) The person against whom an initial order was sought has not filed a cross or counter petition or other written pleading seeking a protection order.

(b) The issuing court failed to make specific findings supporting the entitlement of both parties to be granted a protection order.

4. A peace officer may presume the validity of and rely on a copy of a protection order that is issued by another state, a United States territory or an Indian tribe if the order was given to the officer by any source. A peace officer may also rely on the statement of any person who is protected by the order that the order remains in effect. A peace officer who acts in good faith reliance on a protection order is not civilly or criminally liable for enforcing the protection order pursuant to this section.

**ARIZ. REV. STAT. § 13-4281 (2017). Animal seizure; notification; forfeiture; bond; hearing; exceptions.**

A. A peace officer, county enforcement agent or animal control officer who lawfully seizes an animal pursuant to § 13-2910 shall affix a notice of seizure in a conspicuous place where the animal was found or personally deliver the notice of seizure to the owner or keeper of the animal, if known or ascertainable after reasonable investigation. The officer or agent shall file proof of service with the court. If it is determined that the suffering of the animal does not require humane destruction, the notice shall include the following:

1. The name, business address and telephone number of the person providing the notice.

2. A description of the seized animal.

3. The authority and purpose for the seizure, including the time, place and circumstance under which the animal was seized.

4. A statement that in order to receive a postseizure hearing the owner or person authorized to keep the animal, or the owner or person's agent, shall request the hearing by signing and returning to the court an enclosed declaration of ownership or right to keep the animal within ten days, including weekends and holidays, after the date of the notice.

5. A statement that the owner is responsible for the cost of care for an animal that was properly seized and that the owner is required to post a bond in the amount of twenty-five dollars per animal with the court to defray the cost of care.

6. A warning that if the owner fails to post a bond within ten days after the seizure, the animal will be deemed abandoned and become the property of the seizing agency.

B. On receipt of a declaration of ownership and postseizure hearing request, the justice of the peace or city magistrate shall set a hearing date within fifteen business days. At the hearing, the seizing agency shall have the burden of establishing by a preponderance of evidence that the animal was subjected to cruel mistreatment, cruel neglect or abandonment in violation of § 13-2910 or will suffer needlessly if humane destruction is delayed. On this finding, the court may terminate the owner's rights in the animal and transfer the rights to the seizing agency or a designated animal care agency and shall forfeit the bond to pay the expenses incurred for the housing, care and treatment of the animal. If at the conclusion of the hearing the animal is not forfeited under this section, the court shall order the bond exonerated and returned to the owner.

C. If the owner or person authorized to keep the animal fails to post bond as prescribed by subsection A, paragraph 5 of this section, fails to request a hearing or fails to attend a scheduled hearing, the animal is deemed abandoned and all rights of the owner in the animal are transferred to the seizing agency.

D. This section does not apply to any of the following:

1. Activities permitted by or pursuant to title 3.1

2. The seizure of an equine pursuant to § 3-1721.

3. A city, town or county that adopts or has adopted an ordinance or resolution providing for bonding and forfeiture of an animal that has suffered cruel mistreatment or cruel neglect if the ordinance or resolution imposes requirements that are equal or more stringent than this section.

**ARIZ. REV. STAT. § 32-2239 (2017). Duty of veterinarian to report suspected abuse, cruelty, neglect or animal fighting; immunity.**

A. A veterinarian who reasonably suspects or believes that an animal has been a victim of abuse, cruelty or neglect or has been involved in animal fighting shall report that suspicion, or cause a report to be made, to law enforcement within forty-eight hours after treatment or examination. The report shall include the breed and description of the animal and the name and address of the owner or person who sought the examination or treatment. Veterinary records shall be provided to local law enforcement on request in furtherance of any criminal investigation for abuse, cruelty, neglect or animal fighting.

B. A veterinarian shall report, in writing, suspected cases of abuse of livestock to the associate director of the division of animal services in the Arizona department of agriculture pursuant to title 3, chapter 11, article 1. The report shall be made within forty-eight hours after treatment or examination and shall include the breed and description of the animal together with the name and address of the owner.

C. A veterinarian who files a report as provided in this section shall be immune from civil liability with respect to any report made in good faith.

**ARIZ. REV. STAT. § 12-558.02 (2017). Limited liability; removing minor or confined animal from motor vehicle; definition.**

A. A person who uses reasonable force to enter a locked and unattended motor vehicle to remove a minor or confined domestic animal is not liable for any damages in a civil action if all of the following apply:

1. The person has a good faith belief that the minor or confined domestic animal is in imminent danger of suffering physical injury or death unless the minor or domestic animal is removed from the motor vehicle.
2. The person determines that the motor vehicle is locked or there is no reasonable manner in which the person can remove the minor or domestic animal from the vehicle.
3. Before entering the motor vehicle, the person notifies a peace officer, emergency medical service provider or first responder or an animal control enforcement agency or deputy, if appropriate, of the minor or confined domestic animal.
4. The person does not use more force than is necessary under the circumstances to enter the motor vehicle and remove the minor or domestic animal from the vehicle.
5. The person remains with the minor or domestic animal until the person who is contacted as prescribed in paragraph 3 of this subsection arrives at the motor vehicle.

B. A person is not immune from civil liability if the person fails to abide by any of the provisions of subsection A of this section and commits any unnecessary or malicious damage to the motor vehicle.

C. For the purposes of this section, "domestic animal" means a dog, a cat or another animal that is domesticated and kept as a household pet.