ANIMAL LEGAL DEFENSE FUND EST 1979

Compendium of U.S. Animal Protection Laws

Arizona



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

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

Arizona Laws

SUBSTANTIVE PROHIBITIONS AND EXEMPTIONS

1. Definition of "Animal"	"[M]ammal, bird, reptile or amphibian" ARIZ. REV. STAT. § 13-2910(H)(1) [For bestiality statute] "any nonhuman mammal, bird, reptile or amphibian, either dead or alive. ARIZ. REV. STAT. § 13-1411(E)
2. General Cruelty	General cruelty, neglect, abandonment ARIZ. REV. STAT. § 13-2910(A)(1)-(7),(12) *Class 1 misdemeanor* Aggravated cruelty ARIZ. REV. STAT. § 13-2910(A)(8)-(11),(13) *Class 6 felony* Knowingly cruelly treat or kill a domestic animal ARIZ. REV. STAT. § 13-2910(A)(14),(15) *Class 5 felony* Intentionally, knowingly, or recklessly leaving an animal unattended in a motor vehicle knowing death or injury is likely to result ARIZ. REV. STAT. § 13-2910(A)(7), (D) *Class 1 misdemeanor* **Exceptions:** Defense of livestock, lawful taking of wildlife, accepted farm animal husbandry practices, slaughter, pest control ARIZ. REV. STAT. § 13-2910(B,C) Training/exhibition of animals for hunting, farming, rodeo, etc. ARIZ. REV. STAT. § 13-2910.05 **Defenses:** Lawful hunting, rodeo, etc. ARIZ. REV. STAT. § 13-2910.06
3. Animal Fighting	Theft of an animal for fighting purposes ARIZ. REV. STAT. § 13-1802(G)

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	Class 6 felony Various animal fighting and cockfighting activities ARIZ. REV. STAT. §§ 13-2910.01; 2910.03 *Class 5 felony* Being a spectator at an animal fight or being present at any place where an animal fight is being prepared ARIZ. REV. STAT. § 13-2910.02 *Class 6 felony* Being a spectator at a cockfight or being present at any place where a cockfight is being prepared ARIZ. REV. STAT. § 13-2910.04 *Class 1 misdemeanor* Possession, manufacture, or sale of animal-fighting paraphernalia ARIZ. REV. STAT. § 13-2910.10 *Class 1 misdemeanor* Presence of minor at animal fight or cockfight; classification ARIZ. REV. STAT. § 13-2910.12 *Class 1 misdemeanor* **Defenses:** Lawful hunting, rodeo, etc. ARIZ. REV. STAT. § 13-2910.06
4. Sexual Assault	Definitions ARIZ. REV. STAT. § 13-1401 A public act involving the sexual assault of an animal ARIZ. REV. STAT. § 13-1403 *Class 1 misdemeanor* *If minor under 15 is present: Class 5 felony* Sexual assault ARIZ. REV. STAT. § 13-1411 *Class 6 felony* *If minor under 15 is forced to sexually assault an animal: Class 3 felony* **Exemptions:**

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ANIMAL PROTECTION LAWS OF ARIZONA

	Veterinary practice, accepted farm animal husbandry practices, other ARIZ. REV. STAT. § 13-1411
5. Cruelty to Working Animals	Knowingly harass a law enforcement animal ARIZ. REV. STAT. § 13-2910(A)(16) *Class 1 misdemeanor* Intentionally killing or disabling working or service animal ARIZ. REV. STAT. § 13-2910(E) *Class 6 felony*
6. Laws Specific to Farmed Animals	Unlawful killing of livestock ARIZ. REV. STAT. § 3-1307 *Class 5 felony* Violating special provisions regulating the confinement of calves raised for veal and pregnant pigs ARIZ. REV. STAT. § 13-2910.07 *Class 1 misdemeanor* Horse tripping ARIZ. REV. STAT. § 13-2910.09 *Class 1 misdemeanor* *Mandatory minimums defined in statute*
7. Cruel Hunting, Trapping, and Fishing	Leghold and body gripping traps prohibited ARIZ. REV. STAT. § 17-301 *Class 2 misdemeanor* ARIZ. REV. STAT. § 17-309 Trapping bears and mountain lions, prohibitions ARIZ. REV. STAT. § 17-302 *Class 2 misdemeanor* ARIZ. REV. STAT. § 17-309 Taking big game with dogs, taking wildlife through unlawful methods ARIZ. REV. STAT. § 17-309 *Class 2 misdemeanor* Killing or wounding a jaguar ARIZ. REV. STAT. § 17-320 *Class 1 misdemeanor*

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	Traps to be checked daily ARIZ. REV. STAT. § 17-361 *Class 2 misdemeanor* ARIZ. REV. STAT. § 17-309
REPORTING LAWS	
8. Cross Reporting	[None]
9. Veterinary Reporting	Veterinarians shall report in writing, within forty-eight hours of treatment or examination, any suspected dog fighting or animal abuse to a local law enforcement agency; and in cases of suspected abuse of livestock, to the department of agriculture. Veterinarians are immune from civil liability for reports filed in good faith. ARIZ. REV. STAT. § 32-2239
10. "Ag-Gag" Laws	[None]
CIVIL AND CIVILIAN INTERVENTION	
11. Emergency Rescue and Relief	Civil immunity for removing a domestic animal from a vehicle ARIZ. REV. STAT. §12-558.02
12. Civil Enforcement	A commercial building where criminal activity regularly occurs is an abatable nuisance. ARIZ. REV. STAT. § 12-998
13. Domestic Violence and Protection Orders	Court may grant plaintiff exclusive care/custody/ control of an animal, and order the defendant to stay away from the animal and prohibit taking, transferring, encumbering, concealing, committing an act of cruelty or neglect or otherwise disposing of the animal. ARIZ. REV. STAT. § 13-3602
CRIMINAL JUSTICE INTERVENTION	
14. Maximum Penalties and Statute of Limitations	Aggravating and mitigating factors for sentencing ARIZ. REV. STAT. § 13-701 Class 1 misdemeanor 6 months imprisonment *and/or* $2,500 fine ARIZ. REV. STAT. § 13-707(A)(1) ARIZ. REV. STAT. § 13-802(A)

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	Class 6 felony 2 years imprisonment *and/or* $150,000 fine ARIZ. REV. STAT. § 13-702(D) ARIZ. REV. STAT. § 13-801(A) Class 5 felony 3 years imprisonment *and/or* $150,000 fine ARIZ. REV. STAT. § 13-702(D) ARIZ. REV. STAT. § 13-801(A) Class 3 felony 7 years imprisonment *and/or* $150,000 fine ARIZ. REV. STAT. § 13-702(D) ARIZ. REV. STAT. § 13-801(A) Repeat offenders may face additional penalties based on the history of offenses. ARIZ. REV. STAT. § 13-703 Statute of Limitations *Misdemeanor: 1 year* Ariz. Rev. Stat. § 13-107(B)(2) *Class 2-6 felony: 7 years* Ariz. Rev. Stat. § 13-107(B)(1)
15. Law Enforcement Policies	Animal control officers appointment, authority, powers and duties ARIZ. REV. STAT. § 9-499.04
16. Seizure	Special provisions for seizure of horses ARIZ. REV. STAT. § 3-1721 Law enforcement officers may use reasonable to remove an animal from a vehicle if injury or death is likely to result to the animal ARIZ. REV. STAT. § 13-2910(A)(7), (D) A peace officer, county enforcement agent or animal control officer who lawfully seizes an animal shall give notice of the seizure. ARIZ. REV. STAT. § 13-4281(A)
17. Courtroom Animal Advocate	[None]

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ANIMAL PROTECTION LAWS OF ARIZONA

Program	
18. Restitution	Upon conviction, owner is liable for the expenses incurred in rescuing the owner's cruelly treated or neglected animals. ARIZ. REV. STAT. § 12-1011 Upon conviction for bestiality, court may order defendant to reimburse animal shelter for reasonable costs of care ARIZ. REV. STAT. § 13-1411 An owner is responsible for the cost of care for an animal that was properly seized and the owner is required to post a bond to defray the cost of care. ARIZ. REV. STAT. § 13-4281(A)(5)
19. Forfeiture and Possession Bans	A judicial officer shall impose a possession ban as a condition of release ARIZ. REV. STAT. § 13-2910(G) A person convicted of animal fighting, bestiality, recklessly subjecting an animal to torture, or intentionally/knowingly subjecting an animal to other, enumerated animal abuse and neglect offenses, may not own/posses/reside with a dog or cat for at least 5 years following a misdemeanor conviction, 10 years following a felony conviction or second misdemeanor conviction, or a lifetime following a second felony conviction. This prohibition may be lifted or shortened under certain exceptions and processes. ARIZ. REV. STAT. § 13-2910.11 The court may terminate the rights of the seized animal's owner upon a finding of cruel mistreatment, cruel neglect or abandonment. ARIZ. REV. STAT. § 13-4281(B) If the owner of a seized animal fails to post bond, or to request or attend a hearing, the owner forfeits the animal to the seizing agency. ARIZ. REV. STAT. § 13-4281(C)
20. Rehabilitative Sentencing	Court may order psychological counseling upon bestiality conviction ARIZ. REV. STAT. § 13-1411 A convicted person petitioning to reduce a possession ban must first undergo a psychological or psychiatric evaluation and, if necessary, counselling. ARIZ. REV. STAT. § 13-2910.11(D)

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1. DEFINITION OF "ANIMAL"

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

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

B. It is a defense to subsection A of this section if:
   1. Any person exposes poison to be taken by a dog that has killed or wounded livestock or poison to be taken by predatory animals on premises owned, leased or controlled by the person for the purpose of protecting the person or the person's livestock or poultry, the treated property is kept posted by the person who authorized or performed the treatment until the poison has been removed and the poison is removed by the person exposing the poison after the threat to the person or the person's livestock or poultry has ceased to exist. The posting required shall provide adequate warning to persons who enter the property by the point or points of normal

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entry. The warning notice that is posted shall be readable at a distance of fifty feet, shall contain a poison statement and symbol and shall state the word “danger” or “warning”.

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

C. This section does not prohibit or restrict:
   1. The taking of wildlife or other activities permitted by or pursuant to title 17.
   2. Activities permitted by or pursuant to title 3.
   3. Activities regulated by the Arizona game and fish department or the Arizona department of agriculture.

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

E. A person who is convicted of a violation of subsection A, paragraph 6 or 10 of this section is liable as follows:
   1. If the working or service animal was killed or disabled, to the owner or agency that owns the working or service animal and that employs the handler or to the owner or handler for the replacement and training costs of the working or service animal and for any veterinary bills.
   2. To the owner or agency that owns a working or service animal for the salary of the handler for the period of time that the handler's services are lost to the owner or agency.
   3. To the owner for the owner's contractual losses with the agency.

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

G. If a judicial officer orders the release of a person who is currently serving a term of probation for a violation of this section and who is charged with a new violation of this section on the person's own recognizance or on the execution of bail, the judicial officer shall impose a condition of release that prohibits the person from possessing or having contact with any animal.

H. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, 6, 7, 12 or 16 of this section is guilty of a class 1 misdemeanor. A person who violates subsection A, paragraph 8, 9, 10, 11 or 13 of this section is guilty of a class 6 felony. A person who violates subsection A, paragraph 14 or 15 of this section is guilty of a class 5 felony.

I. *For the purposes of this section*:
   1. *“Animal” means a mammal, bird, reptile or amphibian.*
   2. “Cruel mistreatment” means to torture or otherwise inflict unnecessary serious physical injury on an animal or to kill an animal in a manner that causes protracted suffering to the animal.
   3. “Cruel neglect” means to fail to provide an animal with necessary food, water or shelter.
   4. “Domestic animal” means a mammal, not regulated by title 3, that is kept primarily as a pet or companion or that is bred to be a pet or companion.

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5. "Handler" means a law enforcement officer or any other person who has successfully completed a course of training prescribed by the person's agency or the service animal owner and who used a specially trained animal under the direction of the person's agency or the service animal owner.
6. "Harass" means to engage in conduct that a reasonable person would expect to impede or interfere with a working animal's performance of its duties.
7. *"Service animal" means an animal that has completed a formal training program, that assists its owner in one or more daily living tasks that are associated with a productive lifestyle and that is trained to not pose a danger to the health and safety of the general public.*
8. *"Working animal" means a horse or dog that is used by a law enforcement agency, that is specially trained for law enforcement work and that is under the control of a handler.*

ARIZ. REV. STAT. § 13-1411. Bestiality; classification; definition

A. A person commits bestiality by knowingly doing either of the following:
   1. Engaging in oral sexual contact, sexual contact or sexual intercourse with an animal.
   2. Causing another person to engage in oral sexual contact, sexual contact or sexual intercourse with an animal.

B. In addition to any other penalty imposed for a violation of subsection A of this section, the court may order that the convicted person do any of the following:
   1. Undergo a psychological assessment and participate in appropriate counseling at the convicted person's own expense.
   2. Reimburse an animal shelter as defined in § 11-1022 for any reasonable costs incurred for the care and maintenance of any animal that was taken to the animal shelter as a result of conduct proscribed by subsection A of this section.

C. This section does not apply to:
   1. Accepted veterinary medical practices performed by a licensed veterinarian or veterinary technician.
   2. Insemination of animals by the same species, bred for commercial purposes.
   3. Accepted animal husbandry practices that provide necessary care for animals bred for commercial purposes.

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

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

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2. GENERAL CRUELTY

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

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

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

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

C. This section does not prohibit or restrict:

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

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

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

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

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

G. If a judicial officer orders the release of a person who is currently serving a term of probation for a violation of this section and who is charged with a new violation of this section on the person's own recognizance or on the execution of bail, the judicial officer shall impose a condition of release that prohibits the person from possessing or having contact with any animal.

H. *A person who violates subsection A, paragraph 1, 2, 3, 4, 5, 6, 7, 12 or 16 of this section is guilty of a class 1 misdemeanor. A person who violates subsection A, paragraph 8, 9, 10, 11 or 13 of this section is guilty of a class 6 felony. A person who violates subsection A, paragraph 14 or 15 of this section is guilty of a class 5 felony.*

I. For the purposes of this section:

1. "Animal" means a mammal, bird, reptile or amphibian.

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2. *"Cruel mistreatment" means to torture or otherwise inflict unnecessary serious physical injury on an animal or to kill an animal in a manner that causes protracted suffering to the animal.*
3. *"Cruel neglect" means to fail to provide an animal with necessary food, water or shelter.*
4. "Domestic animal" means a mammal, not regulated by title 3, that is kept primarily as a pet or companion or that is bred to be a pet or companion.
5. "Handler" means a law enforcement officer or any other person who has successfully completed a course of training prescribed by the person's agency or the service animal owner and who used a specially trained animal under the direction of the person's agency or the service animal owner.
6. "Harass" means to engage in conduct that a reasonable person would expect to impede or interfere with a working animal's performance of its duties.
7. "Service animal" means an animal that has completed a formal training program, that assists its owner in one or more daily living tasks that are associated with a productive lifestyle and that is trained to not pose a danger to the health and safety of the general public.
8. "Working animal" means a horse or dog that is used by a law enforcement agency, that is specially trained for law enforcement work and that is under the control of a handler.

ARIZ. REV. STAT. § 13-2910.05. Exempt activities.

Activity involving the possession, training, exhibition or use of an animal in the otherwise lawful pursuits of hunting, ranching, farming, rodeos, shows and security services shall be exempt from the provisions of §§ 13-2910.01, 13- 2910.02, 13-2910.03 and 13-2910.04 and 13.2910.10.

ARIZ. REV. STAT. § 13-2910.06. Defense to cruelty to animals and bird fighting

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

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3. ANIMAL FIGHTING

ARIZ. REV. STAT. § 13-1802. Theft of an animal for fighting purposes.

NOTE: Unrelated statutory text has been omitted.

* * * * *

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

ARIZ. REV. STAT. § 13-2910.01. Animal fighting; classification.

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

B. *This section does not:*
   1. *Prohibit or restrict activities permitted by or pursuant to Title 3.*
   2. *Apply to animals that are trained to protect livestock from predation and that engage in actions to protect livestock.*

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

ARIZ. REV. STAT. § 13-2910.02. Presence at animal fight; classification.

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

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ARIZ. REV. STAT. § 13-2910.03. Cockfighting; classification.

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

B. Cockfighting is a class 5 felony.

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

ARIZ. REV. STAT. § 13-2910.04. Presence at cockfight; classification.

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

ARIZ. REV. STAT. § 13-2910.06. Defense to cruelty to animals and bird fighting

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

ARIZ. REV. STAT. § 13-2910.10. Ownership, possession, purchase, sale, transfer or manufacture of animal fighting paraphernalia; classification; definition

A. It is unlawful for a person to knowingly own, possess, purchase, sell, transfer or manufacture animal fighting paraphernalia for the purpose of engaging in, promoting or facilitating animal fighting pursuant to § 13-2910.01 or cockfighting pursuant to § 13-2910.03.

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

C. For the purposes of this section, "animal fighting paraphernalia":

1. Means equipment, products, implements or materials of any kind that are used, intended for use or designed solely for use in animal fighting or cockfighting or training, preparing, conditioning or furthering animal fighting or cockfighting.

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2. Includes breaking sticks, cat mills, treadmills, fighting pits, springpoles, gaffs, slashers and heels and other sharp implements that are designed to be attached in place of the natural spur of a cock or game fowl.

ARIZ. REV. STAT. § 13-2910.12. Presence of minor at animal fight or cockfight; classification

A. *A person who knowingly causes, allows or assists a minor to attend an animal fight or cockfight or to be present at any place or building where preparations are being made for an exhibition of animal fighting or cockfighting in violation of § 13-2910.01, 13-2910.02, 13-2910.03 or 13-2910.04 is guilty of a class 1 misdemeanor.*

B. This section does not preclude the prosecution of the person for any offense based on any act not covered by this section.

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4. SEXUAL ASSAULT

ARIZ. REV. STAT. § 13-1401. Definitions; factors.

A. In this chapter, unless the context otherwise requires:

1. "Oral sexual contact" means oral contact with the penis, vulva or anus.
2. "Position of trust" means a person who is or was any of the following:
   (a) The minor's parent, stepparent, grandparent, adoptive parent, legal guardian, aunt, uncle or foster parent.
   (b) The minor's teacher or any school employee or volunteer at the minor's school who is eighteen years of age or older.
   (c) The minor's coach or instructor, whether the coach or instructor is an employee or volunteer.
   (d) The minor's clergyman or priest or any person who is at least eighteen years of age and who worked or volunteered for a religious organization that hosted events or activities where the minor was in attendance
   (e) .Engaged in a sexual or romantic relationship with the minor's parent, grandparent, aunt, uncle, adoptive parent, legal guardian, foster parent, stepparent, stepgrandparent or sibling.
   (f) Related to the minor by blood or marriage within the third degree and is at least ten years older than the minor.
   (g) The minor's employer.
   (h) An employee of a group home or residential treatment facility where the minor resides or has previously resided. For the purpose of this subdivision, "group home" means a child welfare agency that receives for care and maintenance a child who has been adjudicated dependent or a community residential setting as defined in section 36–551
3. *"Sexual contact":*
   (a) Means any direct or indirect touching, fondling or manipulating of any part of the genitals, anus or female breast by any part of the body or by any object or causing a person to engage in such contact.
   (b) Does not include direct or indirect touching or manipulating during caretaking responsibilities, or interactions with a minor or vulnerable adult that an objective, reasonable person would recognize as normal and reasonable under the circumstances.
4. *"Sexual intercourse" means penetration into the penis, vulva or anus by any part of the body or by any object or masturbatory contact with the penis or vulva.*
5. "Spouse" means a person who is legally married and cohabiting.
6. "Teacher" means a certificated teacher as defined in § 15-501 or any other person who provides instruction to pupils in any school district, charter school or accommodation school, the Arizona state schools for the deaf and the blind or a private school in this state.
7. "Without consent" includes any of the following:

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(a) The victim is coerced by the immediate use or threatened use of force against a person or property.
(b) The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant. For the purposes of this subdivision, "mental defect" means the victim is unable to comprehend the distinctively sexual nature of the conduct or is incapable of understanding or exercising the right to refuse to engage in the conduct with another.
(c) The victim is intentionally deceived as to the nature of the act.
(d) The victim is intentionally deceived to erroneously believe that the person is the victim's spouse.

B. The following factors may be considered in determining whether a relationship is currently or was previously a sexual or romantic relationship pursuant to subsection A, paragraph 2, subdivision (e) of this section:
1. The type of relationship.
2. The length of the relationship.
3. The frequency of the interaction between the two persons.
4. If the relationship has terminated, the length of time since the termination.

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

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

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

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

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

Mitigated	*Minimum*	*Presumptive*	*Maximum*	*Aggravated*
6 years	*8 years*	*10 years*	*12 years*	*15 years*

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

ARIZ. REV. STAT. § 13-1411. Bestiality; classification; definition

A. *A person commits bestiality by knowingly doing either of the following:*
   1. *Engaging in oral sexual contact, sexual contact or sexual intercourse with an animal.*
   2. *Causing another person to engage in oral sexual contact, sexual contact or sexual intercourse with an animal.*

B. In addition to any other penalty imposed for a violation of subsection A of this section, the court may order that the convicted person do any of the following:
   1. Undergo a psychological assessment and participate in appropriate counseling at the convicted person's own expense.
   2. Reimburse an animal shelter as defined in § 11-1022 for any reasonable costs incurred for the care and maintenance of any animal that was taken to the animal shelter as a result of conduct proscribed by subsection A of this section.

C. This section does not apply to:
   1. Accepted veterinary medical practices performed by a licensed veterinarian or veterinary technician.
   2. Insemination of animals by the same species, bred for commercial purposes.
   3. Accepted animal husbandry practices that provide necessary care for animals bred for commercial purposes.

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

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

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5. CRUELTY TO WORKING ANIMALS

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

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

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

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

C. This section does not prohibit or restrict:
1. The taking of wildlife or other activities permitted by or pursuant to title 17.
2. Activities permitted by or pursuant to title 3.
3. Activities regulated by the Arizona game and fish department or the Arizona department of agriculture.

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

E. A person who is convicted of a violation of subsection A, paragraph 6 or 10 of this section is liable as follows:
1. If the working or service animal was killed or disabled, to the owner or agency that owns the working or service animal and that employs the handler or to the owner or handler for the replacement and training costs of the working or service animal and for any veterinary bills.
2. To the owner or agency that owns a working or service animal for the salary of the handler for the period of time that the handler's services are lost to the owner or agency.
3. To the owner for the owner's contractual losses with the agency.

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

G. If a judicial officer orders the release of a person who is currently serving a term of probation for a violation of this section and who is charged with a new violation of this section on the person's own recognizance or on the execution of bail, the judicial officer shall impose a condition of release that prohibits the person from possessing or having contact with any animal.

H. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, 6, 7, 12 or 16 of this section is guilty of a class 1 misdemeanor. A person who violates subsection A, paragraph 8, 9, 10, 11 or 13 of this section is guilty of a class 6 felony. A person who violates subsection A, paragraph 14 or 15 of this section is guilty of a class 5 felony.

I. For the purposes of this section:
1. "Animal" means a mammal, bird, reptile or amphibian.

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2. "Cruel mistreatment" means to torture or otherwise inflict unnecessary serious physical injury on an animal or to kill an animal in a manner that causes protracted suffering to the animal.
3. "Cruel neglect" means to fail to provide an animal with necessary food, water or shelter.
4. "Domestic animal" means a mammal, not regulated by title 3, that is kept primarily as a pet or companion or that is bred to be a pet or companion.
5. "Handler" means a law enforcement officer or any other person who has successfully completed a course of training prescribed by the person's agency or the service animal owner and who used a specially trained animal under the direction of the person's agency or the service animal owner.
6. "Harass" means to engage in conduct that a reasonable person would expect to impede or interfere with a working animal's performance of its duties.
7. *"Service animal" means an animal that has completed a formal training program, that assists its owner in one or more daily living tasks that are associated with a productive lifestyle and that is trained to not pose a danger to the health and safety of the general public.*
8. *"Working animal" means a horse or dog that is used by a law enforcement agency, that is specially trained for law enforcement work and that is under the control of a handler.*

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6. LAWS SPECIFIC TO FARMED ANIMALS

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

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

A. *A person who knowingly kills or sells livestock of another, the ownership of which is known or unknown, or who knowingly purchases livestock of another, the ownership of which is known or unknown, from a person not having the lawful right to sell or dispose of such animals, is guilty of a class 5 felony.*
B. A person who knowingly attempts to take or does take all or any part of a carcass of any such animal, pursuant to subsection A, for such person's own use, the use of others or for sale is guilty of a class 5 felony.
C. In addition to any other penalty imposed by this section, a person depriving the owner of the use of his animal or animals under subsection A or B of this section shall be liable to the owner for damages equal to three times the value of such animal or animals.
D. This section shall not apply to taking up animals under the estray laws.

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

A. *Notwithstanding any other provision of title 3 or title 13, a person shall not tether or confine any pig during pregnancy or any calf raised for veal, on a farm, for all or the majority of any day, in a manner that prevents such animal from:*
    1. *Lying down and fully extending his or her limbs; or*
    2. *Turning around freely.*
B. This section shall not apply to:
    1. Pigs or calves during transportation.
    2. Pigs or calves in rodeo exhibitions, state or county fair exhibitions, or other similar exhibitions.
    3. The killing of pigs or calves according to the provisions of chapter 13, title 3[3] and other applicable law and regulations.
    4. Pigs or calves involved in lawful scientific or agricultural research.
    5. Pigs or calves while undergoing an examination, test, treatment or operation for veterinary purposes.
    6. A pig during the seven day period prior to the pig's expected date of giving birth.
C. A person who violates this section is guilty of a class 1 misdemeanor.
D. *The following definitions shall govern this section:*

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

ARIZ. REV. STAT. § 13-2910.09. Equine tripping; classification; definitions

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

B. A person who is convicted of a first violation of this section:
   1. Shall be sentenced to serve not less than forty-eight consecutive hours in jail and is not eligible for probation or suspension of execution of sentence unless the entire sentence is served.
   2. Shall pay a fine of not less than one thousand dollars.

C. A person who is convicted of a second violation of this section:
   1. Shall be sentenced to serve not less than thirty consecutive days in jail and is not eligible for probation or suspension of execution of sentence unless the entire sentence is served.
   2. Shall pay a fine of not less than two thousand dollars.

D. A person who is convicted of a third or subsequent violation of this section:
   1. Shall be sentenced to serve not less than ninety consecutive days in jail and is not eligible for probation or suspension of execution of sentence unless the entire sentence is served.
   2. Shall pay a fine of not less than two thousand dollars.

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

F. For the purposes of this section:
   1. *"Equine" means a horse, pony, mule, donkey or hinny.*
   2. *"Trips" means knowingly or intentionally causing an equine to lose its balance or fall by use of a wire, pole, stick or rope or any other object or by any other means.*

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7. CRUEL HUNTING, TRAPPING, AND FISHING

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

ARIZ. REV. STAT. § 17-301. Times when wildlife may be taken; exceptions; methods of taking

A. A person may take wildlife, except aquatic wildlife, only during daylight hours unless otherwise prescribed by the commission. A person shall not take any species of wildlife by the aid or with the use of a jacklight, other artificial light, or illegal device, except as provided by the commission.

B. A person shall not take wildlife, except aquatic wildlife, or discharge a firearm or shoot any other device from a motor vehicle, including an automobile, aircraft, train or powerboat, or from a sailboat, boat under sail, or a floating object towed by powerboat or sailboat except as expressly permitted by the commission. No person may knowingly discharge any firearm or shoot any other device upon, from, across or into a road or railway.

C. Fish may be taken only by angling unless otherwise provided by the commission. The line shall be constantly attended. In every case the hook, fly or lure shall be used in such manner that the fish voluntarily take or attempt to take it in their mouths.

D. *It shall be unlawful to take wildlife with any leghold trap, any instant kill body gripping design trap, or by a poison or a snare on any public land, including state owned or state leased land, lands administered by the United States forest service, the federal bureau of land management, the national park service, the United States department of defense, the state parks board and any county or municipality. This subsection shall not prohibit:*

1. The use of the devices prescribed in this subsection by federal, state, county, city, or other local departments of health which have jurisdiction in the geographic area of such use, for the purpose of protection from or surveillance for threats to human health or safety.
2. The taking of wildlife with firearms, with fishing equipment, with archery equipment, or other implements in hand as may be defined or regulated by the Arizona game and fish commission, including but not limited to the taking of wildlife pursuant to a hunting or fishing license issued by the Arizona game and fish department.
3. The use of snares, traps not designed to kill, or nets to take wildlife for scientific research projects, sport falconry, or for relocation of the wildlife as may be defined or regulated by the Arizona game and fish commission or the government of the United States or both.
4. The use of poisons or nets by the Arizona game and fish department to take or manage aquatic wildlife as determined and regulated by the Arizona game and fish commission.
5. The use of traps for rodent control or poisons for rodent control for the purpose of controlling wild and domestic rodents as otherwise allowed by the laws of the state of Arizona, excluding any fur-bearing animals as defined in § 17-101.

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ARIZ. REV. STAT. § 17-302. Taking of bear or mountain lion for protection of property; report

A. Other provisions of this title notwithstanding, a landowner or lessee, who is a livestock operator and who has recently had livestock attacked or killed by bear or mountain lion, may, if he complies with subsection B, lawfully exercise such measures as necessary to prevent further damage from the offending bear or lion, including the taking of such bear or mountain lion in the following manner:
   1. *All traps shall be inspected within seventy-two hours and nontarget animals released without further injury. The department shall provide technical advice and assistance in the release of nontarget bears and lions. Nontarget animals seriously injured and unable to leave the scene upon release shall be humanely dispatched. Target bears and lions shall be humanely dispatched immediately.*
   2. *Bears and lions may be taken only by means of:*
      (a) Leg hold traps without teeth and with an open jaw spread not exceeding eight and one-half inches.
      (b) Leg snares.
      (c) Firearms.
      (d) Other legal hunting weapons and devices.
   3. All traps and snares shall be identified as to the person or agency setting the trap or snare.
   4. A livestock operator taking a lion or bear pursuant to this section shall notify a department office within five days after setting traps or initiating pursuit in any manner. The notification for both bears and lions shall include information on the number and kind of livestock attacked or killed and the name and address of the livestock operator experiencing depredation. Such information shall not be public information.
   5. A livestock operator taking a bear or lion pursuant to this section shall provide reasonable evidence of having livestock recently attacked or killed if a person authorized by the director requests such evidence within forty-eight hours of the department being notified pursuant to paragraph 4. Information shall include location description of sufficient detail to allow the site of depredation and traps set to be located. Such information shall not be public information.
   6. Dogs may be used to facilitate the pursuit of depredating bears and lions.

B. A license or tag shall not be required for the taking of a bear or mountain lion under this section, but within ten days after the taking, the livestock operator shall file a written report with the department. The location of the take, identity of the livestock operator filing the report and location and date of livestock depredation are not public information. Such report shall also contain the following information:
   1. Name and address of livestock operator experiencing depredation losses.
   2. Number, ages and kinds of livestock lost.
   3. Numbers and location of bears or lions taken.
   4. Sex and estimated age of each bear or lion taken.
   5. Location and date of livestock depredation.

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C. No portion of an animal taken pursuant to this section shall be retained or sold by any person except as authorized by the commission.
D. No animal trapped or taken alive under this section shall be held in captivity.
E. In addition to other penalties provided by law, persons not in compliance with the provisions of this section may be ordered by the department to remove devices not in compliance with the requirements of this section and to cease and desist current pursuit activities intended to take the depredating bear or lion which the livestock operator has failed to comply with the provisions of this section.
F. A livestock operator entitled to take a bear or lion under the provisions of this section may contract with another person for the taking of the depredating bear or lion. The person under contract shall comply with all of the provisions of this section.

ARIZ. REV. STAT. § 17-309. Violations; classification

A. Unless otherwise prescribed by this title, it is unlawful for a person to:

1. Violate any provision of this title or any rule adopted pursuant to this title.
2. Take, possess, transport, release, buy, sell or offer or expose for sale wildlife except as expressly permitted by this title.
3. Destroy, injure or molest livestock, growing crops, personal property, notices or signboards, or other improvements while hunting, trapping or fishing.
4. Discharge a firearm while taking wildlife within one-fourth mile of an occupied farmhouse or other residence, cabin, lodge or building without permission of the owner or resident.
5. Take a game bird, game mammal or game fish and knowingly permit an edible portion thereof to go to waste, except as provided in § 17-302.
6. Take big game, except bear or mountain lion, with the aid of dogs.
7. Make more than one use of a shipping permit or coupon issued by the commission.
8. Obtain a license or take wildlife during the period for which the person's license has been revoked or suspended or the person has been denied a license.
9. Litter hunting and fishing areas while taking wildlife.
10. Take wildlife during the closed season.
11. Take wildlife in an area closed to the taking of that wildlife.
12. Take wildlife with an unlawful device.
13. Take wildlife by an unlawful method.
14. Take wildlife in excess of the bag limit.
15. Possess wildlife in excess of the possession limit.
16. Possess or transport any wildlife or parts of the wildlife that was unlawfully taken.
17. Possess or transport the carcass of big game without a valid tag being attached.
18. Use the edible parts of any game mammal or any part of any game bird or nongame bird as bait.

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19. Possess or transport the carcass or parts of a carcass of any wildlife that cannot be identified as to species and legality.
20. *Take game animals, game birds and game fish with an explosive compound, poison or any other deleterious substances.*
21. Import into this state or export from this state the carcass or parts of a carcass of any wildlife unlawfully taken or possessed.

B. Unless a different or other penalty or punishment is specifically prescribed, *a person who violates any provision of this title, or who violates or fails to comply with a lawful order or rule of the commission, is guilty of a class 2 misdemeanor.*

C. A person who knowingly takes any big game during a closed season or who knowingly possesses, transports or buys any big game that was unlawfully taken during a closed season is guilty of a class 1 misdemeanor.

D. A person is guilty of a class 6 felony who knowingly:

1. Barters, sells or offers for sale any big game or parts of big game taken unlawfully.
2. Barters, sells or offers for sale any wildlife or parts of wildlife unlawfully taken during a closed season.
3. Barters, sells or offers for sale any wildlife or parts of wildlife imported or purchased in violation of this title or a lawful rule of the commission.
4. Assists another person for monetary gain with the unlawful taking of big game.
5. Takes or possesses wildlife while under permanent revocation under § 17-340, subsection B, paragraph 3.

E. A peace officer who knowingly fails to enforce a lawful rule of the commission or this title is guilty of a class 2 misdemeanor.

ARIZ. REV. STAT. § 17-320. Jaguar; protection; violations; classification; civil liability; exceptions

A. Notwithstanding § 17-239 or any other provision of this title, if the secretary of the interior publishes in the federal register a determination for the removal of jaguar (felis onca) from the list as required under section 4(c) of the endangered species act of 1973, as amended, (P.L. 93-205; 87 Stat. 884; 16 United States Code §§ 1531 through 1544):

1. It is unlawful for a person to knowingly kill, wound or possess a jaguar or any part thereof.

2. A person who unlawfully kills, wounds or possesses a jaguar or any part thereof:

(a) Is guilty of a class 1 misdemeanor.

(b) Is liable for civil damages of not more than seventy-two thousand five hundred dollars for each violation.

B. Subsection A of this section does not apply to:

1. A jaguar or parts of a jaguar that were lawfully possessed under state and federal law before August 21, 1997.

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2. Any person who kills or wounds a jaguar, if it can be shown by a preponderance of the evidence that the person committed an act based on a good faith belief that the person was acting to protect himself, a member of the person's family or any other individual from bodily harm from the jaguar.

C. A person shall notify the department within five days after killing or wounding a jaguar under subsection B, paragraph 2 of this section. A jaguar that is killed or wounded pursuant to subsection B, paragraph 2 of this section shall not be retained, sold or removed from the site without authorization from the department.

ARIZ. REV. STAT. § 17-361. Trappers; licensing; restrictions; duties; reports

A. The holder of a trapping license, may trap predatory, nongame, and fur-bearing mammals under such restrictions as the commission may specify.

B. All traps shall be plainly identified with the name, address, or registered number of the owner, and such markings of identification shall be filed with the department. *All traps in use shall be inspected daily.*

C. It shall be unlawful for a person to disturb the trap of another unless authorized to do so by the owner.

D. Pursuant to rules and regulations of the commission, each trapping licensee shall, on dates designated by the commission, submit on forms provided by the department, a legible report of the number of each kind of predatory, nongame and fur-bearing mammal taken and the names and addresses of the persons to whom they were shipped or sold or the wildlife management units where the animals were taken.

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8. CROSS REPORTING

[None]

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9. VETERINARY REPORTING

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

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

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

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

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10. "AG-GAG" LAWS

[None]

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11. EMERGENCY RESCUE AND RELIEF

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

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

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

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

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

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12. CIVIL ENFORCEMENT

Ariz. Rev. Stat. Ann. § 12-998. Nuisance; commercial buildings used for crime; action to abate and prevent.

A. The use of a commercial building or place regularly used in the commission of a crime is a nuisance and the criminal activity causing the nuisance shall be enjoined, abated and prevented and damages may be recovered.
B. If there is reason to believe that a nuisance as described in subsection A exists, the attorney general, the county attorney, the city attorney or a resident of a county or city who is affected by the nuisance may bring an action in superior court to abate and prevent the criminal activity, except that:
    1. The court shall not assess a civil penalty against any person unless that person knew of the unlawful acts.
    2. The court shall not enter an order of closure.
    3. The injunction shall be necessary to protect the health and safety of the public or to prevent further criminal activity.
    4. The order shall not affect the owner's interest in the building or place used for the criminal activity.

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13. DOMESTIC VIOLENCE AND PROTECTION ORDERS

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

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

B. An order of protection shall not be granted:
   1. Unless the party who requests the order files a written verified petition for an order.
   2. Against a person who is less than twelve years of age unless the order is granted by the juvenile division of the superior court.
   3. Against more than one defendant.

C. The petition shall state the:
   1. Name of the plaintiff. The plaintiff's address and contact information shall be disclosed to the court for purposes of service. The address and contact information shall not be listed on the petition. Whether or not the court issues an order of protection, the plaintiff's address and contact information shall be maintained in a separate document or automated database and is not subject to release or disclosure by the court or any form of public access except as ordered by the court.
   2. Name and address, if known, of the defendant.
   3. Specific statement, including dates, of the domestic violence alleged.
   4. Relationship between the parties pursuant to section 13-3601, subsection A and whether there is pending between the parties an action for maternity or paternity, annulment, legal separation or dissolution of marriage.
   5. Name of the court in which any prior or pending proceeding or order was sought or issued concerning the conduct that is sought to be restrained.
   6. Desired relief.

D. A fee shall not be charged for filing a petition under this section or for service of process. Each court shall provide, without charge, forms for purposes of this section for assisting parties without counsel. The court shall make reasonable efforts to provide the appropriate information to both on emergency and counseling services that are available in the local area.

E. The court shall review the petition, any other pleadings on file and any evidence offered by the plaintiff, including any evidence of harassment by electronic contact or communication, to determine

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whether the orders requested should issue without further hearing. The court shall issue an order of protection under subsection G of this section if the court determines that there is reasonable cause to believe any of the following:

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

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

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

1. Enjoin the defendant from committing a violation of one or more of the offenses included in domestic violence.
2. Grant one party the use and exclusive possession of the parties' residence on a showing that there is reasonable cause to believe that physical harm may otherwise result. If the other party is accompanied by a law enforcement officer, the other party may return to the residence on one occasion to retrieve belongings. A law enforcement officer is not liable for any act or omission in the good faith exercise of the officer's duties under this paragraph. While the order of protection is in effect, if a party was granted the use and exclusive possession of the parties' residence and subsequently moves out of the house, the party must file a notice in writing with the court within five days after moving out of the residence. After receiving the notification from the plaintiff, the court shall provide notice to the defendant that the plaintiff has moved out of the residence and of the defendant's right to request a hearing pursuant to subsection L of this section.
3. Restrain the defendant from contacting the plaintiff or other specifically designated persons and from coming near the residence, place of employment or school of the plaintiff or other specifically designated locations or persons on a showing that there is reasonable cause to believe that physical harm may otherwise result.
4. If the court finds that the defendant is a credible threat to the physical safety of the plaintiff or other specifically designated persons, prohibit the defendant from possessing or purchasing a firearm for the duration of the order. If the court prohibits the defendant from possessing a firearm, the court shall also order the defendant to transfer any firearm owned or possessed by the defendant immediately after service of the order to the appropriate law enforcement agency for the duration of the order. If the defendant does not immediately transfer the firearm, the defendant shall transfer the firearm within twenty-four hours after service of the order.
5. If the order was issued after notice and a hearing at which the defendant had an opportunity to participate, require the defendant to complete a domestic violence offender treatment program that is provided by a facility approved by the department of health services or a probation department or any other program deemed appropriate by the court.
6. Grant relief that is necessary for the protection of the alleged victim and other specifically designated persons and that is proper under the circumstances.

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7. *Grant the plaintiff the exclusive care, custody or control of any animal that is owned, possessed, leased, kept or held by the plaintiff, the defendant or a minor child residing in the residence or household of the plaintiff or the defendant, and order the defendant to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, committing an act of cruelty or neglect in violation of section 13-2910 or otherwise disposing of the animal.*

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

I. After granting an order of protection, the court shall provide the order to a law enforcement agency or a constable as set forth in subsection J of this section for service or to an entity that is authorized to serve process in subsection K of this section. The agency or entity serving the order shall provide confirmation of service to the plaintiff as soon as practicable. If service of an order cannot be completed within fifteen days after the agency or entity receives the order, the agency or entity that is attempting service shall notify the plaintiff and continue to attempt service. This notifications may be completed by a victim notification system, if available.

J. If the order of protection is provided to a law enforcement agency or a constable, service of an order of protection is as follows:
   1. For each order of protection that is issued by a municipal court, if the defendant can be served within that city or town, the order shall be served by the law enforcement agency of that city or town. If the order can be served in another city or town, the order shall be served by the law enforcement agency of that city or town. If the order cannot be served within a city or town, the order shall be served by the sheriff or constable of the county in which the defendant can be served.
   2. For each order of protection that is issued by a justice of the peace, the order of protection shall be served by the sheriff or constable of the county in which the defendant can be served or by a municipal law enforcement agency.
   3. For each order of protection that is issued by a superior court judge or commissioner, the order of protection shall be served by the by the sheriff or constable of the county where the defendant can be served.

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

L. At any time during the period during which the order is in effect, a party who is under an order of protection or who is restrained from contacting the other party is entitled to one hearing on written request. No fee may be charged for requesting a hearing. A hearing that is requested by a party who is under an order of protection or who is restrained from contacting the other party shall be held within ten days from the date requested unless the court finds good cause to continue the hearing. If exclusive use of the home is awarded, the hearing shall be held within five days from the date requested. The hearing shall be held at the earliest possible time. An ex parte order that is issued

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under this section shall state on its face that the defendant is entitled to a hearing on written request and shall include the name and address of the judicial office where the request may be filed. After the hearing, the court may modify, quash or continue the order. If the exclusive use of the home is awarded to the party, the court, on written request of a party, may hold additional hearings at any time if there is a change in circumstances related to the primary residence.

M. The order shall include the following statement:

Warning

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

N. An order of protection that is not served on the defendant within one year after the date that the order is issued expires. An order is effective on the defendant on service of a copy of the order and petition. An order expires two years after service on the defendant. A modified order is effective on service and expires two years after service of the initial order and petition.

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

P. Each affidavit, declaration or return of service shall be filed as soon as practicable but not later than seventy-two hours, excluding weekends and holidays, with the clerk of the issuing court or as otherwise required by court rule. This filing shall be completed in person, electronically or by fax.

Q. The Supreme Court shall maintain a central repository for orders of protection Within twenty-four hours after the affidavit, declaration, acceptance or return of service has been filed, excluding weekends and holidays, the court from which the order or any modified order was issued shall enter the order and proof of service into the Supreme Court's central repository for orders of protection. The Supreme Court shall register the order with the national crime information center. The effectiveness of an order does not depend on its registration, and for enforcement purposes pursuant to section 13-2810, a copy of an order of the court, whether or not registered, is presumed to be a valid existing order of the court for a period of two years from the date of service of the order on the defendant.

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

S. A person who is arrested pursuant to subsection R of this section may be released from custody in accordance with the Arizona rules of criminal procedure or any other applicable statute. An order for release, with or without an appearance bond, shall include pretrial release conditions that are

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necessary to provide for the protection of the alleged victim and other specifically designated persons and may provide for any other additional conditions that the court deems appropriate, including participation in any counseling programs available to the defendant. The agency with custody of the defendant shall make reasonable efforts to contact the victim and other specifically designated persons in the order of protection, if known to the custodial agency, who requested notification immediately on release of the arrested person from custody.

T. The remedies provided in this section for enforcement of the orders of the court are in addition to any other civil and criminal remedies available. The superior court shall have exclusive jurisdiction to issue orders of protection in all cases if it appears from the petition that an action for maternity or paternity, annulment, legal separation or dissolution of marriage is pending between the parties. A municipal court or justice court shall not issue an order of protection if it appears from the petition that an action for maternity or paternity, annulment, legal separation or dissolution of marriage is pending between the parties. After issuance of an order of protection, if the municipal court or justice court determines that an action for maternity or paternity, annulment, legal separation or dissolution of marriage is pending between the parties, the municipal court or justice court shall stop further proceedings in the action and forward all papers, together with a certified copy of docket entries or any other record in the action, to the superior court where they shall be docketed in the pending superior court action and shall proceed as though the petition for an order of protection had been originally brought in the superior court. Notwithstanding any other law and unless prohibited by an order of the superior court, a municipal court or justice court may hold a hearing on all matters relating to its ex parte order of protection if the hearing was requested before receiving written notice of the pending superior court action. No order of protection shall be invalid or determined to be ineffective merely because it was issued by a lower court at a time when an action for maternity or paternity, annulment, legal separation or dissolution of marriage was pending in a higher court. After a hearing with notice to the affected party, the court may enter an order requiring any party to pay the costs of the action, including reasonable attorney fees, if any. An order that is entered by a justice court or municipal court after a hearing pursuant to this section may be appealed to the superior court as provided in title 22, chapter 2, article 4, section 22-425, subsection B and the superior court rules of civil appellate procedure without regard to an amount in controversy. No fee may be charged to either party for filing an appeal. For the purposes of this subsection, “pending” means, with respect to an action for annulment, legal separation or dissolution of marriage or for maternity or paternity, either that:
    1. An action has been commenced but a final judgment, decree or order has not been entered.
    2. A post-decree proceeding has been commenced but a judgment, decree or order finally determining the proceeding has not been entered.

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

V. A valid protection order that is related to domestic or family violence and that is issued by a court in another state, a court of a United States territory or a tribal court shall be accorded full faith and credit and shall be enforced as if it were issued in this state for as long as the order is effective in the issuing jurisdiction. For the purposes of this subsection:
    1. A protection order includes any injunction or other order that is issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with or physical proximity to another person. A protection order includes temporary and final orders

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other than support or child custody orders that are issued by civil and criminal courts if the order is obtained by the filing of an independent action or is a pendente lite order in another proceeding. The civil order shall be issued in response to a complaint, petition or motion that was filed by or on behalf of a person seeking protection.

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

W. For the purposes of this section, “victim notification system” means an automated system that may provide plaintiffs and crime victims with an automated notification regarding the person’s case.

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14. MAXIMUM PENALTIES AND STATUTE OF LIMITATIONS

ARIZ. REV. STAT. § 13-107. Time Limitations.

A. A prosecution for any homicide, any conspiracy to commit homicide that results in the death of a person, any offense that is listed in chapter 14 or 35.1 of this title1 and that is a class 2 felony, any violent sexual assault pursuant to § 13-1423, any violation of § 13-2308.01, 13-2308.03, or 13-3212, any misuse of public monies or a felony involving falsification of public records or any attempt to commit an offense listed in this subsection may be commenced at any time.

B. Except as otherwise provided in this section and § 28-672, prosecutions for other offenses must be commenced within the following periods after actual discovery by the state or the political subdivision having jurisdiction of the offense or discovery by the state or the political subdivision that should have occurred with the exercise of reasonable diligence, whichever first occurs:
   1. *For a class 2 through a class 6 felony, seven years.*
   2. *For a misdemeanor, one year.*
   3. For a petty offense, six months.

C. For the purposes of subsection B of this section, a prosecution is commenced when an indictment, information or complaint is filed.

D. The period of limitation does not run during any time when the accused is absent from the state or has no reasonably ascertainable place of abode within the state.

E. The period of limitation does not run for a serious offense as defined in § 13-706 during any time when the identity of the person who commits the offense or offenses is unknown.

F. The time limitation within which a prosecution of a class 6 felony shall commence shall be determined pursuant to subsection B, paragraph 1 of this section, irrespective of whether a court enters a judgment of conviction for or a prosecuting attorney designates the offense as a misdemeanor.

G. If a complaint, indictment or information filed before the period of limitation has expired is dismissed for any reason, a new prosecution may be commenced within six months after the dismissal becomes final even if the period of limitation has expired at the time of the dismissal or will expire within six months of the dismissal.

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

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

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

C. The minimum or maximum term imposed pursuant to section 13-702, 13-703, 13-704, 13-705, 13-708, 13-710, 13-1406, 13-3212 or 13-3419 may be imposed only if one or more of the circumstances alleged

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to be in aggravation of the crime are found to be true by the trier of fact beyond a reasonable doubt or are admitted by the defendant, except that an alleged aggravating circumstance under subsection D, paragraph 11 of this section shall be found to be true by the court, or in mitigation of the crime are found to be true by the court, on any evidence or information introduced or submitted to the court or the trier of fact before sentencing or any evidence presented at trial, and factual findings and reasons in support of such findings are set forth on the record at the time of sentencing.

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

1. *Infliction or threatened infliction of serious physical injury, except if this circumstance is an essential element of the offense of conviction or has been utilized to enhance the range of punishment under section 13-704.*
2. *Use, threatened use or possession of a deadly weapon or dangerous instrument during the commission of the crime, except if this circumstance is an essential element of the offense of conviction or has been utilized to enhance the range of punishment under section 13-704.*
3. *If the offense involves the taking of or damage to property, the value of the property taken or damaged.*
4. *Presence of an accomplice.*
5. *Especially heinous, cruel or depraved manner in which the offense was committed.*
6. *The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.*
7. *The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.*
8. *At the time of the commission of the offense, the defendant was a public servant and the offense involved conduct directly related to the defendant's office or employment.*
9. *The victim or, if the victim has died as a result of the conduct of the defendant, the victim's immediate family suffered physical, emotional or financial harm.*
10. *During the course of the commission of the offense, the death of an unborn child at any stage of its development occurred.*
11. *The defendant was previously convicted of a felony within the ten years immediately preceding the date of the offense. A conviction outside the jurisdiction of this state for an offense that if committed in this state would be punishable as a felony is a felony conviction for the purposes of this paragraph.*
12. *The defendant was wearing body armor as defined in section 13-3116.*
13. *The victim of the offense is at least sixty-five years of age or is a disabled person as defined in section 38-492, subsection B.*
14. *The defendant was appointed pursuant to title 14 as a fiduciary and the offense involved conduct directly related to the defendant's duties to the victim as fiduciary.*
15. *Evidence that the defendant committed the crime out of malice toward a victim because of the victim's identity in a group listed in section 41-1750, subsection A, paragraph 3 or because of the defendant's perception of the victim's identity in a group listed in section 41-1750, subsection A, paragraph 3.*

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16. *The defendant was convicted of a violation of section 13-1102, section 13-1103, section 13-1104, subsection A, paragraph 3 or section 13-1204, subsection A, paragraph 1 or 2 arising from an act that was committed while driving a motor vehicle and the defendant's alcohol concentration at the time of committing the offense was 0.15 or more. For the purposes of this paragraph, "alcohol concentration" has the same meaning prescribed in section 28-101.*
17. *Lying in wait for the victim or ambushing the victim during the commission of any felony.*
18. *The offense was committed in the presence of a child and any of the circumstances exists that are set forth in section 13-3601, subsection A.*
19. *The offense was committed in retaliation for a victim either reporting criminal activity or being involved in an organization, other than a law enforcement agency, that is established for the purpose of reporting or preventing criminal activity.*
20. *The defendant was impersonating a peace officer as defined in section 1-215.*
21. *The defendant was in violation of 8 United States Code section 1323, 1324, 1325, 1326 or 1328 at the time of the commission of the offense.*
22. *The defendant used a remote stun gun or an authorized remote stun gun in the commission of the offense. For the purposes of this paragraph:*
    a. *"Authorized remote stun gun" means a remote stun gun that has all of the following:*
        i. *An electrical discharge that is less than one hundred thousand volts and less than nine joules of energy per pulse.*
        ii. *A serial or identification number on all projectiles that are discharged from the remote stun gun.*
        iii. *An identification and tracking system that, on deployment of remote electrodes, disperses coded material that is traceable to the purchaser through records that are kept by the manufacturer on all remote stun guns and all individual cartridges sold.*
        iv. *A training program that is offered by the manufacturer.*
    b. *"Remote stun gun" means an electronic device that emits an electrical charge and that is designed and primarily employed to incapacitate a person or animal either through contact with electrodes on the device itself or remotely through wired probes that are attached to the device or through a spark, plasma, ionization or other conductive means emitting from the device.*
23. *During or immediately following the commission of the offense, the defendant committed a violation of section 28-661, 28-662 or 28-663.*
24. *The defendant was convicted of a violation of section 13-1307 or 13-1308 or section 13-3212, subsection A, paragraph 9 or 10 and the defendant recruited, enticed or obtained the victim from a shelter that is designed to serve runaway youth, foster children, homeless persons or victims of human trafficking, domestic violence or sexual assault.*
25. *During or immediately following the commission of the offense, the defendant used a mask or other disguise to obscure the defendant's face to avoid identification.*
26. *Any other factor that the state alleges is relevant to the defendant's character or background or to the nature or circumstances of the crime.*

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

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

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

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

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

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

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

ARIZ. REV. STAT. § 13-702. First time felony offenders; sentencing; definition.

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

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

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finds at least two mitigating factors listed in § 13-701, subsection E apply, the court may decrease the minimum term of imprisonment otherwise authorized for that offense to a mitigated term.

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

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

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

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

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

ARIZ. REV. STAT. § 13-703. Repetitive offenders; sentencing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ariz. Rev. Stat. § 13-707. Sentence of imprisonment for misdemeanor.

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

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

B. A person who is at least eighteen years of age or who has been tried as an adult and who stands convicted of any misdemeanor or petty offense, other than a traffic offense, and who has been convicted of one or more of the same misdemeanors or petty offenses within two years next preceding the date of the present offense shall be sentenced for the next higher class of offense than that for which the person currently is convicted. Time spent incarcerated within the two years next preceding the date of the offense for which a person is currently being sentenced shall not be included in the two years required to be free of convictions.
C. If a person is convicted of a misdemeanor offense and the offense requires enhanced punishment because it is a second or subsequent offense, the court shall determine the existence of the previous conviction. The court shall allow the allegation of a prior conviction to be made in the same manner as the allegation prescribed by section 28-1387, subsection A.
D. A person who has been convicted in any court outside the jurisdiction of this state of an offense that if committed in this state would be punishable as a misdemeanor or petty offense is subject to this section. A person who has been convicted as an adult of an offense punishable as a misdemeanor or petty offense under the provisions of any prior code in this state is subject to this section.
E. The court may direct that a person who is sentenced pursuant to subsection A of this section shall not be released on any basis until the sentence imposed by the court has been served.

ARIZ. REV. STAT. § 13-801. Fines for felonies.

A. *A sentence to pay a fine for a felony shall be a sentence to pay an amount fixed by the court not more than one hundred fifty thousand dollars.*
B. *A judgment that the defendant shall pay a fine, with or without the alternative of imprisonment, shall constitute a lien in like manner as a judgment for money rendered in a civil action.*
C. *This section does not apply to an enterprise.*

ARIZ. REV. STAT. § 13-802. Fines for misdemeanor.

A. *A sentence to pay a fine for a class 1 misdemeanor shall be a sentence to pay an amount, fixed by the court, not more than two thousand five hundred dollars.*
B. A sentence to pay a fine for a class 2 misdemeanor shall be a sentence to pay an amount, fixed by the court, not more than seven hundred fifty dollars.
C. A sentence to pay a fine for a class 3 misdemeanor shall be a sentence to pay an amount, fixed by the court, not more than five hundred dollars.
D. A sentence to pay a fine for a petty offense shall be a sentence to pay an amount, fixed by the court, of not more than three hundred dollars.

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E. A judgment that the defendant shall pay a fine, with or without the alternative of imprisonment, shall constitute a lien in like manner as a judgment for money rendered in a civil action.
F. This section does not apply to an enterprise.

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15. LAW ENFORCEMENT POLICIES

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

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

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

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

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

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

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

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16. SEIZURE

ARIZ. REV. STAT. § 3-1721. Special provisions for seizure of horses.

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

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

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

D. On failure of the owner to be awarded immediate, expense-free possession of the equine pursuant to subsection C of this section, the department shall either sell the equine at public auction or, if the equine's condition makes its sale impractical, dispose of the equine in the most humane manner possible. The department shall deposit the proceeds of the sale in the livestock custody trust fund established by § 3-1377 for distribution in the following priority:
    1. The department shall be reimbursed for auction, handling, feeding and caring expenses.
    2. Any monies derived from the sale in excess of the expenses to be paid pursuant to paragraph 1 shall be paid to the owner of the equine. After thirty days if the owner has not claimed the money, this money shall revert to the livestock custody trust fund established by § 3-1377.

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

F. Notwithstanding any provision of this article to the contrary, the county attorney of the county in which the equine was seized, at any time prior to the expiration of fifteen days after the seizure of the equine, may take charge of and keep the equine at the expense of the county when the county

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attorney considers it to be of evidentiary value in any criminal prosecution relating to the condition of the equine.

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

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

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

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

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

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

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15. Intentionally or knowingly kills a domestic animal without either legal privilege or consent of the domestic animal's owner or handler.
16. Intentionally or knowingly harasses a working animal that is in a law enforcement vehicle or trailer without either legal privilege or consent of the owner.

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

C. This section does not prohibit or restrict:
   1. The taking of wildlife or other activities permitted by or pursuant to title 17.
   2. Activities permitted by or pursuant to title 3.
   3. Activities regulated by the Arizona game and fish department or the Arizona department of agriculture.

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

E. A person who is convicted of a violation of subsection A, paragraph 6 or 10 of this section is liable as follows:
   1. If the working or service animal was killed or disabled, to the owner or agency that owns the working or service animal and that employs the handler or to the owner or handler for the replacement and training costs of the working or service animal and for any veterinary bills.
   2. To the owner or agency that owns a working or service animal for the salary of the handler for the period of time that the handler's services are lost to the owner or agency.
   3. To the owner for the owner's contractual losses with the agency.

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

G. If a judicial officer orders the release of a person who is currently serving a term of probation for a violation of this section and who is charged with a new violation of this section on the person's own recognizance or on the execution of bail, the judicial officer shall impose a condition of release that prohibits the person from possessing or having contact with any animal.

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H. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, 6, 7, 12 or 16 of this section is guilty of a class 1 misdemeanor. A person who violates subsection A, paragraph 8, 9, 10, 11 or 13 of this section is guilty of a class 6 felony. A person who violates subsection A, paragraph 14 or 15 of this section is guilty of a class 5 felony.

I. For the purposes of this section:
   1. "Animal" means a mammal, bird, reptile or amphibian.
   2. "Cruel mistreatment" means to torture or otherwise inflict unnecessary serious physical injury on an animal or to kill an animal in a manner that causes protracted suffering to the animal.
   3. "Cruel neglect" means to fail to provide an animal with necessary food, water or shelter.
   4. "Domestic animal" means a mammal, not regulated by title 3, that is kept primarily as a pet or companion or that is bred to be a pet or companion.
   5. "Handler" means a law enforcement officer or any other person who has successfully completed a course of training prescribed by the person's agency or the service animal owner and who used a specially trained animal under the direction of the person's agency or the service animal owner.
   6. "Harass" means to engage in conduct that a reasonable person would expect to impede or interfere with a working animal's performance of its duties.
   7. "Service animal" means an animal that has completed a formal training program, that assists its owner in one or more daily living tasks that are associated with a productive lifestyle and that is trained to not pose a danger to the health and safety of the general public.
   8. "Working animal" means a horse or dog that is used by a law enforcement agency, that is specially trained for law enforcement work and that is under the control of a handler.

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

A. *A peace officer, county enforcement agent or animal control officer who lawfully seizes an animal pursuant to § 13-2910 shall affix a notice of seizure in a conspicuous place where the animal was found or personally deliver the notice of seizure to the owner or keeper of the animal, if known or ascertainable after reasonable investigation. The officer or agent shall file proof of service with the court. If it is determined that the suffering of the animal does not require humane destruction, the notice shall include the following:*
   1. *The name, business address and telephone number of the person providing the notice.*
   2. *A description of the seized animal.*
   3. *The authority and purpose for the seizure, including the time, place and circumstance under which the animal was seized.*
   4. *A statement that in order to receive a postseizure hearing the owner or person authorized to keep the animal, or the owner or person's agent, shall request the hearing by signing and returning to the court an enclosed declaration of ownership or right to keep the animal within ten days, including weekends and holidays, after the date of the notice.*
   5. *A statement that the owner is responsible for the cost of care for an animal that was properly seized and that the owner is required to post a bond in the amount of twenty-five dollars per animal with the court to defray the cost of care.*

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

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

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

D. This section does not apply to any of the following:
   1. Activities permitted by or pursuant to title 3.1
   2. The seizure of an equine pursuant to § 3-1721.
   3. A city, town or county that adopts or has adopted an ordinance or resolution providing for bonding and forfeiture of an animal that has suffered cruel mistreatment or cruel neglect if the ordinance or resolution imposes requirements that are equal or more stringent than this section.

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17. COURTROOM ANIMAL ADVOCATE PROGRAM

[None]

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18. RESTITUTION

ARIZ. REV. STAT. § 12-1011. Liability for animal rescue costs.

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

ARIZ. REV. STAT. § 13-1411. Bestiality; classification; definition

A. A person commits bestiality by knowingly doing either of the following:
   1. Engaging in oral sexual contact, sexual contact or sexual intercourse with an animal.
   2. Causing another person to engage in oral sexual contact, sexual contact or sexual intercourse with an animal.

B. *In addition to any other penalty imposed for a violation of subsection A of this section, the court may order that the convicted person do any of the following:*
   1. Undergo a psychological assessment and participate in appropriate counseling at the convicted person's own expense.
   2. *Reimburse an animal shelter as defined in § 11-1022 for any reasonable costs incurred for the care and maintenance of any animal that was taken to the animal shelter as a result of conduct proscribed by subsection A of this section.*

C. This section does not apply to:
   1. Accepted veterinary medical practices performed by a licensed veterinarian or veterinary technician.
   2. Insemination of animals by the same species, bred for commercial purposes.
   3. Accepted animal husbandry practices that provide necessary care for animals bred for commercial purposes.

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

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

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

A. A peace officer, county enforcement agent or animal control officer who lawfully seizes an animal pursuant to § 13-2910 shall affix a notice of seizure in a conspicuous place where the animal was found or personally deliver the notice of seizure to the owner or keeper of the animal, if known or ascertainable after reasonable investigation. The officer or agent shall file proof of service with the

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court. If it is determined that the suffering of the animal does not require humane destruction, the notice shall include the following:

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

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

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

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

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

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19. FORFEITURE AND POSSESSION BANS

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

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

B. It is a defense to subsection A of this section if:
   1. Any person exposes poison to be taken by a dog that has killed or wounded livestock or poison to be taken by predatory animals on premises owned, leased or controlled by the person for the purpose of protecting the person or the person's livestock or poultry, the treated property is kept posted by the person who authorized or performed the treatment until the poison has been removed and the poison is removed by the person exposing the poison after the threat to the person or the person's livestock or poultry has ceased to exist. The posting required shall provide adequate warning to persons who enter the property by the point or points of normal

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entry. The warning notice that is posted shall be readable at a distance of fifty feet, shall contain a poison statement and symbol and shall state the word “danger” or “warning”.

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

C. This section does not prohibit or restrict:
   1. The taking of wildlife or other activities permitted by or pursuant to title 17.
   2. Activities permitted by or pursuant to title 3.
   3. Activities regulated by the Arizona game and fish department or the Arizona department of agriculture.

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

E. A person who is convicted of a violation of subsection A, paragraph 6 or 10 of this section is liable as follows:
   1. If the working or service animal was killed or disabled, to the owner or agency that owns the working or service animal and that employs the handler or to the owner or handler for the replacement and training costs of the working or service animal and for any veterinary bills.
   2. To the owner or agency that owns a working or service animal for the salary of the handler for the period of time that the handler's services are lost to the owner or agency.
   3. To the owner for the owner's contractual losses with the agency.

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

G. *If a judicial officer orders the release of a person who is currently serving a term of probation for a violation of this section and who is charged with a new violation of this section on the person's own recognizance or on the execution of bail, the judicial officer shall impose a condition of release that prohibits the person from possessing or having contact with any animal*.

H. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, 6, 7, 12 or 16 of this section is guilty of a class 1 misdemeanor. A person who violates subsection A, paragraph 8, 9, 10, 11 or 13 of this section is guilty of a class 6 felony. A person who violates subsection A, paragraph 14 or 15 of this section is guilty of a class 5 felony.

I. For the purposes of this section:
   1. “Animal” means a mammal, bird, reptile or amphibian.
   2. “Cruel mistreatment” means to torture or otherwise inflict unnecessary serious physical injury on an animal or to kill an animal in a manner that causes protracted suffering to the animal.
   3. “Cruel neglect” means to fail to provide an animal with necessary food, water or shelter.
   4. “Domestic animal” means a mammal, not regulated by title 3, that is kept primarily as a pet or companion or that is bred to be a pet or companion.

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5. "Handler" means a law enforcement officer or any other person who has successfully completed a course of training prescribed by the person's agency or the service animal owner and who used a specially trained animal under the direction of the person's agency or the service animal owner.
6. "Harass" means to engage in conduct that a reasonable person would expect to impede or interfere with a working animal's performance of its duties.
7. "Service animal" means an animal that has completed a formal training program, that assists its owner in one or more daily living tasks that are associated with a productive lifestyle and that is trained to not pose a danger to the health and safety of the general public.
8. "Working animal" means a horse or dog that is used by a law enforcement agency, that is specially trained for law enforcement work and that is under the control of a handler.

ARIZ. REV. STAT. § 13-2910.11. Unlawful animal ownership or possession; transfer of animals; restoration of right to possess animals; classification; good cause exception; definitions

A. *It is unlawful for a person who has been convicted of any of the following offenses to own, possess, adopt, foster, reside with or otherwise intentionally contact, care for or have custody of any animal in the person's household:*
   1. *An intentional or knowing violation of cruelty to animals pursuant to § 13-2910, subsection A, paragraph 1, 2, 3, 7, 8, 9, 11, 14 or 15.*
   2. *Cruelty to animals pursuant to § 13-2910, subsection A, paragraph 4.*
   3. *Animal fighting pursuant to § 13-2910.01.*
   4. *Bestiality pursuant to § 13-1411.*

B. *Except as provided in subsection D of this section, the prohibitions listed in subsection A of this section shall remain in place for the following amount of time:*
   a. *For a first misdemeanor conviction, at least five years.*
   b. *For a first felony conviction or a second or subsequent misdemeanor conviction, at least ten years.*
   c. *For a second or subsequent felony conviction, for the person's lifetime.*

C. *Within thirty days after a person is prohibited from possessing an animal pursuant to this section, the person shall transfer all animals in the person's care or custody to another person who is not in the person's household.*

D. *On proper application and not less than one year after the person is convicted of a misdemeanor violation of an offense listed in subsection A of this section or two and one-half years after the person is convicted of a felony violation, the person may apply to have the person's right to possess an animal restored. Any time spent on absconder status while on probation, on escape status or incarcerated is excluded in calculating the minimum time requirement. The person may apply to the judge, justice of the peace or magistrate who pronounced sentence or imposed probation or the judge, justice of the peace or magistrate's successor in office. The applicant shall serve a copy of the application on the prosecutor. The court shall conduct a hearing on the request within sixty days after the application is filed. The defendant bears the burden by a preponderance of evidence at the hearing. To assist the court in making a determination, the court shall require the person to complete a psychiatric or*

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psychological examination and undergo counseling, if necessary, before restoring the person's right to possess an animal. The court may terminate or reduce the time period required by subsection B of this section on a finding that:

1. *The applicant does not present a danger to self, the animal's immediate family and the public.*
2. *The applicant has the ability to properly care for all animals in the applicant's possession.*
3. *The applicant has successfully completed all classes or counseling that was ordered by the sentencing court.*

E. *A convicted person who lives in a household with an animal that is owned, possessed, adopted or fostered by another person in the household may apply to the court for a good cause exception. A good cause exception is valid for one year and allows the convicted person to reside in the same household as an animal. The convicted person may request the court to renew a good cause exception sixty days before the good cause exception expires. The court may grant a good cause exception or renew a good cause exception if all of the following apply:*

1. *The convicted person is on supervised or unsupervised probation, community supervision or parole or agrees to be subject to the court's jurisdiction and supervision while living in the household.*
2. *The court determines that it is in the best interests of the animal and the person who owns, possesses, adopts or fosters the animal to allow the convicted person to remain in the same household and reside with the animal.*
3. *The convicted person agrees to not intentionally contact, care for or have custody of the animal.*

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

G. *For the purposes of this section:*

1. *"Animal":*
   (a) *Means any domesticated dog or cat.*
   (b) *Does not include livestock as defined in § 3-1201 or wildlife as defined in § 17-101.*
2. *"Household" includes all of the persons who occupy a housing unit as the person's usual place of residence, including all of the following:*
   (a) *The related family members and all unrelated persons, if any, such as lodgers, foster children, wards or employees who share the housing unit.*
   (b) *A person who lives alone in a housing unit or a group of unrelated persons sharing a housing unit such as partners or roomers.*
3. *"Housing unit" means a house, an apartment, a mobile home or trailer, a group of rooms or a single room occupied as separate living quarters for a household and includes any front, side or rear yards and any garages and detached garages that are under the control of the household.*

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

A. A peace officer, county enforcement agent or animal control officer who lawfully seizes an animal pursuant to § 13-2910 shall affix a notice of seizure in a conspicuous place where the animal was found or personally deliver the notice of seizure to the owner or keeper of the animal, if known or ascertainable after reasonable investigation. The officer or agent shall file proof of service with the

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court. If it is determined that the suffering of the animal does not require humane destruction, the notice shall include the following:

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

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

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

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

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

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20. REHABILITATIVE SENTENCING

ARIZ. REV. STAT. § 13-1411. Bestiality; classification; definition

A. A person commits bestiality by knowingly doing either of the following:
   1. Engaging in oral sexual contact, sexual contact or sexual intercourse with an animal.
   2. Causing another person to engage in oral sexual contact, sexual contact or sexual intercourse with an animal.

B. *In addition to any other penalty imposed for a violation of subsection A of this section, the court may order that the convicted person do any of the following:*
   1. *Undergo a psychological assessment and participate in appropriate counseling at the convicted person's own expense.*
   2. Reimburse an animal shelter as defined in § 11-1022 for any reasonable costs incurred for the care and maintenance of any animal that was taken to the animal shelter as a result of conduct proscribed by subsection A of this section.

C. This section does not apply to:
   1. Accepted veterinary medical practices performed by a licensed veterinarian or veterinary technician.
   2. Insemination of animals by the same species, bred for commercial purposes.
   3. Accepted animal husbandry practices that provide necessary care for animals bred for commercial purposes.

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

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

ARIZ. REV. STAT. § 13-2910.11. Unlawful animal ownership or possession; transfer of animals; restoration of right to possess animals; classification; good cause exception; definitions

A. It is unlawful for a person who has been convicted of any of the following offenses to own, possess, adopt, foster, reside with or otherwise intentionally contact, care for or have custody of any animal in the person's household:
   1. An intentional or knowing violation of cruelty to animals pursuant to § 13-2910, subsection A, paragraph 1, 2, 3, 7, 8, 9, 11, 14 or 15.
   2. Cruelty to animals pursuant to § 13-2910, subsection A, paragraph 4.
   3. Animal fighting pursuant to § 13-2910.01.
   4. Bestiality pursuant to § 13-1411.

B. Except as provided in subsection D of this section, the prohibitions listed in subsection A of this section shall remain in place for the following amount of time:
   d. For a first misdemeanor conviction, at least five years.

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e. For a first felony conviction or a second or subsequent misdemeanor conviction, at least ten years.
f. For a second or subsequent felony conviction, for the person's lifetime.

C. Within thirty days after a person is prohibited from possessing an animal pursuant to this section, the person shall transfer all animals in the person's care or custody to another person who is not in the person's household.

D. On proper application and not less than one year after the person is convicted of a misdemeanor violation of an offense listed in subsection A of this section or two and one-half years after the person is convicted of a felony violation, the person may apply to have the person's right to possess an animal restored. Any time spent on absconder status while on probation, on escape status or incarcerated is excluded in calculating the minimum time requirement. The person may apply to the judge, justice of the peace or magistrate who pronounced sentence or imposed probation or the judge, justice of the peace or magistrate's successor in office. The applicant shall serve a copy of the application on the prosecutor. The court shall conduct a hearing on the request within sixty days after the application is filed. The defendant bears the burden by a preponderance of evidence at the hearing. To assist the court in making a determination, the court shall require the person to complete a psychiatric or psychological examination and undergo counseling, if necessary, before restoring the person's right to possess an animal. The court may terminate or reduce the time period required by subsection B of this section on a finding that:

1. The applicant does not present a danger to self, the animal's immediate family and the public.
2. The applicant has the ability to properly care for all animals in the applicant's possession.
3. The applicant has successfully completed all classes or counseling that was ordered by the sentencing court.

E. A convicted person who lives in a household with an animal that is owned, possessed, adopted or fostered by another person in the household may apply to the court for a good cause exception. A good cause exception is valid for one year and allows the convicted person to reside in the same household as an animal. The convicted person may request the court to renew a good cause exception sixty days before the good cause exception expires. The court may grant a good cause exception or renew a good cause exception if all of the following apply:

1. The convicted person is on supervised or unsupervised probation, community supervision or parole or agrees to be subject to the court's jurisdiction and supervision while living in the household.
2. The court determines that it is in the best interests of the animal and the person who owns, possesses, adopts or fosters the animal to allow the convicted person to remain in the same household and reside with the animal.
3. The convicted person agrees to not intentionally contact, care for or have custody of the animal.

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

G. For the purposes of this section:

1. “Animal”:
   (a) Means any domesticated dog or cat.
   (b) Does not include livestock as defined in § 3-1201 or wildlife as defined in § 17-101.

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2. "Household" includes all of the persons who occupy a housing unit as the person's usual place of residence, including all of the following:
    (a) The related family members and all unrelated persons, if any, such as lodgers, foster children, wards or employees who share the housing unit.
    (b) A person who lives alone in a housing unit or a group of unrelated persons sharing a housing unit such as partners or roomers.
3. "Housing unit" means a house, an apartment, a mobile home or trailer, a group of rooms or a single room occupied as separate living quarters for a household and includes any front, side or rear yards and any garages and detached garages that are under the control of the household.

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