

**Statutory Excerpts from Iowa and Texas:
Contrast Treatment of “Animals” and “Livestock”**

IOWA

Chapter 717B: Injury to Animals Other than Livestock

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.

Iowa Code Ann. § 717B.1 (West)

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.3 (West)

Chapter 717: Injury to Livestock

717.1. Definitions

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

* * * * *

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.

* * * * *

8. "Sustenance" means food, water, or a nutritional formulation customarily used in the production of livestock.

Iowa Code Ann. § 717.1 (West)

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.

TEXAS

Texas Penal Code § 42.092. Cruelty to Nonlivestock Animals

(a) In this section:

(1) "Abandon" includes abandoning an animal in the person's custody without making reasonable arrangements for assumption of custody by another person.

(2) "**Animal**" means a domesticated living creature, including any stray or feral cat or dog, and a wild living creature previously captured. **The term does not include an uncaptured wild living creature or a livestock animal.**

(3) "Cruel manner" includes a manner that causes or permits unjustified or unwarranted pain or suffering.

(4) "Custody" includes responsibility for the health, safety, and welfare of an animal subject to the person's care and control, regardless of ownership of the animal.

(5) "Depredation" has the meaning assigned by Section 71.001, Parks and Wildlife Code.

(6) "Livestock animal" has the meaning assigned by Section 42.09.

(7) "Necessary food, water, care, or shelter" includes food, water, care, or shelter provided to the extent required to maintain the animal in a state of good health.

(8) "Torture" includes any act that causes unjustifiable pain or suffering.

(b) A person commits an offense if the person intentionally, knowingly, or recklessly:

(1) tortures an animal or in a cruel manner kills or causes serious bodily injury to an animal;

(2) without the owner's effective consent, kills, administers poison to, or causes serious bodily injury to an animal;

(3) fails unreasonably to provide necessary food, water, care, or shelter for an animal in the person's custody;

(4) abandons unreasonably an animal in the person's custody;

(5) transports or confines an animal in a cruel manner;

(6) without the owner's effective consent, causes bodily injury to an animal;

(7) causes one animal to fight with another animal, if either animal is not a dog;

(8) uses a live animal as a lure in dog race training or in dog coursing on a racetrack; or

(9) seriously overworks an animal.

(c) An offense under Subsection (b)(3), (4), (5), (6), or (9) is a Class A misdemeanor, except that the offense is a state jail felony if the person has previously been convicted two times under this section, two times under Section 42.09, or one time under this section and one time under Section 42.09.

(c-1) An offense under Subsection (b)(1) or (2) is a felony of the third degree, except that the offense is a felony of the second degree if the person has previously been convicted under Subsection (b)(1), (2), (7), or (8) or under Section 42.09.

(c-2) An offense under Subsection (b)(7) or (8) is a state jail felony, except that the offense is a felony of the third degree if the person has previously been convicted under this section or under Section 42.09.

* * * * *

(f) It is an exception to the application of this section that the conduct engaged in by the actor is a generally accepted and otherwise lawful:

(1) form of conduct occurring solely for the purpose of or in support of:

(A) fishing, hunting, or trapping; or

(B) wildlife management, wildlife or depredation control, or shooting preserve practices as regulated by state and federal law; or

(2) animal husbandry or agriculture practice involving livestock animals.

Tex. Penal Code Ann. § 42.092 (West)

Texas Penal Code § 42.09. Cruelty to Livestock Animals

- (a) A person commits an offense if the person intentionally or knowingly:
- (1) tortures a livestock animal;
 - (2) fails unreasonably to provide necessary food, water, or care for a livestock animal in the person's custody;
 - (3) abandons unreasonably a livestock animal in the person's custody;
 - (4) transports or confines a livestock animal in a cruel and unusual manner;
 - (5) administers poison to a livestock animal, other than cattle, horses, sheep, swine, or goats, belonging to another without legal authority or the owner's effective consent;
 - (6) causes one livestock animal to fight with another livestock animal or with an animal as defined by Section 42.092;
 - (7) uses a live livestock animal as a lure in dog race training or in dog coursing on a racetrack;
 - (8) trips a horse; or
 - (9) seriously overworks a livestock animal.
- (b) In this section:
- (1) "Abandon" includes abandoning a livestock animal in the person's custody without making reasonable arrangements for assumption of custody by another person.
 - (2) "Cruel manner" includes a manner that causes or permits unjustified or unwarranted pain or suffering.
 - (3) "Custody" includes responsibility for the health, safety, and welfare of a livestock animal subject to the person's care and control, regardless of ownership of the livestock animal.
 - (4) "Depredation" has the meaning assigned by Section 71.001, Parks and Wildlife Code.
 - (5) **"Livestock animal" means:**
 - (A) cattle, sheep, swine, goats, ratites, or poultry commonly raised for human consumption;
 - (B) a horse, pony, mule, donkey, or hinny;
 - (C) native or nonnative hoofstock raised under agriculture practices; or
 - (D) native or nonnative fowl commonly raised under agricultural practices.
 - (6) "Necessary food, water, or care" includes food, water, or care provided to the extent required to maintain the livestock animal in a state of good health.
 - (7) "Torture" includes any act that causes unjustifiable pain or suffering.
 - (8) "Trip" means to use an object to cause a horse to fall or lose its balance.
- (c) An offense under Subsection (a)(2), (3), (4), or (9) is a Class A misdemeanor, except that the offense is a state jail felony if the person has previously been convicted two times under this section, two times under Section 42.092, or one time under this section and one time under Section 42.092. An offense under Subsection (a)(1), (5), (6), (7), or (8) is a state jail felony, except that the offense is a felony of the third degree if the person has previously been convicted two times under this section, two times under Section 42.092, or one time under this section and one time under Section 42.092.
- (d) It is a defense to prosecution under Subsection (a)(8) that the actor tripped the horse for the purpose of identifying the ownership of the horse or giving veterinary care to the horse.

(e) It is a defense to prosecution for an offense under this section that the actor was engaged in bona fide experimentation for scientific research.

(f) It is an exception to the application of this section that the conduct engaged in by the actor is a generally accepted and otherwise lawful:

(1) form of conduct occurring solely for the purpose of or in support of:

(A) fishing, hunting, or trapping; or

(B) wildlife management, wildlife or depredation control, or shooting preserve practices as regulated by state and federal law; or

(2) animal husbandry or agriculture practice involving livestock animals.

(g) This section does not create a civil cause of action for damages or enforcement of this section.

Tex. Penal Code Ann. § 42.09 (West)