

## ANIMAL PROTECTION LAWS OF IOWA



## Animal Protection Laws of Iowa

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*This chapter contains Iowa’s general animal protection and related statutes with an effective date on or before September 1, 2019. It begins with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories with the relevant part of each statute italicized.*

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

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<p><b>1. <u>DEFINITION OF “ANIMAL”</u></b></p>	<p>Nonhuman vertebrates, but not including:          Livestock;          Game, fur-bearing animals, fish, reptiles,          and amphibians, unless owned, confined          or controlled by a person;          Nuisance non-game species;          IOWA CODE ANN. § 717B.1(1)</p> <p><b>Note:</b> <i>there are separate statutes addressing livestock neglect</i></p>
<p><b>2. <u>GENERAL CRUELTY *</u></b></p>	<p>Definitions          Iowa Code Ann. § 717.1</p> <p>Abuse of livestock owned by another person          IOWA CODE ANN. § 717.1A  <i>Aggravated misdemeanor</i></p> <p>Livestock neglect (i.e. neglect or abuse of own livestock)          IOWA CODE ANN. § 717.2  <i>Generally: Simple misdemeanor</i>  <i>If intentional &amp; serious injury/death: Serious misdemeanor</i></p> <p>Definitions          IOWA CODE ANN. § 717B.1</p> <p>Animal abuse of someone else’s animal          IOWA CODE ANN. § 717B.2  <i>Aggravated misdemeanor</i></p> <p>Animal neglect (i.e. abuse or neglect of own animal)          IOWA CODE ANN. § 717B.3  <i>Simple misdemeanor</i></p> <p>Intentional animal neglect of any animal (or abuse of own animal)          resulting in serious injury or death          IOWA CODE ANN. § 717B.3</p>

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	<p><i>Serious misdemeanor</i></p> <p>Animal torture (regardless of ownership)  IOWA CODE ANN. § 717B.3A  <i>First offense: Aggravated misdemeanor, additional community work requirement</i>  <i>Subsequent offense: Class D felony</i></p> <p>Abandonment of cats and dogs  IOWA CODE ANN. § 717B.8  <i>Simple misdemeanor</i></p> <p>Injury or interference with a police service dog  IOWA CODE ANN. § 717B.9  <i>Generally: Serious misdemeanor</i>  <i>Torturing, seriously injuring, poisoning or killing: Class D felony</i></p>
<p><b>3. <u>EXEMPTIONS</u></b></p>	<p>Veterinary practice, research animals, other  IOWA CODE ANN. § 717.1A</p> <p>Research animals  IOWA CODE ANN. §§ 717.2(3), 717B.3</p> <p>Wildlife, accepted farm animal husbandry practices, slaughter, pest control  IOWA CODE ANN. § 717B.1(1)</p> <p>Veterinary practice, research animals, wildlife, other  IOWA CODE ANN. § 717B.2</p> <p>Veterinary practice, research animals, wildlife, accepted farm animal husbandry practices, other  IOWA CODE ANN. § 717B.3A</p> <p>Veterinary practice, other  IOWA CODE ANN. § 717B.9</p> <p>Exceptions for animal fighting: veterinary practice, research animals, wildlife, accepted farm animal husbandry practices, rodeos, other  IOWA CODE ANN. § 717D.3</p>

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<p><b>4. <u>FIGHTING &amp; RACKETEERING</u></b></p>	<p><b><i>NOTE:</i></b> Laws pertaining to the seizure and disposition of animals involved in animal fighting located in <a href="#">Seizure</a> and <a href="#">Forfeiture and Possession Bans</a>.</p> <p>Definitions  <a href="#">IOWA CODE ANN. § 717D.1</a></p> <p>Various animal fighting activities  <a href="#">IOWA CODE ANN. §§ 717D.2, 717D.4</a>  <i>Class D felony</i></p> <p>Being a spectator at an animal fight  <a href="#">IOWA CODE ANN. § 717D.2, 717D.4</a>  <i>1st offense: aggravated misdemeanor</i>  <i>Subsequent offenses: Class D felony</i></p>
<p><b>5. <u>SEXUAL ASSAULT</u></b></p>	<p>Bestiality  <a href="#">IOWA CODE ANN. § 717C.1</a>  <i>Aggravated misdemeanor</i></p>
<p><b>6. <u>MAXIMUM PENALTIES &amp; STATUTE OF LIMITATIONS**</u></b></p>	<p>Class D felony  <i>5 years imprisonment and \$7,500 fine</i>  <a href="#">IOWA CODE ANN. § 902.9(e)</a></p> <p>Aggravated misdemeanor  <i>2 years imprisonment and \$6,250 fine</i>  <a href="#">IOWA CODE ANN. § 903.1(2)</a></p> <p>Serious misdemeanor  <i>1 year imprisonment and \$1,875 fine</i>  <a href="#">IOWA CODE ANN. § 903.1(1)(b)</a></p> <p>Simple misdemeanor  <i>30 days imprisonment and/or \$625 fine</i>  <a href="#">IOWA CODE ANN. § 903.1(1)(a)</a></p> <p>Statute of Limitations  <i>Simple misdemeanor 1 year</i>  <a href="#">Iowa Code Ann. § 802.4</a>  <i>Aggravated misdemeanor or felony: 3 years</i></p>

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	Iowa Code Ann. § 802.3
<b>7. <u>CROSS ENFORCEMENT &amp; REPORTING</u></b>	----
<b>8. <u>VETERINARIAN REPORTING &amp; IMMUNITY</u></b>	----
<b>9. <u>LAW ENFORCEMENT POLICIES</u></b>	-----
<b>10. <u>SEIZURE</u></b>	<p>Provisions for the rescue of neglected livestock IOWA CODE ANN. § 717.2A</p> <p>When livestock are in immediate need of sustenance, the Department of Agriculture may petition the court for an order to so provide. IOWA CODE ANN. § 717.3</p> <p>Law enforcement officer may seize animal after consulting veterinarian and obtaining a search warrant, or enters the property by other lawful authority. IOWA CODE ANN. § 717B.5</p> <p>Animals used in animal fighting are subject to confiscation. IOWA CODE ANN. § 717D.5</p>
<b>11. <u>COURTROOM ANIMAL ADVOCATE PROGRAM</u></b>	-----
<b>12. <u>PROTECTION ORDERS†</u></b>	IOWA CODE ANN. §§ 236.3, 236.4, 236.5
<b>13. <u>RESTITUTION †</u></b>	<p>If a court issues a supervision order on livestock that are in immediate need of sustenance, a lien is created attaching to the livestock. IOWA CODE ANN. §§ 717.3(5)(c), 717.4</p> <p>The Department of Agriculture may utilize funds in the livestock remediation fund to pay costs of care or disposition of livestock in immediate need of sustenance.</p>

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	<p>IOWA CODE ANN. § 717.4A</p> <p>Bond required if owner requests continuance of hearing. IOWA CODE ANN. § 717B.4(1)</p> <p>Court may order reimbursement of expenses. IOWA CODE ANN. § 717B.4(3)</p> <p>Court shall order reimbursement of costs of care for animals seized from animal fights. IOWA CODE ANN. § 717D.5</p>
<b>14. <u>FORFEITURE &amp; POSSESSION BANS</u> †</b>	<p>Following a civil hearing on the matter, if the court determines that an animal is a threatened animal, it shall order its disposition. IOWA CODE ANN. §§ 717B.4, 717B.5(3)</p> <p>Animals used in animal fighting are subject to disposal. IOWA CODE ANN. § 717D.5</p>
<b>15. <u>COURT-ORDERED TREATMENT</u> †</b>	<p>Upon a conviction for animal torture or bestiality, sentencing shall provide for a psychological evaluation and treatment according to terms required by the court. The offender shall pay the costs. IOWA CODE ANN. §§ 717B.3A, 717C.1(3)</p>
<b>16. <u>HOT CARS</u></b>	-----
<b>17. <u>CIVIL NUISANCE ABATEMENT</u></b>	-----
<b>18. <u>AG-GAG LAWS</u></b>	IOWA CODE ANN. §§ 717A.1; 717A.2; 717A.3A
<b>19. <u>BREED SPECIFIC LEGISLATION</u></b>	-----

\* 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.

† This table generally references only those provisions that are within each state's animal protection

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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.

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### 1. DEFINITION OF “ANIMAL”

#### IOWA CODE ANN. § 717B.1. Definitions.

As used in this chapter:

1. *“Animal” means a nonhuman vertebrate. However, “animal” does not include any of the following:*
  - a. *Livestock, as defined in section 717.1.*
  - b. *Any game, fur-bearing animal, fish, reptile, or amphibian, as defined in section 481A.1, unless a person owns, confines, or controls the game, fur-bearing animal, fish, reptile, or amphibian.*
  - c. *Any nongame species declared to be a nuisance pursuant to section 481A.42.*
2. *“Animal care provider” means a person designated by a local authority to provide care to an animal which is rescued by the local authority pursuant to section 717B.5.*
3. *Unless the context otherwise requires, “book”, “list”, “record”, or “schedule” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.*
4. *“Dispositional expenses” means expenses incurred by a local authority in rescuing an animal as provided in section 717B.5, maintaining the animal until the conclusion of a dispositional proceeding as provided in section 717B.4, or disposing of the animal as provided in section 717B.4.*
5. *“Law enforcement officer” means a regularly employed member of a police force of a city or county, including a sheriff, who is responsible for the prevention and detection of crime and the enforcement of the criminal laws of this state.*
6. *“Local authority” means a city as defined in section 362.2 or a county as provided in chapter 331.*
7. *“Maintenance” means to provide on-site or off-site care to neglected animals.*
8. *“Responsible party” means a person who owns or maintains an animal.*
9. *“Threatened animal” means an animal that is abused as provided in section 717B.2, neglected as provided in section 717B.3, or tortured as provided in section 717B.3A.*



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### 2. GENERAL CRUELTY

#### Iowa Code Ann. § 717.1. Definitions.

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

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

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

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

This section shall not apply to any of the following:

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

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### Iowa Code Ann. § 717.2. Livestock neglect.

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

### Iowa Code Ann. § 717B.1. Definitions.

As used in this chapter:

1. *“Animal” means a nonhuman vertebrate. However, “animal” does not include any of the following:*
  - a. *Livestock, as defined in section 717.1.*
  - b. *Any game, fur-bearing animal, fish, reptile, or amphibian, as defined in section 481A.1, unless a person owns, confines, or controls the game, fur-bearing animal, fish, reptile, or amphibian.*
  - c. *Any nongame species declared to be a nuisance pursuant to section 481A.42.*
2. *“Animal care provider” means a person designated by a local authority to provide care to an animal which is rescued by the local authority pursuant to section 717B.5.*
3. *Unless the context otherwise requires, “book”, “list”, “record”, or “schedule” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.*
4. *“Dispositional expenses” means expenses incurred by a local authority in rescuing an animal as provided in section 717B.5, maintaining the animal until the conclusion of a dispositional proceeding as provided in section 717B.4, or disposing of the animal as provided in section 717B.4.*
5. *“Law enforcement officer” means a regularly employed member of a police force of a city or county, including a sheriff, who is responsible for the prevention and detection of crime and the enforcement of the criminal laws of this state.*
6. *“Local authority” means a city as defined in section 362.2 or a county as provided in*

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*chapter 331.*

7. *“Maintenance” means to provide on-site or off-site care to neglected animals.*
8. *“Responsible party” means a person who owns or maintains an animal.*
9. *“Threatened animal” means an animal that is abused as provided in section 717B.2, neglected as provided in section 717B.3, or tortured as provided in section 717B.3A.*

### **Iowa Code Ann. § 717B.2. Animal abuse.**

*A person is guilty of animal abuse if the person intentionally injures, maims, disfigures, or destroys an animal owned by another person, in any manner, including intentionally poisoning the animal. A person guilty of animal abuse is guilty of an aggravated misdemeanor. This section shall not apply to any of the following:*

1. A person acting with the consent of the person owning the animal, unless the action constitutes animal neglect as provided in section 717B.3.
2. A person acting to carry out an order issued by a court.
3. A licensed veterinarian practicing veterinary medicine as provided in chapter 169.
4. A person acting in order to carry out another provision of law which allows the conduct.
5. A person taking, hunting, trapping, or fishing for a wild animal as provided in chapter 481A.
6. A person acting to protect the person’s property from a wild animal as defined in section 481A.1.
7. A person acting to protect a person from injury or death caused by a wild animal as defined in section 481A.1.
8. A person reasonably acting to protect the person’s property from damage caused by an unconfined animal.
9. A person reasonably acting to protect a person from injury or death caused by an unconfined animal.
10. A local authority reasonably acting to destroy an animal, if at the time of the destruction, the owner of the animal is absent or unable to care for the animal, and the animal is permanently distressed by disease or injury to a degree that would result in severe and prolonged suffering.
11. A research facility, as defined in section 162.2, provided that the research facility performs functions within the scope of accepted practices and disciplines associated with the research facility.

### **Iowa Code Ann. § 717B.3. Animal neglect.**

1. *A person who impounds or confines, in any place, an animal is guilty of animal neglect, if the person does any of the following:*
  - a. *Fails to supply the animal during confinement with a sufficient quantity of food or water.*

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- b. *Fails to provide a confined dog or cat with adequate shelter.*
- c. *Tortures, deprives of necessary sustenance, mutilates, beats, or kills an animal by any means which causes unjustified pain, distress, or suffering.*
- 2. This section does not apply to a research facility, as defined in section 162.2, provided that the research facility performs functions within the scope of accepted practices and disciplines associated with the research facility.
- 3. *A person who negligently or intentionally commits the offense of animal neglect is guilty of a simple misdemeanor. A person who intentionally commits the offense of animal neglect which results in serious injury to or the death of an animal is guilty of a serious misdemeanor.*

### Iowa Code Ann. § 717B.3A. Animal torture.

- 1. *A person is guilty of animal torture, regardless of whether the person is the owner of the animal, if the person inflicts upon the animal severe physical pain with a depraved or sadistic intent to cause prolonged suffering or death.*
- 2. This section shall not apply to any of the following:
  - a. A person acting to carry out an order issued by a court.
  - b. A licensed veterinarian practicing veterinary medicine as provided in chapter 169.
  - c. A person carrying out a practice that is consistent with animal husbandry practices.
  - d. A person acting in order to carry out another provision of law which allows the conduct.
  - e. A person taking, hunting, trapping, or fishing for a wild animal as provided in chapter 481A.
  - f. A person acting to protect the person's property from a wild animal as defined in section 481A.1.
  - g. A person acting to protect a person from injury or death caused by a wild animal as defined in section 481A.1.
  - h. A person reasonably acting to protect the person's property from damage caused by an unconfined animal.
  - i. A person reasonably acting to protect a person from injury or death caused by an unconfined animal.
  - j. A local authority reasonably acting to destroy an animal, if at the time of the destruction, the owner of the animal is absent or unable to care for the animal, and the animal is permanently distressed by disease or injury to a degree that would result in severe and prolonged suffering.
  - k. A research facility, as defined in section 162.2, provided that the research facility performs functions within the scope of accepted practices and disciplines associated with the research facility.
- 3.

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- a. *The following shall apply to a person who commits animal torture:*
  - (1) *For the first conviction, the person is guilty of an aggravated misdemeanor.* The sentencing order shall provide that the person submit to psychological evaluation and treatment according to terms required by the court. The costs of the evaluation and treatment shall be paid by the person. In addition, the sentencing order shall provide that the person complete a community work requirement, which may include a work requirement performed at an animal shelter or pound, as defined in section 162.2, according to terms required by the court.
  - (2) *For a second or subsequent conviction, the person is guilty of a class “D” felony.* The sentencing order shall provide that the person submit to psychological evaluation and treatment according to terms required by the court. The costs of the psychological evaluation and treatment shall be paid by the person.
- b. The juvenile court shall have exclusive original jurisdiction in a proceeding concerning a child who is alleged to have committed animal torture, in the manner provided in section 232.8. The juvenile court shall not waive jurisdiction in a proceeding concerning an offense alleged to have been committed by a child under the age of seventeen.

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

*A person who has ownership or custody of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound as defined in section 162.2. A person who violates this section is guilty of a simple misdemeanor.*

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

1. *A person who knowingly, and willfully or maliciously torments, strikes, administers a nonpoisonous desensitizing substance to, or otherwise interferes with a police service dog, without inflicting serious injury on the dog, commits a serious misdemeanor.*
2. *A person who knowingly, and willfully or maliciously does any of the following commits a class “D” felony:*
  - a. *Tortures a police service dog.*
  - b. *Injures, so as to disfigure or disable, a police service dog.*
  - c. *Sets a booby trap device for purposes of injuring, so as to disfigure or disable, or killing a police service dog.*
  - d. *Pays or agrees to pay a bounty for purposes of injury, so as to disfigure or disable, or killing a police service dog.*
  - e. *Kills a police service dog.*

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- f. *Administers poison to a police service dog.*
- 3. *As used in this section, "police service dog" means a dog used by a peace officer or correctional officer in the performance of the officer's duties, whether or not the dog is on duty.*
- 4. This section does not apply to a peace officer or veterinarian who terminates the life of such a dog for the purpose of relieving the dog of undue pain or suffering, or to a person who justifiably acts in defense of self or another.

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### 3. EXEMPTIONS

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

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

*This section shall not apply to any of the following:*

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

#### Iowa Code Ann. § 717.2. Livestock neglect.

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

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### Iowa Code Ann. § 717B.1. Definitions.

As used in this chapter:

1. “Animal” means a nonhuman vertebrate. *However, “animal” does not include any of the following:*
  - a. *Livestock, as defined in section 717.1.*
  - b. *Any game, fur-bearing animal, fish, reptile, or amphibian, as defined in section 481A.1, unless a person owns, confines, or controls the game, fur-bearing animal, fish, reptile, or amphibian.*
  - c. *Any nongame species declared to be a nuisance pursuant to section 481A.42.*
2. “Animal care provider” means a person designated by a local authority to provide care to an animal which is rescued by the local authority pursuant to section 717B.5.
3. Unless the context otherwise requires, “book”, “list”, “record”, or “schedule” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.
4. “Dispositional expenses” means expenses incurred by a local authority in rescuing an animal as provided in section 717B.5, maintaining the animal until the conclusion of a dispositional proceeding as provided in section 717B.4, or disposing of the animal as provided in section 717B.4.
5. “Law enforcement officer” means a regularly employed member of a police force of a city or county, including a sheriff, who is responsible for the prevention and detection of crime and the enforcement of the criminal laws of this state.
6. “Local authority” means a city as defined in section 362.2 or a county as provided in chapter 331.
7. “Maintenance” means to provide on-site or off-site care to neglected animals.
8. “Responsible party” means a person who owns or maintains an animal.
9. “Threatened animal” means an animal that is abused as provided in section 717B.2, neglected as provided in section 717B.3, or tortured as provided in section 717B.3A.

### Iowa Code Ann. § 717B.2. Animal abuse.

A person is guilty of animal abuse if the person intentionally injures, maims, disfigures, or destroys an animal owned by another person, in any manner, including intentionally poisoning the animal. A person guilty of animal abuse is guilty of an aggravated misdemeanor. *This section shall not apply to any of the following:*

1. *A person acting with the consent of the person owning the animal, unless the action constitutes animal neglect as provided in section 717B.3.*
2. *A person acting to carry out an order issued by a court.*
3. *A licensed veterinarian practicing veterinary medicine as provided in chapter 169.*
4. *A person acting in order to carry out another provision of law which allows the conduct.*
5. *A person taking, hunting, trapping, or fishing for a wild animal as provided in chapter 481A.*



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6. *A person acting to protect the person's property from a wild animal as defined in section 481A.1.*
7. *A person acting to protect a person from injury or death caused by a wild animal as defined in section 481A.1.*
8. *A person reasonably acting to protect the person's property from damage caused by an unconfined animal.*
9. *A person reasonably acting to protect a person from injury or death caused by an unconfined animal.*
10. *A local authority reasonably acting to destroy an animal, if at the time of the destruction, the owner of the animal is absent or unable to care for the animal, and the animal is permanently distressed by disease or injury to a degree that would result in severe and prolonged suffering.*
11. *A research facility, as defined in section 162.2, provided that the research facility performs functions within the scope of accepted practices and disciplines associated with the research facility.*

### Iowa Code Ann. § 717B.3. Animal neglect.

1. A person who impounds or confines, in any place, an animal is guilty of animal neglect, if the person does any of the following:
  - a. Fails to supply the animal during confinement with a sufficient quantity of food or water.
  - b. Fails to provide a confined dog or cat with adequate shelter.
  - c. Tortures, deprives of necessary sustenance, mutilates, beats, or kills an animal by any means which causes unjustified pain, distress, or suffering.
2. *This section does not apply to a research facility, as defined in section 162.2, provided that the research facility performs functions within the scope of accepted practices and disciplines associated with the research facility.*
3. A person who negligently or intentionally commits the offense of animal neglect is guilty of a simple misdemeanor. A person who intentionally commits the offense of animal neglect which results in serious injury to or the death of an animal is guilty of a serious misdemeanor.

### Iowa Code Ann. § 717B.3A. Animal torture.

1. A person is guilty of animal torture, regardless of whether the person is the owner of the animal, if the person inflicts upon the animal severe physical pain with a depraved or sadistic intent to cause prolonged suffering or death.
2. *This section shall not apply to any of the following:*
  - a. *A person acting to carry out an order issued by a court.*
  - b. *A licensed veterinarian practicing veterinary medicine as provided in chapter 169.*

## ANIMAL PROTECTION LAWS OF IOWA

- c. *A person carrying out a practice that is consistent with animal husbandry practices.*
  - d. *A person acting in order to carry out another provision of law which allows the conduct.*
  - e. *A person taking, hunting, trapping, or fishing for a wild animal as provided in chapter 481A.*
  - f. *A person acting to protect the person's property from a wild animal as defined in section 481A.1.*
  - g. *A person acting to protect a person from injury or death caused by a wild animal as defined in section 481A.1.*
  - h. *A person reasonably acting to protect the person's property from damage caused by an unconfined animal.*
  - i. *A person reasonably acting to protect a person from injury or death caused by an unconfined animal.*
  - j. *A local authority reasonably acting to destroy an animal, if at the time of the destruction, the owner of the animal is absent or unable to care for the animal, and the animal is permanently distressed by disease or injury to a degree that would result in severe and prolonged suffering.*
  - k. *A research facility, as defined in section 162.2, provided that the research facility performs functions within the scope of accepted practices and disciplines associated with the research facility.*
- 3.
- a. The following shall apply to a person who commits animal torture:
    - (1) For the first conviction, the person is guilty of an aggravated misdemeanor. The sentencing order shall provide that the person submit to psychological evaluation and treatment according to terms required by the court. The costs of the evaluation and treatment shall be paid by the person. In addition, the sentencing order shall provide that the person complete a community work requirement, which may include a work requirement performed at an animal shelter or pound, as defined in section 162.2, according to terms required by the court.
    - (2) For a second or subsequent conviction, the person is guilty of a class "D" felony. The sentencing order shall provide that the person submit to psychological evaluation and treatment according to terms required by the court. The costs of the psychological evaluation and treatment shall be paid by the person.
  - b. The juvenile court shall have exclusive original jurisdiction in a proceeding concerning a child who is alleged to have committed animal torture, in the manner provided in section 232.8. The juvenile court shall not waive jurisdiction in a proceeding concerning an offense alleged to have been committed by a child under the age of seventeen.

## ANIMAL PROTECTION LAWS OF IOWA

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

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

### IOWA CODE ANN. § 717D.3. Exceptions.

1. *This chapter does not apply to a function other than a contest event. A contest event does not involve any of the following events:*
  - a. *A race, including but not limited to a race regulated under chapter 99D.*
  - b. *A fair event as defined in section 174.1.*
  - c. *A rodeo or rodeo event.*
  - d. *A 4-H function.*
  - e. *A hunting or fishing party.*
  - f. *A field meet or trial in which the skill of dogs is demonstrated in pointing, retrieving, trailing, or chasing any game bird, game animal, or fur-bearing animal.*
  - g. *The raising or selling of game or fur-bearing animals as provided in chapter 481A.*
2. *This chapter shall not apply to any of the following:*
  - a. *An action to carry out an order issued by a court.*
  - b. *An action by a licensed veterinarian practicing veterinary medicine as provided in chapter 169.*
  - c. *An action that is consistent with animal husbandry practices.*
  - d. *An action allowed in order to carry out another provision of law which allows the action.*

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**ANIMAL PROTECTION LAWS OF IOWA**

- e. *The taking, hunting, trapping, or fishing for a wild animal as provided in chapter 481A.*
- f. *An action to protect the person's property from a wild animal as defined in section 481A.1.*
- g. *An action to protect a person from injury or death caused by a wild animal as defined in section 481A.1.*
- h. *A person reasonably acting to protect the person's property from damage caused by an unconfined animal.*
- i. *A person reasonably acting to protect a person from injury or death caused by an unconfined animal.*
- j. *A local authority reasonably acting to destroy an animal if, at the time of the destruction, the owner of the animal is absent or unable to care for the animal, and the animal is permanently distressed by disease or injury to a degree that would result in severe and prolonged suffering.*
- k. *A research facility, as defined in section 162.2, provided that the research facility performs functions within the scope of accepted practices and disciplines associated with the research facility.*

## ANIMAL PROTECTION LAWS OF IOWA

### 4. FIGHTING AND RACKETEERING

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

#### IOWA CODE ANN. § 717D.1. Definitions.

As used in this chapter:

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

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

A person shall not do any of the following:

1. Own or operate an establishment located in this state in which a contest event occurs or is to occur.
2. Act as a promoter of a contest event, regardless of whether the contest event occurs in this state or another state. For purposes of this subsection, a person who aids, abets, or

## ANIMAL PROTECTION LAWS OF IOWA

*assists in the promotion of a contest event shall be deemed to act as a promoter.*

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

### **IOWA CODE ANN. § 717D.4. Penalties.**

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

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**ANIMAL PROTECTION LAWS OF IOWA****5. SEXUAL ASSAULT****IOWA CODE ANN. § 717C.1. Bestiality.**

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

## ANIMAL PROTECTION LAWS OF IOWA

### 6. MAXIMUM PENALTIES & STATUTES OF LIMITATIONS

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

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

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

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

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

1. *The maximum sentence for any person convicted of a felony shall be that prescribed by statute or, if not prescribed by statute, if other than a class “A” felony shall be determined as follows:*
  - a. A felon sentenced for a first conviction for a violation of section 124.401D, shall be confined for no more than ninety-nine years.
  - b. A class “B” felon shall be confined for no more than twenty-five years.
  - c. An habitual offender shall be confined for no more than fifteen years.
  - d. A class “C” felon, not an habitual offender, shall be confined for no more than ten years, and in addition shall be sentenced to a fine of at least one thousand dollars but not more than ten thousand dollars.
  - e. *A class “D” felon, not an habitual offender, shall be confined for no more than five years, and in addition shall be sentenced to a fine of at least seven hundred fifty dollars but not more than seven thousand five hundred dollars.*
2. The surcharges required by sections 911.1, 911.2, 911.2A, and 911.3 shall be added to a fine imposed on a class “C” or class “D” felon, as provided by those sections, and are not a part of or subject to the maximums set in this section.

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

1. *If a person eighteen years of age or older is convicted of a simple or serious misdemeanor and a specific penalty is not provided for or if a person under eighteen years of age has been waived to adult court pursuant to section 232.45 on a felony charge and is subsequently convicted of a simple, serious, or aggravated misdemeanor, the court shall determine the sentence, and shall fix the period of confinement or the*



## ANIMAL PROTECTION LAWS OF IOWA

*amount of fine, which fine shall not be suspended by the court, within the following limits:*

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

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**ANIMAL PROTECTION LAWS OF IOWA**

**7. CROSS ENFORCEMENT & REPORTING**

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**ANIMAL PROTECTION LAWS OF IOWA**

**8. VETERINARY REPORTING & IMMUNITY**

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## ANIMAL PROTECTION LAWS OF IOWA

### 9. LAW ENFORCEMENT POLICIES

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## ANIMAL PROTECTION LAWS OF IOWA

## 10. SEIZURE

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

1.
  - a. *A law enforcement officer may rescue livestock neglected as provided in section 717.2 on public or private property, as provided in this subsection.*
  - b. *The officer may enter onto property of a person to rescue neglected livestock if the officer obtains a search warrant issued by a court, or enters onto the premises in a manner consistent with the laws of this state and the United States, including Article I, section 8, of the Constitution of the State of Iowa, or the fourth amendment to the Constitution of the United States.*
  - c. *Livestock neglected as provided in section 717.2 may be rescued pursuant to the following conditions:*
    - (1) *If a criminal proceeding has not been commenced against the person owning or caring for the livestock, the following shall apply:*
      - (a) *The local authority shall receive a written statement from a veterinarian licensed pursuant to chapter 169, providing that, in the veterinarian's opinion, the livestock is neglected.*
      - (b) *The local authority shall provide written notice to the person owning or caring for the livestock by delivery at the last known address of the person. The local authority shall deliver the notice by certified mail or make a good faith effort to personally deliver the notice to the person owning or caring for the livestock. The notice shall include all of the following:*
        - (i) *The name and address of the local authority.*
        - (ii) *A description of the livestock subject to rescue.*
        - (iii) *A statement informing the person that the livestock may be rescued pursuant to this chapter within one day following receipt of the notice by the person. The statement must specify a date, time, and a location for delivery of the response designated by the local authority, as provided in this subsection.*
        - (iv) *A statement informing the person that in order to avoid rescue of the livestock, the person must respond to the notice in writing signed by a veterinarian licensed pursuant to chapter 169. The veterinarian must state that, in the opinion of the veterinarian, the livestock is not neglected, or the person is taking immediate measures required to rehabilitate the livestock.*
      - (c) *A law enforcement officer may rescue the livestock, if the local authority fails to receive a written response by the person owning*

## ANIMAL PROTECTION LAWS OF IOWA

*or caring for the livestock by the end of normal office hours of the next day that the local authority is available to receive the response at the offices of the local authority. However, if the local authority is not available to receive a response at its offices, the local authority may designate another location in the county to receive the response.*

- (2) *If a criminal proceeding has been commenced against the person owning or caring for the livestock, the local authority must receive a written statement from a veterinarian licensed pursuant to chapter 169, providing that, in the veterinarian's opinion, the livestock is neglected.*
  - (3) *Regardless of whether a criminal proceeding has commenced, the local authority may immediately rescue livestock without providing notice as otherwise required in this section. However, the local authority must receive a written statement from a veterinarian licensed pursuant to chapter 169, providing that in the veterinarian's opinion, the livestock is neglected. In order to rescue the livestock, the local authority must determine that the livestock has been abandoned or that no person is able or willing to care for the livestock, and the livestock is permanently distressed by disease or injury to a degree that would result in severe and prolonged suffering.*
2. *If livestock is rescued pursuant to this section, the local authority shall post a notice in a conspicuous place at the location where the livestock was rescued. The notice shall state that the livestock has been rescued by the local authority pursuant to this section. The local authority shall provide for the maintenance of the neglected livestock. The local authority may contract with a livestock care provider for the maintenance of the neglected livestock. The local authority shall pay the livestock care provider for the livestock's maintenance regardless of proceeds received from the sale of the livestock or any reimbursement ordered by a court, pursuant to section 717.5.*
  3. *The livestock shall be subject to disposition pursuant to section 717.5.*

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

1. *This section applies only to livestock which are cattle, sheep, swine, or poultry.*
2. *For purposes of this section, "interested person" means all of the following:*
  - a. *An owner of the livestock.*
  - b. *A person caring for the livestock, if different from the owner of the livestock.*
  - c. *A person holding a perfected agricultural lien or security interest in the livestock under chapter 554.*
3. *The department may determine that some or all of the livestock kept by a person are in immediate need of sustenance. Upon making the determination the department may file a petition with a district court in a county where some or all of the livestock are kept requesting the court to issue an order to provide sustenance of the livestock. The petition*

## ANIMAL PROTECTION LAWS OF IOWA

*may be made separately or with a petition filed pursuant to section 717.5. The petition must at least include all of the following:*

- a. *A statement signed by a veterinarian licensed pursuant to chapter 169 stating that the livestock are in immediate need of sustenance.*
  - b. *The address of each location where the livestock are kept.*
  - c. *A brief description of the livestock.*
  - d. *The name and address of each interested person, if known.*
  - e. *The name and address of each qualified person appointed by the department to provide sustenance to the livestock.*
4. *Upon receiving the petition, the court may do any of the following:*
    - a. *Notify any interested person that the petition has been filed with the court. The notification must be made in writing and may be delivered by ordinary, certified, or restricted certified mail by United States postal service; delivered by a common carrier; or transmitted by electronic mail.*
    - b. *Hold a hearing to determine whether the livestock are in immediate need of sustenance.*
  5. *If the court determines that the livestock are in immediate need of sustenance, the court shall issue an order which at least declares all of the following:*
    - a. *That the livestock are in immediate need of sustenance.*
    - b. *That the department shall assume supervision of and provide for the sustenance of the livestock as provided in section 717.4.*
    - c. *That a lien is created attaching to the livestock and associated proceeds and products as provided in section 717.4.*
  6. *The department shall assume supervision of the livestock as provided in the court order. The department may directly provide for the sustenance of the livestock or appoint a qualified person to provide for such sustenance.*

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

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

1. *The rescue must be made by a law enforcement officer having cause to believe that the animal is a threatened animal after consulting with a veterinarian licensed pursuant to chapter 169. The law enforcement officer may rescue the animal by entering on public or private property, as provided in this subsection. The officer may enter onto property of a person to rescue the animal if the officer obtains a search warrant issued by a court, or enters onto the premises in a manner consistent with the laws of this state and the United States, including Article I, section 8, of the Constitution of the State of Iowa, or the fourth amendment to the Constitution of the United States.*
2.
  - a. *If an animal is rescued pursuant to this section, the local authority shall provide for the maintenance of the animal. The local authority may contract with an animal care provider for the maintenance of the animal. The local authority shall*

## ANIMAL PROTECTION LAWS OF IOWA

*provide the responsible party for the animal with notice of the rescue. The notice may be accomplished by doing any of the following:*

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

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

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



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**ANIMAL PROTECTION LAWS OF IOWA**

**11. COURTROOM ANIMAL ADVOCATE PROGRAM**

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## ANIMAL PROTECTION LAWS OF IOWA

### 12. PROTECTION ORDERS

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

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

## ANIMAL PROTECTION LAWS OF IOWA

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

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

## ANIMAL PROTECTION LAWS OF IOWA

### IOWA CODE ANN. § 236.5. Disposition.

1. Upon a finding that the defendant has engaged in domestic abuse:
  - a. The court may order that the plaintiff, the defendant, and the children who are members of the household receive professional counseling, either from a private source approved by the court or from a source appointed by the court. Costs of counseling shall be paid in full or in part by the parties and taxed as court costs. If the court determines that the parties are unable to pay the costs, they may be paid in full or in part from the county treasury.
  - b. The court may grant a protective order or approve a consent agreement which may contain but is not limited to any of the following provisions:
    - (1) That the defendant cease domestic abuse of the plaintiff.
    - (2) That the defendant not knowingly possess, ship, transport, or receive firearms, offensive weapons, and ammunition in violation of section 724.26, subsection 2.
    - (3) That the defendant grant possession of the residence to the plaintiff to the exclusion of the defendant or that the defendant provide suitable alternate housing for the plaintiff.
    - (4) That the defendant stay away from the plaintiff's residence, school, or place of employment.
    - (5) The awarding of temporary custody of or establishing temporary visitation rights with regard to children under eighteen.
      - (a) In awarding temporary custody or temporary visitation rights, the court shall give primary consideration to the safety of the victim and the children.
      - (b) If the court finds that the safety of the victim or the children will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of the victim and the children.
      - (c) The court shall also determine whether any other existing orders awarding custody or visitation rights should be modified.
      - (d) Prior to entry of an order or agreement under this section that involves a child-custody determination as defined in section 598B.102, the parties shall furnish information to the court in compliance with section 598B.209.
    - (6) Unless prohibited pursuant to 28 U.S.C. § 1738B, that the defendant pay the clerk a sum of money for the separate support and maintenance of the plaintiff and children under eighteen.
    - (7) *A grant to the petitioner of the exclusive care, possession, or control of any pets or companion animals owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child of the petitioner or respondent whose welfare may be affected by the controversy. The*

## ANIMAL PROTECTION LAWS OF IOWA

*court may forbid the respondent from approaching, taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the pet or companion animal. This subparagraph shall not apply to livestock as defined in section 717.1, held solely or primarily for commercial purposes.*

2. An order for counseling, a protective order, or approved consent agreement shall be for a fixed period of time not to exceed one year. The court may amend or extend its order or a consent agreement at any time upon a petition filed by either party and after notice and hearing. The court may extend the order if the court, after hearing at which the defendant has the opportunity to be heard, finds that the defendant continues to pose a threat to the safety of the victim, persons residing with the victim, or members of the victim's immediate family. At the time of the extension, the parties need not meet the requirement in section 236.2, subsection 2, paragraph "d", that the parties lived together during the last year if the parties met the requirements of section 236.2, subsection 2, paragraph "d", at the time of the original order. The number of extensions that can be granted by the court is not limited.
3. The order shall state whether a person is to be taken into custody by a peace officer for a violation of the terms stated in the order.
4. The court may order that the defendant pay the plaintiff's attorney fees and court costs.
5. An order or consent agreement under this section shall not affect title to real property.
6. A copy of any order or approved consent agreement shall be issued to the plaintiff, the defendant, the county sheriff of the county in which the order or consent decree is initially entered, and the twenty-four-hour dispatcher for the county sheriff. Any subsequent amendment or revocation of an order or consent agreement shall be forwarded by the clerk to all individuals and the county sheriff previously notified.
7. The clerk shall notify the county sheriff and the twenty-four-hour dispatcher for the county sheriff in writing so that the county sheriff and the county sheriff's dispatcher receive written notice within six hours of filing the order, approved consent agreement, amendment, or revocation. The clerk may fulfill this requirement by sending the notice by facsimile or other electronic transmission which reproduces the notice in writing within six hours of filing the order.
8. The county sheriff's dispatcher shall notify all law enforcement agencies having jurisdiction over the matter and the twenty-four-hour dispatcher for the law enforcement agencies upon notification by the clerk.

**ANIMAL PROTECTION LAWS OF IOWA****13. RESTITUTION****IOWA CODE ANN. § 717.3. Livestock in immediate need of sustenance—court order.**

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

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

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

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

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

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

1. Upon a petition brought by a local authority, a court in the county where an animal is maintained by a responsible party or a local authority shall determine if the animal is a

## ANIMAL PROTECTION LAWS OF IOWA

- threatened animal and order its disposition after a hearing.
- a. The matter shall be heard within ten days from the filing of the petition for disposition by the local authority.
  - b. If the animal has been rescued, the court may order that the animal be placed under the custody of the local authority and maintained in the same manner as a rescued animal under section 717B.5.
  - c. The court may continue the hearing for up to thirty days upon petition by the responsible party. However, the court shall not grant a continuance unless the animal is maintained by the local authority. *The responsible party must post a bond or other security with the local authority as a condition of the continuance. The amount of the bond or other security shall be determined by the court, which shall not be more than the amount sufficient to provide maintenance of the animal for thirty days. The court may grant a subsequent continuance upon petition by the responsible party. The continuance shall be for not more than thirty days. The responsible party must post a new bond or security as a condition of the subsequent continuance in the same manner as the original bond or security or as otherwise ordered by the court.* However, the court shall order the immediate disposition of the animal if the animal is permanently distressed by disease or injury to a degree that would result in severe or prolonged suffering.
2. The hearing to determine if the animal is a threatened animal for purposes of disposition shall be a civil proceeding. If the case is related to a criminal proceeding, the disposition shall not be part of that proceeding and shall not be considered a criminal penalty imposed on a person found in violation of this chapter.
  3. If the court determines that an animal is not a threatened animal, the court shall order that the animal be returned to the custody of the responsible party. If the court determines that an animal is a threatened animal, the court shall order the local authority to dispose of the threatened animal in any manner deemed appropriate for the welfare of the animal. In addition, all of the following apply:
    - a. *The court may order the responsible party to pay an amount which shall not be more than the dispositional expenses incurred by the local authority. The court may also award the local authority court costs, reasonable attorney fees and expenses related to the investigation and prosecution of the case, which shall be taxed as part of the costs of the action.*
    - b. *If a bond or other security was posted as a condition for a continuance of a disposition hearing as provided in this section, the local authority may use the posted amount to offset the local authority's dispositional expenses.*
    - c. *If any moneys are realized from the disposition of a threatened animal, the moneys shall be used to offset the local authority's dispositional expenses before satisfying indebtedness secured by any security interest in or lien on the threatened animal.*
    - d. *If the threatened animal is owned by more than one responsible party, the amount required to offset the local authority's dispositional expenses shall be prorated among the responsible parties based on the percentage of interest*



## ANIMAL PROTECTION LAWS OF IOWA

*owned in the threatened animal attributable to the responsible parties as the threatened animal's titleholders. For purposes of this paragraph, a responsible party who does not own an interest in the threatened animal shall be deemed to be an owner holding a percentage interest in the animal equal to the largest percentage interest held by a landowner who is attributed an interest as the threatened animal's titleholder. If the responsible party is a landowner, the local authority may submit the amount to reimburse the local authority for its dispositional expenses to the clerk of the county board of supervisors who shall report the amount to the county treasurer. If the threatened animal is owned by more than one landowner, the amount shall be prorated among the landowners based on the percentage of interest owned in the threatened animal attributable to each landowner as the animal's titleholders. The amount shall be placed upon the tax books, and collected with interest and penalties after due, in the same manner as other unpaid property taxes. The county shall reimburse a city within thirty days from the collection of the property taxes.*

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

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

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

**ANIMAL PROTECTION LAWS OF IOWA****14. FORFEITURE & POSSESSION BANS****IOWA CODE ANN. § 717B.4. Dispositional proceedings.**

1. *Upon a petition brought by a local authority, a court in the county where an animal is maintained by a responsible party or a local authority shall determine if the animal is a threatened animal and order its disposition after a hearing.*
  - a. *The matter shall be heard within ten days from the filing of the petition for disposition by the local authority.*
  - b. *If the animal has been rescued, the court may order that the animal be placed under the custody of the local authority and maintained in the same manner as a rescued animal under section 717B.5.*
  - c. *The court may continue the hearing for up to thirty days upon petition by the responsible party. However, the court shall not grant a continuance unless the animal is maintained by the local authority. The responsible party must post a bond or other security with the local authority as a condition of the continuance. The amount of the bond or other security shall be determined by the court, which shall not be more than the amount sufficient to provide maintenance of the animal for thirty days. The court may grant a subsequent continuance upon petition by the responsible party. The continuance shall be for not more than thirty days. The responsible party must post a new bond or security as a condition of the subsequent continuance in the same manner as the original bond or security or as otherwise ordered by the court. However, the court shall order the immediate disposition of the animal if the animal is permanently distressed by disease or injury to a degree that would result in severe or prolonged suffering.*
2. *The hearing to determine if the animal is a threatened animal for purposes of disposition shall be a civil proceeding. If the case is related to a criminal proceeding, the disposition shall not be part of that proceeding and shall not be considered a criminal penalty imposed on a person found in violation of this chapter.*
3. *If the court determines that an animal is not a threatened animal, the court shall order that the animal be returned to the custody of the responsible party. If the court determines that an animal is a threatened animal, the court shall order the local authority to dispose of the threatened animal in any manner deemed appropriate for the welfare of the animal. In addition, all of the following apply:*
  - a. *The court may order the responsible party to pay an amount which shall not be more than the dispositional expenses incurred by the local authority. The court may also award the local authority court costs, reasonable attorney fees and expenses related to the investigation and prosecution of the case, which shall be taxed as part of the costs of the action.*
  - b. *If a bond or other security was posted as a condition for a continuance of a disposition hearing as provided in this section, the local authority may use the*

## ANIMAL PROTECTION LAWS OF IOWA

- posted amount to offset the local authority's dispositional expenses.
- c. If any moneys are realized from the disposition of a threatened animal, the moneys shall be used to offset the local authority's dispositional expenses before satisfying indebtedness secured by any security interest in or lien on the threatened animal.
  - d. If the threatened animal is owned by more than one responsible party, the amount required to offset the local authority's dispositional expenses shall be prorated among the responsible parties based on the percentage of interest owned in the threatened animal attributable to the responsible parties as the threatened animal's titleholders. For purposes of this paragraph, a responsible party who does not own an interest in the threatened animal shall be deemed to be an owner holding a percentage interest in the animal equal to the largest percentage interest held by a landowner who is attributed an interest as the threatened animal's titleholder. If the responsible party is a landowner, the local authority may submit the amount to reimburse the local authority for its dispositional expenses to the clerk of the county board of supervisors who shall report the amount to the county treasurer. If the threatened animal is owned by more than one landowner, the amount shall be prorated among the landowners based on the percentage of interest owned in the threatened animal attributable to each landowner as the animal's titleholders. The amount shall be placed upon the tax books, and collected with interest and penalties after due, in the same manner as other unpaid property taxes. The county shall reimburse a city within thirty days from the collection of the property taxes.
4. *A threatened animal that is ordered by a court to be destroyed under this section shall be destroyed only by euthanasia as defined in section 162.2.*

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

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

1. The rescue must be made by a law enforcement officer having cause to believe that the animal is a threatened animal after consulting with a veterinarian licensed pursuant to chapter 169. The law enforcement officer may rescue the animal by entering on public or private property, as provided in this subsection. The officer may enter onto property of a person to rescue the animal if the officer obtains a search warrant issued by a court, or enters onto the premises in a manner consistent with the laws of this state and the United States, including Article I, section 8, of the Constitution of the State of Iowa, or the fourth amendment to the Constitution of the United States.
2.
  - a. If an animal is rescued pursuant to this section, the local authority shall provide for the maintenance of the animal. The local authority may contract with an animal care provider for the maintenance of the animal. The local authority shall provide the responsible party for the animal with notice of the rescue. The

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notice may be accomplished by doing any of the following:

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

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

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

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### 15. COURT-ORDERED TREATMENT

#### IOWA CODE ANN. § 717B.3A. Animal torture.

1. A person is guilty of animal torture, regardless of whether the person is the owner of the animal, if the person inflicts upon the animal severe physical pain with a depraved or sadistic intent to cause prolonged suffering or death.
2. This section shall not apply to any of the following:
  - a. A person acting to carry out an order issued by a court.
  - b. A licensed veterinarian practicing veterinary medicine as provided in chapter 169.
  - c. A person carrying out a practice that is consistent with animal husbandry practices.
  - d. A person acting in order to carry out another provision of law which allows the conduct.
  - e. A person taking, hunting, trapping, or fishing for a wild animal as provided in chapter 481A.
  - f. A person acting to protect the person's property from a wild animal as defined in section 481A.1.
  - g. A person acting to protect a person from injury or death caused by a wild animal as defined in section 481A.1.
  - h. A person reasonably acting to protect the person's property from damage caused by an unconfined animal.
  - i. A person reasonably acting to protect a person from injury or death caused by an unconfined animal.
  - j. A local authority reasonably acting to destroy an animal, if at the time of the destruction, the owner of the animal is absent or unable to care for the animal, and the animal is permanently distressed by disease or injury to a degree that would result in severe and prolonged suffering.
  - k. A research facility, as defined in section 162.2, provided that the research facility performs functions within the scope of accepted practices and disciplines associated with the research facility.
3.
  - a. The following shall apply to a person who commits animal torture:
    - (1) For the first conviction, the person is guilty of an aggravated misdemeanor. *The sentencing order shall provide that the person submit to psychological evaluation and treatment according to terms required by the court. The costs of the evaluation and treatment shall be paid by the person.* In addition, the sentencing order shall provide that the person complete a community work requirement, which may include a work requirement performed at an animal shelter or pound, as defined in section 162.2, according to terms required by the court.

## ANIMAL PROTECTION LAWS OF IOWA

- (2) For a second or subsequent conviction, the person is guilty of a class “D” felony. *The sentencing order shall provide that the person submit to psychological evaluation and treatment according to terms required by the court. The costs of the psychological evaluation and treatment shall be paid by the person.*
- b. The juvenile court shall have exclusive original jurisdiction in a proceeding concerning a child who is alleged to have committed animal torture, in the manner provided in section 232.8. The juvenile court shall not waive jurisdiction in a proceeding concerning an offense alleged to have been committed by a child under the age of seventeen.

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

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

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**16. HOT CARS**

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**17. CIVIL NUISANCE ABATEMENT**

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## ANIMAL PROTECTION LAWS OF IOWA

### 18. AG-GAG LAWS

#### IOWA CODE ANN. § 717A.1. Definitions

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

1. *“Agricultural animal” means any of the following:*
  - a. *An animal that is maintained for its parts or products having commercial value, including but not limited to its muscle tissue, organs, fat, blood, manure, bones, milk, wool, hide, pelt, feathers, eggs, semen, embryos, or honey.*
  - b. *An animal belonging to the equine species, including horse, pony, mule, jenny, donkey, or hinny.*
2. *“Agricultural production” means any activity related to maintaining an agricultural animal at an animal facility or a crop on crop operation property.*
3. *“Agricultural production facility” means an animal facility as defined in subsection 5, paragraph “a”, or a crop operation property.*
4. *“Animal” means a warm-blooded or cold-blooded animal, including but not limited to an animal belonging to the bovine, canine, feline, equine, ovine, or porcine species; farm deer as defined in section 189A.2; ostriches, rheas, or emus; an animal which belongs to a species of poultry or fish; mink or other pelt-bearing mammals; any invertebrate; or honey bees.*
5. *“Animal facility” means any of the following:*
  - a. *A location where an agricultural animal is maintained for agricultural production purposes, including but not limited to a location dedicated to farming as defined in section 9H.1, a livestock market, exhibition, or a vehicle used to transport the animal.*
  - b. *A location where an animal is maintained for educational or scientific purposes, including a research facility as defined in section 162.2, an exhibition, or a vehicle used to transport the animal.*
  - c. *A location operated by a person licensed to practice veterinary medicine pursuant to chapter 169.*
  - d. *A pound as defined in section 162.2.*
  - e. *An animal shelter as defined in section 162.2.*
  - f. *A pet shop as defined in section 162.2.*
  - g. *A boarding kennel as defined in section 162.2.*
  - h. *A commercial kennel as defined in section 162.2.*
6. *“Consent” means express or apparent assent by a person authorized to provide such assent.*
7.
  - a. *“Crop” means any plant maintained for its parts or products having commercial value, including but not limited to stalks, trunks and branches, cuttings, grafts, scions, leaves, buds, fruit, vegetables, roots, bulbs, or seeds, if the plant is any of the following:*

## ANIMAL PROTECTION LAWS OF IOWA

- (1) A plant produced from an agricultural seed or vegetable seed as defined in section 199.1, including any plant producing a commodity listed in section 210.10.
  - (2) A plant which is a tree, shrub, vine, berry plant, greenhouse plant, or flower.
- b. A plant produced from a noxious weed seed as defined in section 199.1 is not a crop unless the plant is produced as a research crop.
8. "Crop operation" means a commercial enterprise where a crop is maintained on the property of the commercial enterprise.
9. "Crop operation property" means any of the following:
  - a. Real property that is a crop field, orchard, nursery, greenhouse, garden, elevator, seedhouse, barn, warehouse, any other associated land or structures located on the land, and personal property located on the land including machinery or equipment, that is part of a crop operation.
  - b. A vehicle used to transport a crop that was maintained on the crop operation property.
10. "Deprive" means to do any of the following:
  - a. For an animal maintained at an animal facility or property belonging to an animal facility, "deprive" means to do any of the following:
    - (1) Withhold the animal or property for a period of time sufficient to significantly reduce the value or enjoyment of the animal or property.
    - (2) Withhold the animal or property for ransom or upon condition to restore the animal or property in return for compensation.
    - (3) Dispose of the animal or property in a manner that makes recovery of the animal or property by its owner unlikely.
  - b. For crops maintained on crop operation property or for crop operation property, "deprive" means to do any of the following:
    - (1) Occupy any part of a crop operation property for a period of time sufficient to prevent access to the crop or crop operation property.
    - (2) Dispose of a crop maintained on the crop operation property or belonging to the crop operation in a manner that makes recovery of the crop or crop operation property by its owner unlikely.
11. "Maintain" means to do any of the following:
  - a. Keep and provide for the care and feeding of any animal, including any activity relating to confining, handling, breeding, transporting, or exhibiting the animal.
  - b. Keep and preserve any crop by planting, nurturing, harvesting, and storing the crop; or storing, planting, or nurturing the crop's seed.
12. "Owner" means any of the following:
  - a. A person, including a public or private entity, who has a legal interest in an animal or property belonging to an animal facility or who is authorized by the holder of the legal interest to act on the holder's behalf in maintaining the animal.
  - b. A person, including a public or private entity, who has a legal interest in a crop or

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crop operation property or who is authorized by the holder of the legal interest to act on the holder's behalf in maintaining the crop.

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

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

1. A person shall not, without the consent of the owner, do any of the following:
  - a. Willfully destroy property of an animal facility, or kill or injure an animal maintained at an animal facility, including by an act of violence or the transmission of a disease including but not limited to any disease designated by the department of agriculture and land stewardship pursuant to section 163.2.
  - b. Exercise control over an animal facility including property of the animal facility, or an animal maintained at an animal facility, with intent to deprive the animal facility of an animal or property.
  - c.
    - (1) *Enter onto or into an animal facility, or remain on or in an animal facility, if the person has notice that the facility is not open to the public, if the person has an intent to do one of the following:*
      - (a) *Disrupt operations conducted at the animal facility, if the operations directly relate to agricultural production, animal maintenance, educational or scientific purposes, or veterinary care.*
      - (b) Kill or injure an animal maintained at the animal facility.
    - (2) A person has notice that an animal facility is not open to the public if the person is provided notice before entering onto or into the facility, or the person refuses to immediately depart from the facility after being informed to leave. The notice may be in the form of a written or verbal communication by the owner, a fence or other enclosure designed to exclude intruders or contain animals, or a sign posted which is reasonably likely to come to the attention of an intruder and which indicates that entry is forbidden.
2. *A person suffering damages resulting from an action which is in violation of subsection 1 may bring an action in the district court against the person causing the damage to recover all of the following:*
  - a. *An amount equaling three times all actual and consequential damages.*
  - b. *Court costs and reasonable attorney fees.*
3. A person violating this section is guilty of the following:
  - a. A person who violates subsection 1, paragraph "a", is guilty of a class "C" felony if the injury to or death of an animal or damage to property exceeds ten

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thousand dollars, a class “D” felony if the injury to or death of an animal or damage to property exceeds one thousand dollars but does not exceed ten thousand dollars, an aggravated misdemeanor if the injury to or death of an animal or damage to property exceeds one hundred dollars but does not exceed one thousand dollars, a serious misdemeanor if the injury to or death of an animal or damage to property exceeds fifty dollars but does not exceed one hundred dollars, or a simple misdemeanor if the injury to or death of an animal or damage to property does not exceed fifty dollars.

- b. A person who violates subsection 1, paragraph “b”, is guilty of a class “D” felony.
  - c. *A person who violates subsection 1, paragraph “c”, is guilty of an aggravated misdemeanor.*
- 4.
- a. This section does not prohibit any conduct of a person holding a legal interest in an animal or property which is superior to the interest held by a person suffering from damages resulting from the conduct.
  - b. This section does not apply to a governmental agency that is taking lawful action against an animal or animal facility.
  - c. This section does not apply to a licensed veterinarian practicing veterinary medicine as provided in chapter 169 and according to customary standards of care.

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

**NOTE:** Held unconstitutional by *Animal Legal Def. Fund v. Reynolds*, 353 F. Supp. 3d 812 (S.D. Iowa 2019)

1. *A person is guilty of agricultural production facility fraud if the person willfully does any of the following:*
  - a. *Obtains access to an agricultural production facility by false pretenses.*
  - b. *Makes a false statement or representation as part of an application or agreement to be employed at an agricultural production facility, if the person knows the statement to be false, and makes the statement with an intent to commit an act not authorized by the owner of the agricultural production facility, knowing that the act is not authorized.*
2. *A person who commits agricultural production facility fraud under subsection 1 is guilty of the following:*
  - a. *For the first conviction, a serious misdemeanor.*
  - b. *For a second or subsequent conviction, an aggravated misdemeanor.*
3.
  - a. *A person who conspires to commit agricultural production facility fraud under subsection 1 is subject to the provisions of chapter 706. A person who aids and abets in the commission of agricultural production facility fraud under subsection 1 is subject to the provisions of chapter 703. When two or more persons, acting in*

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*concert, knowingly participate in committing agricultural production facility fraud under subsection 1, each person is responsible for the acts of the other person as provided in section 703.2. A person who has knowledge that agricultural production facility fraud under subsection 1 has been committed and that a certain person committed it, and who does not stand in the relation of husband or wife to the person committing the agricultural production facility fraud under subsection 1, and who harbors, aids, or conceals the person committing the agricultural production facility fraud under subsection 1, with the intent to prevent the apprehension of the person committing the agricultural production facility fraud under subsection 1, is subject to section 703.3.*

- b. *A trial information or an indictment relating to agricultural production facility fraud under subsection 1 need not contain allegations of vicarious liability as provided in chapter 703.*

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### 19. BREED SPECIFIC LEGISLATION

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