



Compendium of U.S. Animal Protection Laws

Idaho



SUBSTANTIVE PROHIBITIONS AND EXEMPTIONS

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This chapter contains Idaho’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.

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

ANIMAL PROTECTION LAWS OF IDAHO

Idaho Laws

SUBSTANTIVE PROHIBITIONS AND EXEMPTIONS

1. Definition of "Animal"	<p>"[A]ny vertebrate member of the animal kingdom, except man." IDAHO CODE § 25-3502(2)</p>
2. General Cruelty	<p>Definitions. IDAHO CODE § 25-3502</p> <p>Poisoning animals. IDAHO CODE § 25-3503 <i>Misdemeanor: 1 years jail and/or \$5,000 fine OR Felony: 3 years prison and/or \$5,000 fine</i></p> <p>Cruelty to animals. IDAHO CODE § 25-3504 <i>Unclassified misdemeanor</i></p> <p>Torturing companion animals. IDAHO CODE § 25-3504A <i>1st offense: unclassified misdemeanor Subsequent offenses OR 1st offense with conviction for a felony involving voluntary infliction of bodily injury upon a human within 10 years: felony 1 year jail and/or \$9,000 fine</i> IDAHO CODE § 25-3520A(3)(b)</p> <p>Carrying animal in a cruel manner or otherwise subjecting it to cruelty. IDAHO CODE § 25-3505 <i>Unclassified misdemeanor</i></p> <p>Impounding without food or water. IDAHO CODE § 25-3510 <i>Unclassified misdemeanor</i></p> <p>Permitting animals to go without care. IDAHO CODE § 25-3511 <i>Unclassified misdemeanor</i></p> <p>Chapter construed not to interfere with normal or legal practices. IDAHO CODE § 25-3514</p>

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	<p>Immunity. IDAHO CODE § 25-3514A</p> <p>Chapter construed not to interfere with game laws. IDAHO CODE § 25-3515.</p> <p>Beating and harassing animals. IDAHO CODE § 25-3518 <i>Unclassified misdemeanor</i></p> <p>Exemptions: Veterinary practice, research animals, wildlife, accepted farm animal husbandry practices, slaughter, pest control, rodeo, zoos/circuses, other. IDAHO CODE § 25-3514, 25-3514A, 25-3515</p>
3. Animal Fighting	<p>Various cockfighting activities. IDAHO CODE § 25-3506 <i>1st offense: misdemeanor 6 months jail and/or \$5,000 fine</i> <i>Subsequent offenses: felony 1 year jail and/or \$9,000 fine</i></p> <p>Various dogfighting activities. IDAHO CODE § 25-3507 <i>Participation: unclassified felony</i> <i>Spectatorship: unclassified misdemeanor</i></p>
4. Sexual Assault	<p>Sexually assaulting an animal. IDAHO CODE § 18-6602 <i>Felony: 5 years imprisonment</i></p> <p>Exemptions: Veterinary practice, research animals, wildlife, accepted farm animal husbandry practices, slaughter, pest control, rodeo, zoos/circuses, other. IDAHO CODE § 18-6602(4)</p> <p>Sexual assault of an animal is a sex offense. IDAHO CODE § 18-8304</p>
5. Cruelty to Working Animals	<p>Killing or injuring working dogs or horses. IDAHO CODE § 18-7039 <i>Death or serious physical injury: felony, 5 years jail and/or \$10,000 fine</i> <i>Harms/interferes: misdemeanor, 1 year jail and/or \$1,000 fine</i></p>
6. Laws Specific to	[None]

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Farmed Animals	
7. Cruel Hunting, Trapping, and Fishing	Unlawful fishing. IDAHO CODE § 36-901
	Unlawful fishing methods. IDAHO CODE § 36-902
	Unlawful taking of wildlife. IDAHO CODE § 36-1101
	Protection of birds. IDAHO CODE § 36-1102
	Regulating hunting of fur-bearing animals. IDAHO CODE § 36-1103
	Violations. IDAHO CODE § 36-1401
REPORTING LAWS	
8. Cross Reporting	[None]
9. Veterinary Reporting	Veterinarians are not liable for investigations of cruelty, unless accompanied by bad faith or malice. IDAHO CODE § 25-3514A
10. “Ag-Gag” Laws	Interference with agricultural production. IDAHO CODE § 18-7042 (<i>See annotation</i>)
CIVIL AND CIVILIAN INTERVENTION	
11. Emergency Rescue and Relief	[None]
12. Civil Enforcement	[None]
13. Domestic Violence and Protection Orders	[None]
CRIMINAL JUSTICE INTERVENTION	

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<p>14. Maximum Penalties and Statute of Limitations</p>	<p>NOTE: Penalties for violations of IDAHO CODE §§ 18-7039; 25-3503; § 25-3506; § 25-3507; and § 18-6602 are defined in the substantive statutes, available in the General Cruelty, Animal Fighting, and Sexual Assault sections of this document.</p> <p>Definitions of felony and misdemeanor. IDAHO CODE § 18-111</p> <p>Unclassified misdemeanor. IDAHO CODE § 25-3520A(1),(2),(3)(a) <i>1st offense: 6 months jail and/or \$5,000 fine</i> <i>2nd offense: 9 months jail and/or \$7,000 fine</i> <i>3rd and subsequent offenses: 1 year jail and/or \$9,000 fine</i></p> <p>Unclassified felony. IDAHO CODE § 18-112 <i>5 years imprisonment and/or \$50,000 fine</i></p> <p>Statute of Limitations. <i>Misdemeanor: 1 year</i> IDAHO CODE § 19-403(1) <i>Felony: 5 years</i> IDAHO CODE § 19-402</p>
<p>15. Law Enforcement Policies</p>	<p>The Dept. of Ag is responsible for the administration of the provisions of this chapter as they pertain to production animals; local law enforcement agencies shall be responsible for the administration of the provisions of this chapter as they pertain to companion animals. IDAHO CODE § 25-3501</p> <p>In cases involving mistreatment of “production animals,” the department of agriculture must give approval before enforcement of laws or seizure occurs. IDAHO CODE § 25-3501A</p> <p>Animal control officers must comply with the same constitutional and statutory restrictions concerning the execution of police powers imposed on law enforcement officers. IDAHO CODE § 25-3501A</p> <p>Sheriff, police, peace officers, or animal control officers may make arrests. IDAHO CODE § 25-3513</p> <p>Representatives of the division of animal industries are authorized to enter any premises in this state, with the owner’s permission, to investigate alleged</p>

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	<p>violations. If permission is not granted, representatives may call upon law enforcement to assist.</p> <p>IDAHO CODE § 25-3519</p>
16. Seizure	<p>In cases involving mistreatment of “production animals,” the department of agriculture must give approval before seizure occurs.</p> <p>IDAHO CODE § 25-3501A</p> <p>Peace officers or qualified humane officers may seize cruelly treated or neglected animals, subject to restrictions in 25-3501A.</p> <p>IDAHO CODE §§ 25-3504, 25-3511, 25-3520B(1)</p> <p>Officers must seize animals being cruelly transported once person transporting them is arrested.</p> <p>IDAHO CODE § 25-3505</p> <p>Any qualified peace officer may enter any building or tenement where there is an exhibition of the fighting of birds or animals or where preparations are being made for such an exhibition, and without a warrant, arrest all persons.</p> <p>IDAHO CODE § 25-3509</p> <p>Search warrants must be issued in cases of probable cause.</p> <p>IDAHO CODE § 25-3513</p>
17. Courtroom Animal Advocate Program	[None]
18. Restitution	<p>Upon conviction for sexual assault of an animal, court may order defendant to pay reasonable costs of care for impounded animals.</p> <p>IDAHO CODE § 18-6602</p> <p>Owner or keeper is responsible for reasonable costs of care and seizure for impounded animals.</p> <p>IDAHO CODE § 25-3520B</p> <p>Defendant may post a security bond for costs of care from impoundment to the date of trial, which may be used for actual reasonable costs of care.</p> <p>IDAHO CODE § 25-3520B</p>
19. Forfeiture and Possession Bans	<p>Upon conviction for sexual assault of an animal, court may order defendant relinquish animals in defendant’s custody at time of offense.</p> <p>IDAHO CODE § 18-6602</p>

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	<p>If, after due process, a responsible owner cannot be found, abandoned animals may be offered for adoption or may be euthanized. IDAHO CODE § 25-3511</p> <p>Upon conviction, the court may order forfeiture of the mistreated animal and any other animals owned or possessed by the defendant at the time of the offense. IDAHO CODE § 25-3520A(4)</p> <p>The court, prior to disposition of criminal charges, may order forfeiture of an impounded animal, if the court finds that probable cause of mistreatment existed and the defendant fails to issue a bond for costs of care. IDAHO CODE § 25-3520B</p>
<p>20. Rehabilitative Sentencing</p>	<p>Mandatory psychological evaluation for persons convicted of torturing a companion animal. IDAHO CODE § 25-3504A(5)</p> <p>The court may order a presentence psychological evaluation for violations of animal cruelty. IDAHO CODE § 25-3520A(5)</p>

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1. DEFINITION OF “ANIMAL”

IDAHO CODE § 25-3502. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

- (1) “Abandon” means to completely forsake and desert an animal previously under the custody or possession of a person without making reasonable arrangements for its proper care, sustenance and shelter.
- (2) “Animal” means any vertebrate member of the animal kingdom, except man.
- (3) “Animal care and control agency” means any agency incorporated under the laws of this state to which a county or municipality has conferred authority to exercise the powers and duties set forth in this chapter based upon the agency’s ability to fulfill the purposes of this chapter.
- (4) “Companion animal” means those animals solely kept as pets and not used as production animals, as defined in this section, including, but not limited to, domestic dogs, domestic cats, rabbits, companion birds, and other animals.
- (5) “Cruel” or “cruelty” shall mean any or all of the following:
 - (a) The intentional and malicious infliction of pain, physical suffering, injury or death upon an animal;
 - (b) To maliciously kill, maim, wound, torment, deprive of necessary sustenance, drink or shelter, cruelly beat, mutilate or cruelly kill an animal;
 - (c) To subject an animal to needless suffering or inflict unnecessary cruelty;
 - (d) To knowingly abandon an animal;
 - (e) To negligently confine an animal in unsanitary conditions or to negligently house an animal in inadequate facilities; to negligently fail to provide sustenance, water or shelter to an animal.
- (6) “Department” means the Idaho state department of agriculture.
- (7) “Department investigator” means a person employed by, or approved by, the Idaho state department of agriculture, division of animal industries, to determine whether there has been a violation of this chapter.
- (8) “Division” means the division of animal industries of the Idaho state department of agriculture.
- (9) “Custodian” means any person who keeps or harbors an animal, has an animal in his care or acts as caretaker of an animal.
- (10) “Malicious” or “maliciously” means the intentional doing of a wrongful act without just cause or excuse, with an intent to inflict an injury or death.
- (11) “Owner” means any person who has a right of property in an animal.
- (12) “Person” means any individual, firm, corporation, partnership, other business unit, society, association or other legal entity, any public or private institution, the state of Idaho, or any municipal corporation or political subdivision of the state.
- (13) “Pound” means a place enclosed by public authority for the detention of stray animals.
- (14) “Production animal” means, for purposes of this chapter:
 - (a) *The following animals used for the purpose of producing food or fiber, or other commercial activity, in furtherance of the production of food or fiber, or other commercial activity, or to be sold for the use by another for such purpose: cattle, sheep, goats, swine, poultry, ratites,*

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equines, domestic cervidae, camelidae, and guard and stock dogs; and

(b) Furbearing animals kept for the purpose of commercial fur production.

- (15) "Torture" means the intentional, knowing and willful infliction of unjustifiable and extreme or prolonged pain, mutilation or maiming done for the purpose of causing suffering. "Torture" shall not mean or include acts of omission or of neglect nor acts committed unintentionally or by accident. "Torture" also shall not mean or include normal or legal practices as provided in section 25-3514, Idaho Code.

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2. GENERAL CRUELTY

IDAHO CODE § 25-3502. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

- (1) *“Abandon” means to completely forsake and desert an animal previously under the custody or possession of a person without making reasonable arrangements for its proper care, sustenance and shelter.*
- (2) *“Animal” means any vertebrate member of the animal kingdom, except man.*
- (3) *“Animal care and control agency” means any agency incorporated under the laws of this state to which a county or municipality has conferred authority to exercise the powers and duties set forth in this chapter based upon the agency’s ability to fulfill the purposes of this chapter.*
- (4) *“Companion animal” means those animals solely kept as pets and not used as production animals, as defined in this section, including, but not limited to, domestic dogs, domestic cats, rabbits, companion birds, and other animals.*
- (5) *“Cruel” or “cruelty” shall mean any or all of the following:*
 - (a) *The intentional and malicious infliction of pain, physical suffering, injury or death upon an animal;*
 - (b) *To maliciously kill, maim, wound, torment, deprive of necessary sustenance, drink or shelter, cruelly beat, mutilate or cruelly kill an animal;*
 - (c) *To subject an animal to needless suffering or inflict unnecessary cruelty;*
 - (d) *To knowingly abandon an animal;*
 - (e) *To negligently confine an animal in unsanitary conditions or to negligently house an animal in inadequate facilities; to negligently fail to provide sustenance, water or shelter to an animal.*
- (6) *“Department” means the Idaho state department of agriculture.*
- (7) *“Department investigator” means a person employed by, or approved by, the Idaho state department of agriculture, division of animal industries, to determine whether there has been a violation of this chapter.*
- (8) *“Division” means the division of animal industries of the Idaho state department of agriculture.*
- (9) *“Custodian” means any person who keeps or harbors an animal, has an animal in his care or acts as caretaker of an animal.*
- (10) *“Malicious” or “maliciously” means the intentional doing of a wrongful act without just cause or excuse, with an intent to inflict an injury or death.*
- (11) *“Owner” means any person who has a right of property in an animal.*
- (12) *“Person” means any individual, firm, corporation, partnership, other business unit, society, association or other legal entity, any public or private institution, the state of Idaho, or any municipal corporation or political subdivision of the state.*
- (13) *“Pound” means a place enclosed by public authority for the detention of stray animals.*
- (14) *“Production animal” means, for purposes of this chapter:*
 - (a) *The following animals used for the purpose of producing food or fiber, or other commercial activity, in furtherance of the production of food or fiber, or other commercial activity, or to be sold for the use by another for such purpose: cattle, sheep, goats, swine, poultry, ratites,*

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equines, domestic cervidae, camelidae, and guard and stock dogs; and

(b) Furbearing animals kept for the purpose of commercial fur production.

- (15) *"Torture" means the intentional, knowing and willful infliction of unjustifiable and extreme or prolonged pain, mutilation or maiming done for the purpose of causing suffering. "Torture" shall not mean or include acts of omission or of neglect nor acts committed unintentionally or by accident. "Torture" also shall not mean or include normal or legal practices as provided in section 25-3514, Idaho Code.*

IDAHO CODE § 25-3503. Poisoning animals.

Every person who willfully administers any poisonous substance to an animal, the property of another, or maliciously places any poisonous substance where it would be found by an animal or where it would attract any such animal, with the intent that the same shall be taken, ingested or absorbed by any such animal, is punishable by imprisonment in the state prison not exceeding three (3) years, or in the county jail not exceeding one (1) year, and a fine not less than one hundred dollars (\$100) or more than five thousand dollars (\$5000).

IDAHO CODE § 25-3504. Committing cruelty to animals.

Every person who is cruel to any animal, or causes or procures any animal to be cruelly treated, or who, having the charge or custody of any animal, either as owner or otherwise, subjects any animal to cruelty shall, upon conviction, be punished in accordance with section 25-3520A, Idaho Code. Any law enforcement officer or animal care and control officer, subject to the restrictions of section 25-3501A, Idaho Code, may take possession of the animal cruelly treated, and provide care for the same, until final disposition of such animal is determined in accordance with section 25-3520A or 25-3520B, Idaho Code.

IDAHO CODE § 25-3504A. Torturing companion animals.

- (1) *A person is guilty of the offense of torturing a companion animal if he tortures a companion animal as defined in this chapter.*
- (2) *A person convicted of torturing a companion animal shall be guilty of a misdemeanor, if it is the person's first conviction under this section, and shall be punished according to section 25-3520A(1) or (2), Idaho Code.*
- (3) *A person convicted of a subsequent violation of torturing a companion animal shall be guilty of a felony and shall be punished under the provisions of section 25-3520A(3)(b), Idaho Code.*
- (4) *Notwithstanding subsection (2) of this section, a person convicted of torturing a companion animal for the first time, but who, within ten (10) years prior to the conviction, also has been convicted of a felony offense involving the voluntary infliction of bodily injury upon any human shall be guilty of a felony and shall be punished according to the provisions of section 25-3520A(3)(b), Idaho Code.*
- (5) *Before sentencing an individual convicted of a violation of this section, the court shall order and consider a presentence investigation that shall include a psychological evaluation of the defendant.*

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IDAHO CODE § 25-3505. Carrying in a cruel manner—Seizure, expenses, lien.

Whoever carries or causes to be carried in or upon any vehicle or otherwise any animal in a cruel manner, or knowingly and willfully authorizes or permits it to be subjected to cruelty of any kind, is guilty of a misdemeanor and shall, upon conviction, be punished in accordance with section 25-3520A, Idaho Code. Subject to the restrictions of section 25-3501A, Idaho Code, whenever any such person is taken into custody therefor by any officer, such officer must take charge of such vehicle, and its contents, and deposit them in some place of custody, and must take possession of the animal and deposit it in some place of custody until final disposition of the animal is determined in accordance with section 25-3520A or 25-3520B, Idaho Code.

IDAHO CODE § 25-3510. Impounding without food or water.

Any person who impounds, or causes to be impounded in any pound, any animal, must supply the same during such confinement with a sufficient quantity of wholesome food and clean water, and in default thereof, is guilty of a misdemeanor and shall, upon conviction, be punished in accordance with section 25-3520A, Idaho Code.

IDAHO CODE § 25-3511. Permitting animals to go without care—Abandoned animals to be humanely destroyed.

Every owner, custodian or possessor of any animal, who shall permit the same to be in any building, enclosure, lane, street, square or lot of any city, county or precinct, without proper care and attention, as determined by an Idaho licensed veterinarian, or a representative of the division, shall, on conviction, be deemed guilty of a misdemeanor and shall, upon conviction, be punished in accordance with section 25-3520A, Idaho Code. It shall be the duty of any law enforcement officer or animal care and control officer, subject to the restrictions of section 25-3501A, Idaho Code, to take possession of the animal so abandoned or neglected, and care for the same until final disposition of such animal is determined in accordance with section 25-3520A or 25-3520B, Idaho Code. Every sick, disabled, infirm or crippled animal which shall be abandoned in any city, county or precinct, may if after due search no owner can be found therefor, be humanely destroyed, or other provision made for the animal by or on the order of such officer; and it shall be the duty of all law enforcement officers or animal care and control officers, to cause the same to be humanely destroyed, or other provision made therefor, on information of such abandonment. Subject to the restrictions of section 25-3501A, Idaho Code, such officer may likewise take charge of any animal that by reason of lameness, sickness, feebleness or neglect, is unfit for the activity it is performing, or that in any other manner is being cruelly treated; and, if such animal is not then in custody of its owner, such officer shall give notice thereof to such owner, if known, and may provide suitable care for such animal until final disposition of such animal is determined in accordance with section 25-3520A or 25-3520B, Idaho Code. If, in accordance with this section, a responsible owner cannot be found, the animal may be offered for adoption to a responsible person in lieu of destruction.

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IDAHO CODE § 25-3514. Chapter construed not to interfere with normal or legal practices.

No part of this chapter shall be construed as interfering with or allowing interference with:

- (1) Normal or accepted veterinary practices;*
- (2) The humane slaughter of any animal normally and commonly raised as food, for production of fiber or equines;*
- (3) Bona fide experiments or research carried out by professionally recognized private or public research facilities or institutions;*
- (4) The humane destruction of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane destruction of animals for population control;*
- (5) Normal or accepted practices of animal identification and animal husbandry as established by, but not limited to, guidelines developed and approved by the appropriate national or state commodity organizations;*
- (6) The killing of any animal, by any person at any time, which may be found outside of the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, farm animal or property;*
- (7) The killing of an animal that is vicious by an animal control officer, law enforcement officer or veterinarian;*
- (8) The killing or destruction of predatory animals, vermin or other animals or birds which are injuring or posing a threat to farm or privately owned animals or property, when such killing or destruction is conducted in accordance with laws and rules covering such animals;*
- (9) Any other exhibitions, competitions, activities, practices or procedures normally or commonly considered acceptable.*

The practices, procedures and activities described in this section shall not be construed to be cruel nor shall they be defined as cruelty to animals, nor shall any person engaged in these practices, procedures or activities be charged with cruelty to animals.

IDAHO CODE § 25-3514A. Immunity.

Any Idaho licensed veterinarian shall be held harmless from either criminal or civil liability for any decisions made or services rendered under the provisions of this chapter. Such a veterinarian is, therefore, protected from a lawsuit for his part in an investigation of cruelty to animals. Provided however, that a veterinarian who participates or reports in bad faith or with malice shall not be protected under the provisions of this section.

IDAHO CODE § 25-3515. Chapter construed not to interfere with game laws.

No part of this chapter shall be construed as interfering with, negating or preempting any of the laws or rules of the department of fish and game of this state or any law for or against the destruction of certain birds, nor must this chapter be construed as interfering with the right to destroy any venomous reptile, or animal known as dangerous to life, limb, or property, or to interfere with the right to kill, slaughter, bag or take all animals used for food or with properly conducted scientific experiments or investigations performed under the

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authority of the faculty of a regularly incorporated medical college, or university of this state, or any other recognized research facility or institution.

IDAHO CODE § 25-3518. Beating and harassing animals.

Every person who cruelly whips, beats or otherwise maliciously treats any animal, or maliciously harasses with a dog any cattle, horses, sheep, hogs or other livestock shall be guilty of a misdemeanor and shall, upon conviction, be punished in accordance with section 25-3520A, Idaho Code.

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3. ANIMAL FIGHTING

IDAHO CODE § 25-3506. Exhibition of cockfights.

- (1) *Every person who participates in a public or private display of combat between two (2) or more gamecocks in which the fighting, killing, maiming or injuring of gamecocks is a significant feature is guilty of a misdemeanor and shall, upon conviction, be punished in accordance with section 25-3520A, Idaho Code.*
- (2) *Every person who knowingly advertises, promotes or organizes a public or private display of combat between two (2) or more gamecocks in which the fighting, killing, maiming or injuring of gamecocks is a significant feature and at which:*
 - (A) *any controlled substance listed in section 37-2732C, Idaho Code, is present; and*
 - (B) *any act of gambling, as defined in section 18-3801, Idaho Code, occurs; is guilty of a felony and shall, upon conviction, be punished in accordance with the penalty provisions in section 25-3520A(3)(a), Idaho Code.*
- (3) *Every person who knowingly advertises, promotes or organizes a public or private display of combat between two (2) or more gamecocks in which the fighting, killing, maiming or injuring of gamecocks is a significant feature and at which:*
 - (A) *gaffs or other artificial or mechanical means are used to enhance pain, inflict injury or to cause death; or*
 - (B) *any substance to enhance activity, aggressiveness or bodily energy has been administered to a gamecock;*

is guilty of a misdemeanor for a first violation and shall, upon conviction, be punished in accordance with the penalty provisions of section 25-3520A(1), Idaho Code. Any person convicted of a second or subsequent violation of the provisions of this subsection is guilty of a felony and shall, upon conviction, be punished in accordance with the penalty provisions of section 25-3520A(3)(a), Idaho Code. Each prior conviction shall constitute one (1) violation of the provisions of this subsection regardless of the number of counts involved in the conviction.
- (4) *Nothing in this section prohibits any customary practice of breeding or rearing game fowl, regardless of the subsequent uses of said game fowl.*

IDAHO CODE § 25-3507. Exhibition of dogfights.

- (1) *Every person who knowingly owns, possesses, keeps, trains, buys or sells dogs for the purpose of a public or private display of combat between two (2) or more dogs in which the fighting, killing, maiming or injuring of dogs is a significant feature is guilty of a felony.*
- (2) *Every person who knowingly advertises, promotes, organizes, participates or knowingly has a monetary interest in a public or private display of combat between two (2) or more dogs in which the fighting, killing, maiming or injuring of dogs is a significant feature is guilty of a felony.*
- (3) *Every person who is knowingly present as a spectator at any place where preparations are being made for an exhibition of the fighting of dogs with the intent to be present at such preparations or to be*

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knowingly present at such exhibition shall be guilty of a misdemeanor and shall, upon conviction, be punished in accordance with section 25-3520A, Idaho Code.

- (4) *Nothing in this section prohibits: demonstrations of the hunting, herding, working or tracking skills of dogs or the lawful use of dogs for hunting, herding, working, tracking or self and property protection; the use of dogs in the management of livestock or the training, raising, breeding or keeping of dogs for any purpose not prohibited by law. An exhibition of dogfighting shall not be construed to mean the type of confrontation that happens unintentionally because of a chance encounter between two (2) or more uncontrolled dogs.*

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4. SEXUAL ASSAULT

IDAHO CODE § 18-6602. Sexual abuse of an animal.

- (1) A person is guilty of a felony if that person:
- (a) Engages in sexual contact with an animal;
 - (b) Advertises, solicits, offers, or accepts the offer of an animal or possesses, purchases, or otherwise obtains an animal with the intent that the animal be subject to sexual contact; or
 - (c) Causes, aids, or abets another person to engage in sexual contact with an animal.
- (2) As used in this section:
- (a) "Animal" means any living creature of the animal kingdom, other than a human being, whether dead or alive at the time of the violation of this section; and
 - (b) "Sexual contact" means any act committed between a person and an animal for the purpose of sexual arousal, sexual gratification, abuse, or financial gain without a bona fide veterinary or animal husbandry purpose and involving:
 - (i) Contact between the sex organs or anus of an animal and the mouth of the person or contact between the sex organs or anus of the person and the mouth of the animal;
 - (ii) The insertion of any part of the animal's body into the vaginal or anal opening of the person; or
 - (iii) The insertion of any part of the body of a person or any object into the vaginal or anal opening of an animal.
- (3) Any person who violates this section may be punished by imprisonment in the state prison for a term not to exceed five (5) years. Additionally, the court may order a person who violates this section to:
- (a) Relinquish custody of some or all animals under the person's control at the time of the offense. If the person convicted of violating this section is not the owner of the animal that was the subject of the violation, then the animal shall be returned to the owner of the animal. An animal returned to an owner under this section shall not be spayed or neutered prior to being returned; and
 - (b) Reimburse the agency or shelter caring for the animal for reasonable costs incurred for the care and treatment of the animal from the date of impoundment until the disposition of the criminal proceeding.
- (4) Nothing in this section shall be construed to criminalize:
- (a) Generally accepted veterinary practices in compliance with chapter 21, title 54, Idaho Code;
 - (b) Generally accepted agricultural, farming, ranching, and animal husbandry practices, including grooming, raising, breeding or artificially inseminating an animal for reproductive purposes, assisting with the birthing process of animals, or any other procedure that provides care for an animal;
 - (c) Generally accepted commercial, traditional, cultural, historical, or tribal practices, including judging of breed conformation, rodeos, horse racing, fairs, and stock sales and auctions; or
 - (d) Generally accepted hunting, fishing, and trapping practices in compliance with title 36, Idaho Code.

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IDAHO CODE § 18-8304. Application of chapter--Rulemaking authority.

- (1) *The provisions of this chapter shall apply to any person who:*
- (a) *On or after July 1, 1993, is convicted of the crime, or an attempt, a solicitation, or a conspiracy to commit a crime provided for in section 18-909 (assault with intent to commit rape or lewd and lascivious conduct with a minor, but excluding mayhem, murder or robbery), 18-911 (battery with intent to commit rape or lewd and lascivious conduct with a minor, but excluding mayhem, murder or robbery), 18-919 (sexual exploitation by a medical care provider), 18-925 (aggravated sexual battery), 18-1505B (sexual abuse and exploitation of a vulnerable adult), 18-1506 (sexual abuse of a child under sixteen years of age), 18-1506A (ritualized abuse of a child), felony violations of 18-1507 (sexual exploitation of a child), 18-1508 (lewd conduct with a minor child), 18-1508A (sexual battery of a minor child sixteen or seventeen years of age), 18-1509A (enticing a child over the internet), 18-4003(d) (murder committed in perpetration of rape), 18-4116 (indecent exposure, but excluding a misdemeanor conviction), 18-4502 (first degree kidnapping committed for the purpose of rape or for committing any lewd and lascivious act upon any child under the age of sixteen, or for purposes of sexual gratification or arousal), 18-4503 (second degree kidnapping where the victim is an unrelated minor child), 18-5605 (detention for prostitution), 18-5609 (inducing person under eighteen years of age into prostitution), 18-5610 (utilizing a person under eighteen years of age for prostitution), 18-5611 (inducing person under eighteen years of age to patronize a prostitute), 18-6101 (rape, but excluding 18-6101(1) where the defendant is eighteen years of age), 18-6110 (sexual contact with a prisoner), 18-6601 (incest), 18-6602 (sexual abuse of an animal), 18-6603 (sexual abuse of human remains), 18-6604 (forcible penetration by use of a foreign object), 18-6605 (video voyeurism where the victim is a minor or upon a second or subsequent conviction), 18-7804 (if the racketeering act involves kidnapping of a minor) or 18-8602(1)(a)(i) (sex trafficking), Idaho Code.*
 - (b) *On or after July 1, 1993, has been convicted of any crime, an attempt, a solicitation or a conspiracy to commit a crime in another jurisdiction, including military courts, or who has a foreign conviction that is substantially equivalent to the offenses listed in paragraphs (a) or (f) of this subsection and enters this state to establish residence or for employment purposes or to attend, on a full-time or part-time basis, any public or private educational institution including any secondary school, trade or professional institution or institution of higher education.*
 - (c) *Has been convicted of any crime, an attempt, a solicitation or a conspiracy to commit a crime in another jurisdiction, including military courts, or who has a foreign conviction that is substantially equivalent to the offenses listed in paragraphs (a) or (f) of this subsection and was required to register as a sex offender in any other state or jurisdiction when he established residency in Idaho.*
 - (d) *Pleads guilty to or has been found guilty of a crime covered in this chapter prior to July 1, 1993, and the person, as a result of the offense, is incarcerated in a county jail facility or a penal facility or is under probation or parole supervision, on or after July 1, 1993.*
 - (e) *Is a nonresident regularly employed or working in Idaho or is a student in the state of Idaho and was convicted, found guilty or pleaded guilty to a crime covered by this chapter and, as a result of such conviction, finding or plea, is required to register in his state of residence.*
 - (f) *On or after July 1, 1993, is convicted of the crime or an attempt, solicitation, or conspiracy to*

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commit the infamous crime against nature, a felony offense formerly codified in chapter 66, title 18, Idaho Code, and whose conviction is entered before July 1, 2022.

- (2) An offender shall not be required to comply with the registration provisions of this chapter while incarcerated in a correctional institution of the department of correction, a county jail facility, committed to the department of juvenile corrections or committed to a mental health institution of the department of health and welfare.
- (3) A conviction for purposes of this chapter means that the person has pled guilty or has been found guilty, notwithstanding the form of the judgment or withheld judgment.
- (4) The department shall have authority to promulgate rules to implement the provisions of this chapter.

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5. CRUELTY TO WORKING ANIMALS

IDAHO CODE § 18-7039. Killing and otherwise mistreating police dogs, police horses, search and rescue dogs and accelerant detection dogs.

(1) Definitions:

(a) "Police dog" shall include:

- (i) "Bomb detection dog" means a dog trained to locate bombs or explosives by scent;
- (ii) "Narcotic detection dog" means a dog trained to locate narcotics by scent;
- (iii) "Patrol dog" means a dog trained to protect a peace officer and to apprehend a person;
- (iv) "Tracking dog" means a dog trained to track and find a missing person, escaped inmate or fleeing felon.

(b) "Police horse" means any horse which is owned, or the service of which is employed, by a law enforcement agency for the principal purpose of aiding in detection of criminal activity, enforcement of laws and apprehension of offenders.

(c) "Search and rescue dog" means a dog which is trained to locate lost or missing persons, victims of natural or man-made disasters, and human bodies.

(d) "Accelerant detection dog" means a dog which is used exclusively for accelerant detection, commonly referred to as arson canines.

(2) The provisions of this section shall apply to police dogs and police horses used by peace officers, including any used by a corrections officer in the performance of the officer's duties, and to search and rescue dogs and accelerant detection dogs used by peace officers or certified handlers under the supervision of a peace officer. The provisions of this section shall apply when the animals are on duty and when not on duty.

(3) *Any person who willfully and maliciously and with no legal justification, and with intent to inflict such injury or death, personally causes the death, destruction, or serious physical injury including bone fracture, loss or impairment of function of any bodily organ, wounds requiring extensive suturing, or serious crippling, of any police dog, police horse, search and rescue dog or accelerant detection dog, shall be guilty of a felony under this section and shall be punished by imprisonment in the state penitentiary for a period not to exceed five (5) years, or by a fine not to exceed ten thousand dollars (\$10,000), or by both such fine and imprisonment.*(4) *Any person who willfully, maliciously and with no legal justification, throws, hurls or projects at a police dog, police horse or search and rescue dog, any rock, object or other substance which is used in such a manner as to be capable of producing injury and likely to produce injury or kicks, strikes, beats, or torments any police dog, police horse or search and rescue dog is guilty of a misdemeanor and shall be punished by imprisonment for not more than one (1) year or by a fine not exceeding one thousand dollars (\$1,000), or by both such fine and imprisonment.*(5) *Any person who willfully and maliciously and with no legal justification, interferes with or obstructs any police dog, police horse or search and rescue dog being used by any peace officer in the discharge of the officer's duties by teasing, agitating, harassing such animals, or who causes another person or persons, animal or animals, to do likewise, is guilty of a misdemeanor and shall be punished by imprisonment for not more than one (1) year or by a fine not exceeding one thousand dollars (\$1,000), or by both such fine and imprisonment.*

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- (6) In any case in which a defendant is convicted of a violation of the provisions of this section, the defendant shall be ordered to make restitution to the agency owning the animal and employing the peace officer for any veterinary bills, replacement costs of the animal if it is disabled or killed, and the salary of the peace officer for the period of time his or her services are lost to the agency.
- (7) The provisions of this subsection do not apply to peace officers or veterinarians who terminate the life of such a police dog, police horse or search and rescue dog for the purpose of relieving the police dog, police horse or search and rescue dog of undue pain or suffering.

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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.*

[None]

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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.*

IDAHO CODE § 36-901. Fishing unlawful except by commission rule or proclamation.

No person shall take by any method or means, at any place or time or in any amount, or to have in possession fish from any of the waters of the state of Idaho except as permitted by provisions of this title and commission rules or proclamations promulgated pursuant thereto.

IDAHO CODE § 36-902. Unlawful fishing methods--Destruction of fish prohibited—Exceptions.

Except as may be otherwise permitted by law or commission rule or proclamation no person shall:

- (a) Destructive Substances. Deposit, throw, place, allow or cause to pass into any of the waters of this state any deleterious drugs, toxicants, chemicals, poisonous substances, explosives, electrical current, or other material which may tend to destroy, kill, disable, or drive away fish.*
- (b) Mills. Operate any sawmill, reduction works or quartz mill upon any natural stream course or lake without having first constructed a proper dam for settling purposes as approved by the director.*
- (c) Net, Spear. Catch, attempt to catch or kill any species of fish whatever in any of the streams, rivers, lakes, reservoirs or waters of this state with any seine, net, spear, snag hook, weir, fence, basket, trap, gill net, dip net, trammel net or any other contrivance.*
- (d) Minnows. Take, transport, use or have in possession minnows, fish or the young of any fish or parts thereof for bait or to release in any manner live minnows, fish or the young of any fish into the waters of this state.*
- (e) Chumming. Deposit or distribute any substance not attached to a hook for the purpose of attracting fish. Salmon eggs or other spawn may be used for bait only when attached to a hook on a line and fished in the conventional manner.*
- (f) Penalty. Any person convicted of any violation of any of the provisions of this section shall: for subsections (a) and (b), be fined in a sum of not less than one hundred fifty dollars (\$150) for each offense, and/or by commitment to jail for a period of not more than six (6) months; for subsection (c), not less than fifty dollars (\$50.00), and/or by commitment to jail for a period of not more than six (6) months; for subsections (d) and (e), as provided in section 36-1402, Idaho Code.*

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IDAHO CODE § 36-1101. Taking of wildlife unlawful except by statute or commission rule or proclamation-- Methods prohibited—Exceptions.

(a) *It is unlawful, except as may be otherwise provided by Idaho law, including this title or commission rules or proclamations promulgated pursuant thereto, for any person to take any of the game animals, birds or furbearing animals of this state.*

(b) Except as may be otherwise provided under this title or commission rules or proclamations promulgated pursuant thereto, it is unlawful for any person to:

1. **Hunt from Motorized Vehicles.** Hunt any of the game animals or game birds of this state from or by the use of any motorized vehicle, including any unmanned aircraft system, except as provided by commission rule; provided however, that the commission shall promulgate rules which shall allow a physically disabled person to apply for a special permit which would allow the person to hunt from a motorized vehicle which is not in motion. A physically disabled person means a person who has lost the use of one (1) or both lower extremities or both hands, or is unable to walk two hundred (200) feet or more unassisted by another person, or is unable to walk two hundred (200) feet or more without the aid of a walker, cane, crutches, braces, prosthetic device or a wheelchair, or is unable to walk two hundred (200) feet or more without great difficulty or discomfort due to one (1) or more of the following impairments: neurological, orthopedic, respiratory, cardiac, arthritic disorder, blindness, or the loss of function or absence of a limb.

The commission shall specify the form of application for and design of the special permit which shall allow a physically disabled person to hunt from a motorized vehicle which is not in motion. No fee shall be charged for the issuance of the special permit and the issuance of a special permit shall not exempt a person from otherwise properly purchasing or obtaining other necessary licenses, permits and tags in accordance with this title and rules promulgated pursuant thereto. The special permit shall not be transferable and may only be used by the person to whom it is issued. A person who has been issued a special permit which allows a physically disabled person to hunt from a motorized vehicle not in motion shall have that permit prominently displayed on any vehicle the person is utilizing to hunt from and the person shall produce, on demand, the permit and other identification when so requested by a conservation officer of the department of fish and game. A person possessing a special permit shall not discharge any firearm from or across a public highway. In addition to other penalties, any unauthorized use of the special permit shall be grounds for revocation of the permit.

2. **Molest with Motorized Vehicles.** *Use any motorized vehicle, including any unmanned aircraft system, to molest, stir up, rally or drive in any manner any of the game animals or game birds of this state.*
3. **Communicate from Aircraft.** Make use of aircraft, including any unmanned aircraft system, in any manner to spot or locate game animals, game birds or furbearing animals of this state from the air and communicate the location or approximate location thereof by any signals whatsoever, whether radio, visual or otherwise, to any person then on the ground.

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4. Hunt from Helicopter. Make use of any helicopter in any manner in the taking of game or loading, transporting, or unloading hunters, game or hunting gear in any manner except when such use is at recognized airports or airplane landing fields, or at heliports which have been previously established on private land or which have been established by a department or agency of the federal, state or local government or when said use is in the course of emergency or search and rescue operations. Provided however, that nothing in this chapter shall limit or prohibit the lawful control of wolves or predatory or unprotected animals through the use of helicopters when such measures are deemed necessary by federal or state agencies in accordance with existing laws or management plans.
5. Hunt with Aid of Aircraft. Make use of any aircraft, including any unmanned aircraft system, to locate any big game animal for the purpose of hunting those animals during the same calendar day those animals were located from the air. Provided however, that nothing in this chapter shall limit or prohibit the lawful control of wolves or predatory or unprotected wildlife through the use of aircraft when such measures are deemed necessary by federal or state agencies in accordance with existing laws or management plans.
6. Artificial Light. Hunt any animal or bird except raccoon by the aid of a spotlight, flashlight or artificial light of any kind. The act of casting or throwing, after sunset, the beam or rays of any spotlight, headlight or other artificial light capable of utilizing six (6) volts or more of electrical power upon any field, forest or other place by any person while having in his possession or under his control any uncased firearm or contrivance capable of killing any animal or bird, shall be prima facie evidence of hunting with an artificial light. Provided nothing in this subsection shall apply where the headlights of a motor vehicle, operated and proceeding in a normal manner on any highway or roadway, cast a light upon animals or birds on or adjacent to such highway or roadway and there is no intent or attempt to locate such animals or birds. Provided further, nothing in this subsection shall prevent the hunting of unprotected or predatory wildlife with the aid of artificial light when such hunting is for the purpose of protecting property or livestock, is done by landowners or persons authorized in writing by them to do so and is done on property they own, lease or control; and provided further that the hunting and taking of unprotected or predatory wildlife with the aid of artificial light on public lands is authorized after obtaining a permit to do so from the director. The director may, for good cause, refuse to issue such permit.
7. Other provisions of this subsection notwithstanding, the commission may establish rules allowing the hunting of raccoon with the aid of an artificial light.
8. Regulation of Dogs.
 - (A) *No person shall make use of a dog for the purpose of pursuing, taking or killing any of the big game animals of this state except as otherwise provided by rules of the commission.*
 - (B) Any person who is the owner of, or in possession of, or who harbors any dog found running at large and which is actively tracking, pursuing, harassing or attacking, or which injures or kills deer or any other big game animal within this state shall be guilty

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as provided in section 36-1401(a)1.(F), Idaho Code. It shall be no defense that such dog or dogs were pursuing said big game animals without the aid or direction of the owner, possessor, or harbinger.

(C) Any dog found running at large and which is actively tracking, pursuing, harassing, attacking or killing deer or any other big game animal may be destroyed without criminal or civil liability by the director, or any peace officer, or other persons authorized to enforce the Idaho fish and game laws.

9. Attempt to Take Simulated Wildlife.

(A) Attempt to take, by firearm or any other contrivance capable of killing an animal or bird, simulated wildlife in violation of any of the provisions of this title or commission rules applicable to the taking of the wildlife being simulated, when the simulated wildlife is being used by a conservation officer or other person authorized to enforce Idaho fish and game laws or rules promulgated pursuant thereto. No person shall be found guilty of violating either this subparagraph, or subparagraph (B) of this paragraph, provided that no other law or rule has been violated.

(B) Any person pleading guilty to, convicted of or found guilty for attempting to take simulated wildlife within this state shall be guilty of a misdemeanor and shall be punished as provided in either subsection (c) or (e) of section 36-1402, Idaho Code, and shall pay restitution in an amount of no less than fifty dollars (\$50.00) for the repair or replacement of the simulated wildlife.

10. Devices Accessed via Internet.

(A) No person shall shoot at or kill any bird or animal in Idaho, wild or domestic, including domestic cervidae governed under the provisions of chapter 37, title 25, Idaho Code, with any gun or other device accessed and controlled via an internet connection. Accessing, regulating access to, or regulating the control of a device capable of being operated in violation of this paragraph shall be prima facie evidence of an offense under this paragraph.

(B) Any person pleading guilty to, convicted of or found guilty of a violation of this paragraph shall be guilty of a misdemeanor and shall be punished as provided in section 36-1402, Idaho Code.

IDAHO CODE § 36-1102. Protection of birds.

(a) Game, Song, Insectivorous, Rodent Killing, and Innocent Birds Protected. Except for English sparrows and starlings, no person shall at any time of the year take any game, song, rodent killing, insectivorous or other innocent bird, except as provided by commission proclamations promulgated pursuant hereto, or for any person to intentionally disturb or destroy the eggs or nests of such birds at any time.

(b) Migratory Birds.

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1. *No person shall hunt, take or have in possession any migratory birds except as provided by federal regulations made pursuant to the federal migratory bird treaty act¹, as amended, and in accordance with related rules and proclamations promulgated by the commission.*
 2. *No person subject to the federal migratory bird hunting stamp act tax shall hunt any migratory waterfowl unless at the time of such hunting he carries on his person an unexpired federal migratory bird hunting stamp validated by his signature in ink across the face of the stamp or an electronically issued unexpired validation on a valid license while hunting such birds.*
- (c) *Falconry. The commission is authorized to establish a falconry program and to promulgate rules and proclamations governing same. As may be required by commission rule, the fees for a falconry permit, raptor captive breeding permit and raptor in-state transfer permit shall be as specified in section 36-416, Idaho Code. The falconry and the raptor captive breeding permit shall expire three (3) years from date of issue.*

IDAHO CODE § 36-1103. Fur-bearing animals--Seasons--Methods—Amounts.

No person shall trap or take by any method or means, at any place or time, in any amount, or have in possession any wild fur-bearing animals or pelts thereof, except as permitted by provisions of this title and commission rules and proclamations promulgated pursuant thereto.

- (a) *Trapping. No person shall:*
1. *Use any edible portions as defined in section 36-1202, Idaho Code, of a game bird, game animal, or game fish for bait in trapping or taking of any wildlife, except wildlife parts salvaged pursuant to section 36-506, Idaho Code, may be used for bait in trapping wildlife.*
 2. *Destroy, disturb, or remove the trap or traps of any licensed trapper within this state, provided, however, that the director may inspect such traps and seize same when unlawfully set.*
- (b) *Seizure and Sale of Unclaimed Traps. Traps or other trapping equipment unlawfully set shall be seized by the director or any officer charged with the enforcement of the wildlife laws and may be sold, and the moneys of such sale shall be credited to the state fish and game account.*
- (c) *Muskrat House Protected. No person shall trap in or on or destroy or damage any muskrat house at any time. For the purpose of this section, what is known as a push-up is not construed to be a muskrat house in the sense of the law pertaining to trapping in or on muskrat houses.*

IDAHO CODE § 36-1401. Violations.

- (a) *Infractions. Any person who pleads guilty to or is found guilty of a violation of the following provisions of the fish and game code or the following rules or proclamations promulgated pursuant thereto is guilty of an infraction:*
1. *Statutes.*

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- (A) Take, transport, use or have in possession bait fish as set forth in section 36-902(d), Idaho Code.
 - (B) Chumming as set forth in section 36-902(e), Idaho Code.
 - (C) Nonresident child under the age of fourteen (14) years fishing without a valid license and not accompanied by a valid license holder as set forth in section 36-401(a)2., Idaho Code.
 - (D) Use or cut a hole larger than ten (10) inches in the ice for ice fishing as set forth in section 36-1509(a), Idaho Code.
 - (E) Store fish without required tags/permits/statements as set forth in section 36-503, Idaho Code.
 - (F) Own, possess or harbor any dog found running loose and tracking, pursuing, harassing or attacking a big game animal as set forth in section 36-1101(b)7.(B), Idaho Code.
 - (G) Hunt migratory waterfowl without having in possession a signed federal migratory bird hunting stamp as set forth in section 36-1102(b)2., Idaho Code.
 - (H) Hunt migratory game birds without having in possession a license validated for the federal migratory bird harvest information program permit as set forth in section 36-409(k), Idaho Code.
 - (I) Trap in or on or destroy or damage any muskrat house as provided in section 36-1103(c), Idaho Code.
 - (J) Hunt migratory game birds with a shotgun capable of holding more than three (3) shells as provided and incorporated in section 36-1102(b), Idaho Code.
 - (K) Fail to purchase a muzzleloader permit as set forth in section 36-409(f), Idaho Code.
 - (L) Fail to purchase an archery permit as set forth in section 36-409(e), Idaho Code.
2. Rules or proclamations.
- (A) Fish with a prohibited motor or watercraft.
 - (B) Fish for sturgeon without a sliding sinker or lighter test terminal line to the sinker.
 - (C) Fish with hooks larger than allowed in that water.
 - (D) Fish with barbed hooks in waters where prohibited.
 - (E) Exceed any established bag limit for fish by one (1) fish, except bag limits for sturgeon and anadromous salmon and steelhead, where the bag limit is at least one (1) fish.
 - (F) Fish with more than the approved number of lines, hooks, hook points, or crawfish traps.
 - (G) Fish with bait where prohibited or fish in waters designated as fly fishing only with fishing gear other than fly rod, fly reel, fly line, or artificial flies.
 - (H) Fish with two (2) poles without a two (2) pole permit, except ice fishing.
 - (I) Fail to leave head and/or tail on fish while fish are in possession or being transported.
 - (J) Snag or hook fish other than in the head and fail to release, excluding anadromous fish.
 - (K) Fail to attend fishing line and keep it under surveillance at all times.
 - (L) Fail to comply with requirements for mandatory check for big game, furbearer, or migratory birds; or animal part presentation; or the requirement for unsuccessful moose, mountain goat, bighorn sheep, and grizzly bear hunters to return unused tags.

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- (M) Fail to leave evidence of sex or species attached as required on game birds or game animals.
- (N) Fail to comply with shot size or nontoxic shot restrictions for migratory game birds, upland game birds, or upland game animals.
- (O) Fail to release, report or turn in nontarget trapped animals.
- (P) Fail to complete required report on trapped furbearer.
- (Q) Fail to attach identification tags to traps.
- (R) Possess not more than one (1) game fish outside of established length requirements.
- (S) Park or camp in a restricted area, except length-of-stay violations.
- (T) Fail to validate upland game permit for department-stocked birds.
- (U) Fail to purchase a sharp-tailed grouse hunting permit when hunting for sharp-tailed grouse anywhere within the state, except licensed shooting preserves.
- (V) Fail to wear at least thirty-six (36) square inches of visible hunter orange above the waist when hunting locations where pheasants are stocked and the commission requires an upland game bird permit.
- (W) Fail to comply with upland game bird, upland game animal, migratory game bird, or crow shooting hours.
- (X) Public use restrictions. Activities prohibited unless specifically authorized by the commission or under lease, permit, contract or agreement issued by the director, regional supervisor or other authorized agent:
 - (i) Use watercraft on any waters that are posted against such use;
 - (ii) Conduct dog field trials not authorized by rule or permit;
 - (iii) Construct blinds, pits, platforms or tree stands where the soil is disturbed, trees are cut or altered, and artificial fasteners such as wire, rope or nails are used;
 - (iv) Shoot within, across or into posted safety zones;
 - (v) Leave decoys unattended. Decoys cannot be put in place any earlier than two (2) hours prior to official shooting hours for waterfowl, and all decoys must be picked up and removed from the hunting site no later than two (2) hours after official shooting hours for waterfowl that particular day;
 - (vi) Discharge any paintball guns;
 - (vii) Place a geocache;
 - (viii) Use for group events of more than fifteen (15) people;
 - (ix) Use or transport any hay, straw or mulch that is not weed seed-free certified;
 - (x) Have a dog at large or off leash where restricted;
 - (xi) Use any form of fireworks;
 - (xii) Place beehives or bee boards;
 - (xiii) Where value of property damage is less than one thousand dollars (\$1,000), disturb or remove soil, gravel, or minerals or allow livestock to graze or train except riding and pack animals, or cut, dig, or remove crops, trees, shrubs, grasses, forbs, logs, or fuel wood.

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- (Y) Fail to comply with requirements for accompanying a mentored or disabled hunter or for carrying written designation for assisting a disabled hunter.
- (Z) Continue to fish on Henry's lake after reaching daily bag limit during the fishing take season.
- (b) Misdemeanors. Any person who pleads guilty to, is found guilty of, or is convicted of a violation of the provisions of this title or rules or proclamations promulgated pursuant thereto, or orders of the commission, except where an offense is expressly declared to be an infraction or felony, shall be guilty of a misdemeanor.
- (c) Felonies. Any person who pleads guilty to, is found guilty of, or is convicted of a violation of the following offenses shall be guilty of a felony:
 1. Knowingly and intentionally selling or offering for sale or exchange, or purchasing or offering to purchase or exchange, any wildlife or parts thereof unlawfully killed, taken or possessed.
 2. Releasing into the wild, without a permit from the director, any of the following wildlife, whether native or exotic: ungulates, bears, wolves, large felines, swine, or peccaries.
 3. Unlawfully killing, possessing, or wasting any wildlife within a twelve (12) month period having a single or combined reimbursable damage assessment of more than one thousand dollars (\$1,000), as provided in section 36-1404, Idaho Code.
 4. Conviction within ten (10) years of three (3) or more violations of the provisions of this title, penalties for which include either or both a mandatory license revocation or a reimbursable damage assessment.
- (d) The director shall update the house resources and conservation committee and the senate resources and environment committee during each legislative session concerning new rules and proclamations containing penalties.

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8. CROSS REPORTING

[None]

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9. VETERINARY REPORTING

IDAHO CODE § 25-3514A. Immunity.

Any Idaho licensed veterinarian shall be held harmless from either criminal or civil liability for any decisions made or services rendered under the provisions of this chapter. Such a veterinarian is, therefore, protected from a lawsuit for his part in an investigation of cruelty to animals. Provided however, that a veterinarian who participates or reports in bad faith or with malice shall not be protected under the provisions of this section.

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10. "AG-GAG" LAWS

NOTE: Held unconstitutional in part by *Animal Legal Def. Fund v. Wasden*, 878 F.3d 1184 (9th Cir. 2018).

IDAHO CODE § 18-7042. Interference with agricultural production.

- (1) *A person commits the crime of interference with agricultural production if the person knowingly:*
- (a) *Is not employed by an agricultural production facility and enters an agricultural production facility by force, threat, misrepresentation or trespass;*
 - (b) *Obtains records of an agricultural production facility by force, threat, misrepresentation or trespass;*
 - (c) *Obtains employment with an agricultural production facility by force, threat, or misrepresentation with the intent to cause economic or other injury to the facility's operations, livestock, crops, owners, personnel, equipment, buildings, premises, business interests or customers;*
 - (d) *Enters an agricultural production facility that is not open to the public and, without the facility owner's express consent or pursuant to judicial process or statutory authorization, makes audio or video recordings of the conduct of an agricultural production facility's operations; or*
 - (e) *Intentionally causes physical damage or injury to the agricultural production facility's operations, livestock, crops, personnel, equipment, buildings or premises.*
- (2) For purposes of this section:
- (a) "Agricultural production" means activities associated with the production of agricultural products for food, fiber, fuel and other lawful uses and includes without limitation:
 - (i) Construction, expansion, use, maintenance and repair of an agricultural production facility;
 - (ii) Preparing land for agricultural production;
 - (iii) Handling or applying pesticides, herbicides or other chemicals, compounds or substances labeled for insects, pests, crops, weeds, water or soil;
 - (iv) Planting, irrigating, growing, fertilizing, harvesting or producing agricultural, horticultural, floricultural and viticultural crops, fruits and vegetable products, field grains, seeds, hay, sod and nursery stock, and other plants, plant products, plant byproducts, plant waste and plant compost;
 - (v) Breeding, hatching, raising, producing, feeding and keeping livestock, dairy animals, swine, furbearing animals, poultry, eggs, fish and other aquatic species, and other animals, animal products and animal byproducts, animal waste, animal compost, and bees, bee products and bee byproducts;
 - (vi) Processing and packaging agricultural products, including the processing and packaging of agricultural products into food and other agricultural commodities;
 - (vii) Manufacturing animal feed.
 - (b) "Agricultural production facility" means any structure or land, whether privately or publicly owned, leased or operated, that is being used for agricultural production.

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- (3) A person found guilty of committing the crime of interference with agricultural production shall be guilty of a misdemeanor and shall be punished by a term of imprisonment of not more than one (1) year or by a fine not in excess of five thousand dollars (\$5,000), or by both such fine and imprisonment.
- (4) In addition to any other penalty imposed for a violation of this section, the court shall require any person convicted, found guilty or who pleads guilty to a violation of this section to make restitution to the victim of the offense in accordance with the terms of section 19-5304, Idaho Code. Provided however, that such award shall be in an amount equal to twice the value of the damage resulting from the violation of this section.

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11. EMERGENCY RESCUE AND RELIEF

[None]

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12. CIVIL ENFORCEMENT

[None]

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13. DOMESTIC VIOLENCE AND PROTECTION ORDERS

[None]

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14. MAXIMUM PENALTIES AND STATUTE OF LIMITATIONS

NOTE: Penalties for violations of [IDAHO CODE §§ 18-7039; 25-3503; § 25-3506; § 25-3507; and § 18-6602](#) are defined in the substantive statutes, available in the [General Cruelty, Fighting & Racketeering](#), and [Sexual Assault](#) sections of this document.

IDAHO CODE § 18-111. Felony, misdemeanor and infraction defined.

A felony is a crime which is punishable with death or by imprisonment in the state prison. An infraction is a civil public offense, not constituting a crime, which is punishable only by a penalty not exceeding one hundred dollars (\$100) and for which no period of incarceration may be imposed. Every other crime is a misdemeanor. When a crime punishable by imprisonment in the state prison is also punishable by fine or imprisonment in a county jail, in the discretion of the court, it shall be deemed a misdemeanor for all purposes after a judgment imposing a punishment other than imprisonment in the state prison.

IDAHO CODE § 18-112. Punishment for felony.

Except in cases where a different punishment is prescribed by this code, every offense declared to be a felony is punishable by imprisonment in the state prison not exceeding five (5) years, or by fine not exceeding fifty thousand dollars (\$50,000), or by both such fine and imprisonment.

IDAHO CODE § 19-402. Commencement of prosecutions for felonies.

A prosecution for any felony other than those specified in section 19-401, Idaho Code, must be commenced by the filing of the complaint or the finding of an indictment within five (5) years after its commission provided however, a prosecution under sections 18-1506A and 18-1506B, Idaho Code, must be commenced within three (3) years after the date of initial disclosure by the victim to law enforcement.

IDAHO CODE § 19-403. Misdemeanors.

- (1) *Except as otherwise provided in this section, a prosecution for any misdemeanor must be commenced by the filing of the complaint or the finding of an indictment within one (1) year after its commission.*
- (2) *A prosecution for failure to report or failure to cause to be reported the abuse, abandonment or neglect of a child as provided for in section 16-1605, Idaho Code, must be commenced by the filing of the complaint or the finding of an indictment within four (4) years after its commission.*
- (3) *A prosecution for misuse of funds as provided for in section 18-5702(1), Idaho Code, must be commenced by the filing of the complaint or the finding of an indictment within five (5) years after its commission.*
- (4) *A prosecution for a misdemeanor that was dismissed pursuant to section 19-3509, Idaho Code, must*

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be refiled no later than two (2) years after its dismissal.

IDAHO CODE § 25-3520A. Penalty for violations—Termination of rights.

- (1) Unless otherwise specified in this chapter, any person convicted of a first violation of a provisions of this chapter *shall be punished for each offense by a jail sentence of not more than six (6) months or by a fine of not less than one hundred dollars (\$100) or more than five thousand dollars (\$5,000), or by both such fine and imprisonment.*
- (2) *Unless otherwise specified in this chapter, any person convicted of a second violation of a provision of this chapter within ten (10) years of the first conviction shall be punished for each offense by a jail sentence of not more than nine (9) months or a fine of not less than two hundred dollars (\$200) or more than seven thousand dollars (\$7,000), or by both fine and imprisonment.*
- (3)
 - (a) *Unless the penalty is otherwise specified in this chapter, any person convicted of a third or subsequent violation of any of the provisions of this chapter within fifteen (15) years of the first conviction shall be guilty of a misdemeanor and punished for each offense by a jail sentence of not more than twelve (12) months or a fine of not less than five hundred dollars (\$500) or more than nine thousand dollars (\$9,000), or by both such fine and imprisonment.*
 - (b) *Any person convicted of section 25-3504A(3) or (4), Idaho Code, or any person convicted of a third or subsequent violation who previously has been found guilty of or has pled guilty to two (2) violations of section 25-3504, Idaho Code, provided the violations were for conduct as defined by section 25-3502 (5) (a) or (b), Idaho Code, within fifteen (15) years of the first conviction, shall be guilty of a felony and punished for each offense by a jail sentence of not more than twelve (12) months or a fine of not less than five hundred dollars (\$500) or not more than nine thousand dollars (\$9,000), or by both such fine and imprisonment. All other violations of section 25-3504, Idaho Code, for conduct as defined by paragraph (c), (d), or (e) of section 25-3502 (5), Idaho Code, shall constitute misdemeanors and shall be punishable as provided in paragraph (a) of this subsection.*
 - (c) Each prior conviction or guilty plea shall constitute one (1) violation of this chapter regardless of the number of counts involved in the conviction or guilty plea. Practices described in section 25-3514, Idaho Code, are not animal cruelty.
- (4) If a person pleads guilty or is found guilty of an offense under this chapter, the court may issue an order terminating the person's right to possession, title, custody or care of an animal that was involved in the offense or that was owned or possessed at the time of the offense. If a person's right to possession, title, custody or care of an animal is terminated, the court may award the animal to a humane society or other organization that has as its principal purpose the humane treatment of animals, or may award the animal to a law enforcement agency or animal care and control agency. The court's award of custody or care of an animal will grant to the organization or agency the authority to determine custody, adoption, sale or other disposition of the animal thereafter.
- (5) Prior to sentencing pursuant to the provisions of this chapter, the court may in its discretion order a presentence psychological evaluation. If the prosecutor requests a presentence psychological evaluation prior to sentencing, the court shall determine whether a presentence psychological evaluation is warranted.

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15. LAW ENFORCEMENT POLICIES

IDAHO CODE § 25-3501. Administration.

The Idaho state department of agriculture, division of animal industries shall be responsible for the administration of the provisions of this chapter as they pertain to production animals and shall inform the public and animal owners concerning their legal responsibilities, and in cooperation with local law enforcement, investigate and develop cases for prosecution. Local law enforcement agencies shall be responsible for the administration of the provisions of this chapter as they pertain to companion animals and shall be authorized to call upon the division to aid in fulfillment of the requirements of this chapter and refer cases for prosecution to the appropriate authority. The foregoing shall not be construed to preclude county or local officials, acting upon their own authority, from investigating, developing cases and prosecuting violations of this chapter that occur in their jurisdiction. The cost to the department for administering the provisions of this chapter shall be borne by the citizens of this state through the appropriation of general funds for administration, personnel, travel, equipment and supplies. No provision of this chapter relating to law enforcement agencies and animal care and control agencies shall be construed to preclude the authority of agencies or entities recognized in this section.

IDAHO CODE § 25-3501A. Enforcement—Enforcement restrictions.

- (1) Law enforcement agencies and animal care and control agencies that provide law enforcement or animal care and control services to a municipality or county, may enforce the provisions of this chapter in that municipality or county.
- (2) *Animal care and control officers enforcing this chapter shall comply with the same constitutional and statutory restrictions concerning the execution of police powers imposed on law enforcement officers who enforce this chapter and other criminal laws of the state of Idaho.*
- (3) In cases where production animals are subject to a violation of section 25-3504, 25-3505 or 25-3511, Idaho Code, law enforcement agencies and animal care and control agencies shall not:
 - (a) Enforce section 25-3504, 25-3505 or 25-3511, Idaho Code, without first obtaining an inspection and written determination from a department investigator that a violation of one (1) or more of the sections has occurred or is occurring; or
 - (b) Take a production animal from a production animal facility, pasture, or rangeland for a violation of section 25-3504, 25-3505 or 25-3511, Idaho Code, without first obtaining an inspection and written determination from a department investigator that such action is in the best interest of the animal.

IDAHO CODE § 25-3513. Prosecutions.

When complaint is made on oath, to any magistrate authorized to issue warrants in criminal cases, that there is probable cause to believe that any provision of law relating to or in any way affecting animals, is being, or is about to be violated in any particular building or place, such magistrate must issue and deliver immediately a

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warrant directed to any sheriff, police or peace officer, or animal control officer, authorizing him to enter and search such building or place, and to arrest any person there present violating or attempting to violate any law relating thereto, or in any way affecting animals and to bring such person before some court or magistrate of competent jurisdiction, within the city or county within which such offense has been committed or attempted, to be dealt with according to law, and such attempt must be held to be a misdemeanor and persons so convicted shall be punished in accordance with section 25-3520A, Idaho Code.

IDAHO CODE § 25-3519. Authority to enter premises and examine animals.

Representatives of the division are authorized and empowered to enter any field, pasture, feedyard, barn, stable, kennel, cage, yard, vehicle, trailer or other premises in this state where animals are kept, during normal operating hours, when probable cause exists, with the permission of the owner, to investigate alleged violations of the provisions of this chapter. If permission is not granted, said representatives shall be empowered to call on sheriffs, constables and peace officers to assist them in the discharge of their duties and in carrying out the provisions of this chapter.

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16. SEIZURE

IDAHO CODE § 25-3501A. Enforcement—Enforcement restrictions.

- (1) Law enforcement agencies and animal care and control agencies that provide law enforcement or animal care and control services to a municipality or county, may enforce the provisions of this chapter in that municipality or county.
- (2) Animal care and control officers enforcing this chapter shall comply with the same constitutional and statutory restrictions concerning the execution of police powers imposed on law enforcement officers who enforce this chapter and other criminal laws of the state of Idaho.
- (3) *In cases where production animals are subject to a violation of section 25-3504, 25-3505 or 25-3511, Idaho Code, law enforcement agencies and animal care and control agencies shall not:*
 - (a) Enforce section 25-3504, 25-3505 or 25-3511, Idaho Code, without first obtaining an inspection and written determination from a department investigator that a violation of one (1) or more of the sections has occurred or is occurring; or
 - (b) *Take a production animal from a production animal facility, pasture, or rangeland for a violation of section 25-3504, 25-3505 or 25-3511, Idaho Code, without first obtaining an inspection and written determination from a department investigator that such action is in the best interest of the animal.*

IDAHO CODE § 25-3504. Committing cruelty to animals.

Every person who is cruel to any animal, or causes or procures any animal to be cruelly treated, or who, having the charge or custody of any animal, either as owner or otherwise, subjects any animal to cruelty shall, upon conviction, be punished in accordance with section 25-3520A, Idaho Code. *Any law enforcement officer or animal care and control officer, subject to the restrictions of section 25-3501A, Idaho Code, may take possession of the animal cruelly treated, and provide care for the same, until final disposition of such animal is determined in accordance with section 25-3520A or 25-3520B, Idaho Code.*

IDAHO CODE § 25-3511. Permitting animals to go without care—Abandoned animals to be humanely destroyed.

Every owner, custodian or possessor of any animal, who shall permit the same to be in any building, enclosure, lane, street, square or lot of any city, county or precinct, without proper care and attention, as determined by an Idaho licensed veterinarian, or a representative of the division, shall, on conviction, be deemed guilty of a misdemeanor and shall, upon conviction, be punished in accordance with section 25-3520A, Idaho Code. *It shall be the duty of any law enforcement officer or animal care and control officer, subject to the restrictions of section 25-3501A, Idaho Code, to take possession of the animal so abandoned or neglected, and care for the same until final disposition of such animal is determined in accordance with section 25-3520A or 25-3520B, Idaho Code.* Every sick, disabled, infirm or crippled animal which shall be abandoned in any city, county or precinct, may if after due search no owner can be found therefor, be humanely destroyed, or other provision

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made for the animal by or on the order of such officer; and it shall be the duty of all law enforcement officers or animal care and control officers, to cause the same to be humanely destroyed, or other provision made therefor, on information of such abandonment. *Subject to the restrictions of section 25-3501A, Idaho Code, such officer may likewise take charge of any animal that by reason of lameness, sickness, feebleness or neglect, is unfit for the activity it is performing, or that in any other manner is being cruelly treated; and, if such animal is not then in custody of its owner, such officer shall give notice thereof to such owner, if known, and may provide suitable care for such animal until final disposition of such animal is determined in accordance with section 25-3520A or 25-3520B, Idaho Code.* If, in accordance with this section, a responsible owner cannot be found, the animal may be offered for adoption to a responsible person in lieu of destruction.

IDAHO CODE § 25-3520B. Seizure—Costs—Forfeiture proceedings—Security deposit or bond-disposition—Procedural guidelines.

- (1) *Any person having authority to enforce this chapter, in accordance with section 25-3501 or 25-3501A, Idaho Code, who has probable cause to believe there has been a violation of section 25-3504, 25-3505, 25-3506, 25-3507, 25-3510 or 25-3511, Idaho Code, may take custody of the animal involved.*
- (2) If any animal is seized under this section, the owner or keeper shall be liable for the reasonable costs of the seizure and the care, keeping and disposal of the animal. Reasonable costs shall include, but shall not be limited to, transportation, medical, board, shelter and farrier costs.
- (3) If any animal is in the possession of, and being held by, a law enforcement agency or animal care and control agency pursuant to the provisions of this chapter, pending the outcome of a criminal action charging a violation of this chapter, and prior to final disposition of the criminal charge, the animal care and control agency or law enforcement agency may file a petition in the criminal case requesting that the court issue an order forfeiting the animal to the law enforcement agency or animal care and control agency. The petitioner shall serve a true copy of the petition upon the defendant.
- (4) Upon receipt of a petition pursuant to subsection (3) of this section, the court shall set a hearing on the petition. The hearing shall be conducted within fourteen (14) days after the filing of the petition, or as soon as practicable. The hearing shall be limited to the question of forfeiture of the animal.
- (5) At a hearing conducted pursuant to subsection (4) of this section, the petitioner shall have the burden of establishing probable cause to believe that the animal was subjected to a violation of this chapter. A prior finding of probable cause to proceed on the criminal case will create a permissive inference that probable cause exists for the forfeiture proceeding. After the hearing, if the court finds probable cause exists, the court shall order immediate forfeiture of the animal to the petitioner, unless the defendant, within seventy-two (72) hours of the hearing, posts a security deposit or bond with the municipal or county treasurer in an amount determined by the court to be sufficient to repay all reasonable costs incurred, and anticipated to be incurred, for the care of the animal for at least thirty (30) days inclusive of the day of the initial seizure and may order anticipated costs up to the time set for trial on the criminal case if requested by the petitioner. If, after the hearing, the court finds that no probable cause exists, the animal shall be returned to the owner or keeper of the animal, and the owner or keeper shall not be responsible for any costs of the seizure, care or treatment, unless the person later pleads guilty to or is found guilty of a violation of this chapter.
- (6) At the end of the time for which expenses are covered by the security deposit or bond, if the person owning or keeping the animal desires to prevent disposition of the animal, the owner or keeper shall

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post a new security deposit or bond with the municipal or county treasurer which must be received before the expiration date of the previous security deposit or bond. The court may correct, alter or otherwise adjust the new security deposit or bond upon a motion made before the expiration date of the previous security deposit or bond, provided however, no person may file more than one (1) motion seeking an adjustment to the new security deposit or bond.

- (7) If a security deposit or bond has been posted in accordance with this section, the law enforcement agency or animal care and control agency may draw from that security deposit or bond reasonable costs in keeping and caring for the animal from the date of the seizure to the date of final disposition of the animal in the criminal action.
- (8) At the end of the time for which expenses are covered by the security deposit or bond, or if no security deposit or bond has been posted in accordance with this section, the law enforcement agency or animal care and control agency may determine disposition of the animal. The owner or keeper of the animal shall be liable for all unpaid reasonable costs of the care, keeping or disposal of the animal. Posting of the security deposit or bond shall not prevent the law enforcement agency or animal care and control agency from disposing of the seized or impounded animal before the expiration of the period covered by the security deposit or bond if the court orders the forfeiture of the animal or the owner relinquishes the animal.
- (9) Upon resolution of the criminal action, remaining funds deposited with the municipal or county treasurer which have not, and will not be expended in the care, keeping or disposal of the animal shall be remitted to the owner or keeper of the animal.
- (10) Irrespective of any other provision of this section, if in the written determination of a licensed veterinarian, the animal is experiencing extreme pain or suffering, or is severely injured or diseased, and therefore not likely to recover, it may be immediately euthanized.

No proceeding under this section shall be used as a basis for a continuance or to delay the criminal case nor shall proceedings in the criminal case, other than dismissal, be used as a basis to delay or continue the forfeiture proceeding as provided for in this section. Proceedings under this section are of a civil nature and governed by the Idaho rules of civil procedure except as to limitations upon the discovery process. Due to the need to conduct any proceeding necessary under this section in an expeditious manner, and the right of any criminal defendant to avoid self-incrimination, any and all discovery requests shall be granted only under authority of the court. Discovery shall be authorized with the intent to provide the necessary information relating directly to the evidence for the probable cause proceeding. In no event shall discovery mechanisms be used to unreasonably burden the opposing party. Discovery mechanisms shall not include the deposition of any party, witness or representative, the use of interrogatories, or the demand to inspect any records outside the immediate reports and financial accountings for the animal in question.

IDAHO CODE § 25-3505. Carrying in a cruel manner—Seizure, expenses, lien.

Whoever carries or causes to be carried in or upon any vehicle or otherwise any animal in a cruel manner, or knowingly and willfully authorizes or permits it to be subjected to cruelty of any kind, is guilty of a misdemeanor and shall, upon conviction, be punished in accordance with section 25-3520A, Idaho Code. *Subject to the restrictions of section 25-3501A, Idaho Code, whenever any such person is taken into custody therefor by any officer, such officer must take charge of such vehicle, and its contents, and deposit them in*

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some place of custody, and must take possession of the animal and deposit it in some place of custody until final disposition of the animal is determined in accordance with section 25-3520A or 25-3520B, Idaho Code.

IDAHO CODE § 25-3509. Arrests without warrants.

Any sheriff, constable, police or peace officer, qualified under the provisions of law to make arrests may enter any place, building or tenement where there is an exhibition of the fighting of birds or animals or where preparations are being made for such an exhibition, and without a warrant, arrest all persons there present.

IDAHO CODE § 25-3513. Prosecutions.

When complaint is made on oath, to any magistrate authorized to issue warrants in criminal cases, that there is probable cause to believe that any provision of law relating to or in any way affecting animals, is being, or is about to be violated in any particular building or place, such magistrate must issue and deliver immediately a warrant directed to any sheriff, police or peace officer, or animal control officer, authorizing him to enter and search such building or place, and to arrest any person there present violating or attempting to violate any law relating thereto, or in any way affecting animals and to bring such person before some court or magistrate of competent jurisdiction, within the city or county within which such offense has been committed or attempted, to be dealt with according to law, and such attempt must be held to be a misdemeanor and persons so convicted shall be punished in accordance with section 25-3520A, Idaho Code.

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17. COURTROOM ANIMAL ADVOCATE PROGRAM

[None]

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18. RESTITUTION

IDAHO CODE 18-6602. Sexual abuse of an animal.

- (1) A person is guilty of a felony if that person:
 - (a) Engages in sexual contact with an animal;
 - (b) Advertises, solicits, offers, or accepts the offer of an animal or possesses, purchases, or otherwise obtains an animal with the intent that the animal be subject to sexual contact; or
 - (c) Causes, aids, or abets another person to engage in sexual contact with an animal.
- (2) As used in this section:
 - (a) "Animal" means any living creature of the animal kingdom, other than a human being, whether dead or alive at the time of the violation of this section; and
 - (b) "Sexual contact" means any act committed between a person and an animal for the purpose of sexual arousal, sexual gratification, abuse, or financial gain without a bona fide veterinary or animal husbandry purpose and involving:
 - (i) Contact between the sex organs or anus of an animal and the mouth of the person or contact between the sex organs or anus of the person and the mouth of the animal;
 - (ii) The insertion of any part of the animal's body into the vaginal or anal opening of the person; or
 - (iii) The insertion of any part of the body of a person or any object into the vaginal or anal opening of an animal.
- (3) Any person who violates this section may be punished by imprisonment in the state prison for a term not to exceed five (5) years. *Additionally, the court may order a person who violates this section to:*
 - (a) Relinquish custody of some or all animals under the person's control at the time of the offense. If the person convicted of violating this section is not the owner of the animal that was the subject of the violation, then the animal shall be returned to the owner of the animal. An animal returned to an owner under this section shall not be spayed or neutered prior to being returned; and
 - (b) *Reimburse the agency or shelter caring for the animal for reasonable costs incurred for the care and treatment of the animal from the date of impoundment until the disposition of the criminal proceeding.*
- (4) Nothing in this section shall be construed to criminalize:
 - (a) Generally accepted veterinary practices in compliance with chapter 21, title 54, Idaho Code;
 - (b) Generally accepted agricultural, farming, ranching, and animal husbandry practices, including grooming, raising, breeding or artificially inseminating an animal for reproductive purposes, assisting with the birthing process of animals, or any other procedure that provides care for an animal;
 - (c) Generally accepted commercial, traditional, cultural, historical, or tribal practices, including judging of breed conformation, rodeos, horse racing, fairs, and stock sales and auctions; or
 - (d) Generally accepted hunting, fishing, and trapping practices in compliance with title 36, Idaho Code.

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IDAHO CODE § 25-3520B. Seizure—Costs—Forfeiture proceedings—Security deposit or bond-disposition—Procedural guidelines.

- (1) Any person having authority to enforce this chapter, in accordance with section 25-3501 or 25-3501A, Idaho Code, who has probable cause to believe there has been a violation of section 25-3504, 25-3505, 25-3506, 25-3507, 25-3510 or 25-3511, Idaho Code, may take custody of the animal involved.
- (2) *If any animal is seized under this section, the owner or keeper shall be liable for the reasonable costs of the seizure and the care, keeping and disposal of the animal. Reasonable costs shall include, but shall not be limited to, transportation, medical, board, shelter and farrier costs.*
- (3) *If any animal is in the possession of, and being held by, a law enforcement agency or animal care and control agency pursuant to the provisions of this chapter, pending the outcome of a criminal action charging a violation of this chapter, and prior to final disposition of the criminal charge, the animal care and control agency or law enforcement agency may file a petition in the criminal case requesting that the court issue an order forfeiting the animal to the law enforcement agency or animal care and control agency. The petitioner shall serve a true copy of the petition upon the defendant.*
- (4) *Upon receipt of a petition pursuant to subsection (3) of this section, the court shall set a hearing on the petition. The hearing shall be conducted within fourteen (14) days after the filing of the petition, or as soon as practicable. The hearing shall be limited to the question of forfeiture of the animal.*
- (5) *At a hearing conducted pursuant to subsection (4) of this section, the petitioner shall have the burden of establishing probable cause to believe that the animal was subjected to a violation of this chapter. A prior finding of probable cause to proceed on the criminal case will create a permissive inference that probable cause exists for the forfeiture proceeding. After the hearing, if the court finds probable cause exists, the court shall order immediate forfeiture of the animal to the petitioner, unless the defendant, within seventy-two (72) hours of the hearing, posts a security deposit or bond with the municipal or county treasurer in an amount determined by the court to be sufficient to repay all reasonable costs incurred, and anticipated to be incurred, for the care of the animal for at least thirty (30) days inclusive of the day of the initial seizure and may order anticipated costs up to the time set for trial on the criminal case if requested by the petitioner. If, after the hearing, the court finds that no probable cause exists, the animal shall be returned to the owner or keeper of the animal, and the owner or keeper shall not be responsible for any costs of the seizure, care or treatment, unless the person later pleads guilty to or is found guilty of a violation of this chapter.*
- (6) *At the end of the time for which expenses are covered by the security deposit or bond, if the person owning or keeping the animal desires to prevent disposition of the animal, the owner or keeper shall post a new security deposit or bond with the municipal or county treasurer which must be received before the expiration date of the previous security deposit or bond. The court may correct, alter or otherwise adjust the new security deposit or bond upon a motion made before the expiration date of the previous security deposit or bond, provided however, no person may file more than one (1) motion seeking an adjustment to the new security deposit or bond.*
- (7) *If a security deposit or bond has been posted in accordance with this section, the law enforcement agency or animal care and control agency may draw from that security deposit or bond reasonable costs in keeping and caring for the animal from the date of the seizure to the date of final disposition of the animal in the criminal action.*

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- (8) At the end of the time for which expenses are covered by the security deposit or bond, or if no security deposit or bond has been posted in accordance with this section, the law enforcement agency or animal care and control agency may determine disposition of the animal. *The owner or keeper of the animal shall be liable for all unpaid reasonable costs of the care, keeping or disposal of the animal.* Posting of the security deposit or bond shall not prevent the law enforcement agency or animal care and control agency from disposing of the seized or impounded animal before the expiration of the period covered by the security deposit or bond if the court orders the forfeiture of the animal or the owner relinquishes the animal.
- (9) *Upon resolution of the criminal action, remaining funds deposited with the municipal or county treasurer which have not, and will not be expended in the care, keeping or disposal of the animal shall be remitted to the owner or keeper of the animal.*
- (10) Irrespective of any other provision of this section, if in the written determination of a licensed veterinarian, the animal is experiencing extreme pain or suffering, or is severely injured or diseased, and therefore not likely to recover, it may be immediately euthanized.

No proceeding under this section shall be used as a basis for a continuance or to delay the criminal case nor shall proceedings in the criminal case, other than dismissal, be used as a basis to delay or continue the forfeiture proceeding as provided for in this section. Proceedings under this section are of a civil nature and governed by the Idaho rules of civil procedure except as to limitations upon the discovery process. Due to the need to conduct any proceeding necessary under this section in an expeditious manner, and the right of any criminal defendant to avoid self-incrimination, any and all discovery requests shall be granted only under authority of the court. Discovery shall be authorized with the intent to provide the necessary information relating directly to the evidence for the probable cause proceeding. In no event shall discovery mechanisms be used to unreasonably burden the opposing party. Discovery mechanisms shall not include the deposition of any party, witness or representative, the use of interrogatories, or the demand to inspect any records outside the immediate reports and financial accountings for the animal in question.

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19. FORFEITURE AND POSSESSION BANS

IDAHO CODE 18-6602. Sexual abuse of an animal.

- (1) A person is guilty of a felony if that person:
 - (a) Engages in sexual contact with an animal;
 - (b) Advertises, solicits, offers, or accepts the offer of an animal or possesses, purchases, or otherwise obtains an animal with the intent that the animal be subject to sexual contact; or
 - (c) Causes, aids, or abets another person to engage in sexual contact with an animal.
- (2) As used in this section:
 - (a) "Animal" means any living creature of the animal kingdom, other than a human being, whether dead or alive at the time of the violation of this section; and
 - (b) "Sexual contact" means any act committed between a person and an animal for the purpose of sexual arousal, sexual gratification, abuse, or financial gain without a bona fide veterinary or animal husbandry purpose and involving:
 - (i) Contact between the sex organs or anus of an animal and the mouth of the person or contact between the sex organs or anus of the person and the mouth of the animal;
 - (ii) The insertion of any part of the animal's body into the vaginal or anal opening of the person; or
 - (iii) The insertion of any part of the body of a person or any object into the vaginal or anal opening of an animal.
- (3) Any person who violates this section may be punished by imprisonment in the state prison for a term not to exceed five (5) years. *Additionally, the court may order a person who violates this section to:*
 - (a) *Relinquish custody of some or all animals under the person's control at the time of the offense.* If the person convicted of violating this section is not the owner of the animal that was the subject of the violation, then the animal shall be returned to the owner of the animal. An animal returned to an owner under this section shall not be spayed or neutered prior to being returned; and
 - (b) Reimburse the agency or shelter caring for the animal for reasonable costs incurred for the care and treatment of the animal from the date of impoundment until the disposition of the criminal proceeding.
- (4) Nothing in this section shall be construed to criminalize:
 - (a) Generally accepted veterinary practices in compliance with chapter 21, title 54, Idaho Code;
 - (b) Generally accepted agricultural, farming, ranching, and animal husbandry practices, including grooming, raising, breeding or artificially inseminating an animal for reproductive purposes, assisting with the birthing process of animals, or any other procedure that provides care for an animal;
 - (c) Generally accepted commercial, traditional, cultural, historical, or tribal practices, including judging of breed conformation, rodeos, horse racing, fairs, and stock sales and auctions; or Generally accepted hunting, fishing, and trapping practices in compliance with title 36, Idaho Code.

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IDAHO CODE § 25-3511. Permitting animals to go without care—Abandoned animals to be humanely destroyed.

Every owner, custodian or possessor of any animal, who shall permit the same to be in any building, enclosure, lane, street, square or lot of any city, county or precinct, without proper care and attention, as determined by an Idaho licensed veterinarian, or a representative of the division, shall, on conviction, be deemed guilty of a misdemeanor and shall, upon conviction, be punished in accordance with section 25-3520A, Idaho Code. It shall be the duty of any law enforcement officer or animal care and control officer, subject to the restrictions of section 25-3501A, Idaho Code, to take possession of the animal so abandoned or neglected, and care for the same until final disposition of such animal is determined in accordance with section 25-3520A or 25-3520B, Idaho Code. *Every sick, disabled, infirm or crippled animal which shall be abandoned in any city, county or precinct, may if after due search no owner can be found therefor, be humanely destroyed, or other provision made for the animal by or on the order of such officer; and it shall be the duty of all law enforcement officers or animal care and control officers, to cause the same to be humanely destroyed, or other provision made therefor, on information of such abandonment.* Subject to the restrictions of section 25-3501A, Idaho Code, such officer may likewise take charge of any animal that by reason of lameness, sickness, feebleness or neglect, is unfit for the activity it is performing, or that in any other manner is being cruelly treated; and, if such animal is not then in custody of its owner, such officer shall give notice thereof to such owner, if known, and may provide suitable care for such animal until final disposition of such animal is determined in accordance with section 25-3520A or 25-3520B, Idaho Code. *If, in accordance with this section, a responsible owner cannot be found, the animal may be offered for adoption to a responsible person in lieu of destruction.*

IDAHO CODE § 25-3520A. Penalty for violations—Termination of rights.

- (1) Unless otherwise specified in this chapter, any person convicted of a first violation of a provisions of this chapter shall be punished for each offense by a jail sentence of not more than six (6) months or by a fine of not less than one hundred dollars (\$100) or more than five thousand dollars (\$5,000), or by both such fine and imprisonment.
- (2) Unless otherwise specified in this chapter, any person convicted of a second violation of a provision of this chapter within ten (10) years of the first conviction shall be punished for each offense by a jail sentence of not more than nine (9) months or a fine of not less than two hundred dollars (\$200) or more than seven thousand dollars (\$7,000), or by both fine and imprisonment.
- (3)
 - (a) Unless the penalty is otherwise specified in this chapter, any person convicted of a third or subsequent violation of any of the provisions of this chapter within fifteen (15) years of the first conviction shall be guilty of a misdemeanor and punished for each offense by a jail sentence of not more than twelve (12) months or a fine of not less than five hundred dollars (\$500) or more than nine thousand dollars (\$9,000), or by both such fine and imprisonment.
 - (b) Any person convicted of section 25-3504A(3) or (4), Idaho Code, or any person convicted of a third or subsequent violation who previously has been found guilty of or has pled guilty to two (2) violations of section 25-3504, Idaho Code, provided the violations were for conduct as defined by section 25-3502 (5) (a) or (b), Idaho Code, within fifteen (15) years of the first

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conviction, shall be guilty of a felony and punished for each offense by a jail sentence of not more than twelve (12) months or a fine of not less than five hundred dollars (\$500) or not more than nine thousand dollars (\$9,000), or by both such fine and imprisonment. All other violations of section 25-3504, Idaho Code, for conduct as defined by paragraph (c), (d), or (e) of section 25-3502 (5), Idaho Code, shall constitute misdemeanors and shall be punishable as provided in paragraph (a) of this subsection.

- (c) Each prior conviction or guilty plea shall constitute one (1) violation of this chapter regardless of the number of counts involved in the conviction or guilty plea. Practices described in section 25-3514, Idaho Code, are not animal cruelty.
- (4) *If a person pleads guilty or is found guilty of an offense under this chapter, the court may issue an order terminating the person's right to possession, title, custody or care of an animal that was involved in the offense or that was owned or possessed at the time of the offense. If a person's right to possession, title, custody or care of an animal is terminated, the court may award the animal to a humane society or other organization that has as its principal purpose the humane treatment of animals, or may award the animal to a law enforcement agency or animal care and control agency. The court's award of custody or care of an animal will grant to the organization or agency the authority to determine custody, adoption, sale or other disposition of the animal thereafter.*
- (5) Prior to sentencing pursuant to the provisions of this chapter, the court may in its discretion order a presentence psychological evaluation. If the prosecutor requests a presentence psychological evaluation prior to sentencing, the court shall determine whether a presentence psychological evaluation is warranted.

IDAHO CODE § 25-3520B. Seizure—Costs—Forfeiture proceedings—Security deposit or bond-disposition—Procedural guidelines.

- (1) Any person having authority to enforce this chapter, in accordance with section 25-3501 or 25-3501A, Idaho Code, who has probable cause to believe there has been a violation of section 25-3504, 25-3505, 25-3506, 25-3507, 25-3510 or 25-3511, Idaho Code, may take custody of the animal involved.
- (2) If any animal is seized under this section, the owner or keeper shall be liable for the reasonable costs of the seizure and the care, keeping and disposal of the animal. Reasonable costs shall include, but shall not be limited to, transportation, medical, board, shelter and farrier costs.
- (3) *If any animal is in the possession of, and being held by, a law enforcement agency or animal care and control agency pursuant to the provisions of this chapter, pending the outcome of a criminal action charging a violation of this chapter, and prior to final disposition of the criminal charge, the animal care and control agency or law enforcement agency may file a petition in the criminal case requesting that the court issue an order forfeiting the animal to the law enforcement agency or animal care and control agency. The petitioner shall serve a true copy of the petition upon the defendant.*
- (4) *Upon receipt of a petition pursuant to subsection (3) of this section, the court shall set a hearing on the petition. The hearing shall be conducted within fourteen (14) days after the filing of the petition, or as soon as practicable. The hearing shall be limited to the question of forfeiture of the animal.*
- (5) *At a hearing conducted pursuant to subsection (4) of this section, the petitioner shall have the burden of establishing probable cause to believe that the animal was subjected to a violation of this chapter. A prior finding of probable cause to proceed on the criminal case will create a permissive inference that*

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probable cause exists for the forfeiture proceeding. After the hearing, if the court finds probable cause exists, the court shall order immediate forfeiture of the animal to the petitioner, unless the defendant, within seventy-two (72) hours of the hearing, posts a security deposit or bond with the municipal or county treasurer in an amount determined by the court to be sufficient to repay all reasonable costs incurred, and anticipated to be incurred, for the care of the animal for at least thirty (30) days inclusive of the day of the initial seizure and may order anticipated costs up to the time set for trial on the criminal case if requested by the petitioner. If, after the hearing, the court finds that no probable cause exists, the animal shall be returned to the owner or keeper of the animal, and the owner or keeper shall not be responsible for any costs of the seizure, care or treatment, unless the person later pleads guilty to or is found guilty of a violation of this chapter.

- (6) At the end of the time for which expenses are covered by the security deposit or bond, if the person owning or keeping the animal desires to prevent disposition of the animal, the owner or keeper shall post a new security deposit or bond with the municipal or county treasurer which must be received before the expiration date of the previous security deposit or bond. The court may correct, alter or otherwise adjust the new security deposit or bond upon a motion made before the expiration date of the previous security deposit or bond, provided however, no person may file more than one (1) motion seeking an adjustment to the new security deposit or bond.
- (7) If a security deposit or bond has been posted in accordance with this section, the law enforcement agency or animal care and control agency may draw from that security deposit or bond reasonable costs in keeping and caring for the animal from the date of the seizure to the date of final disposition of the animal in the criminal action.
- (8) *At the end of the time for which expenses are covered by the security deposit or bond, or if no security deposit or bond has been posted in accordance with this section, the law enforcement agency or animal care and control agency may determine disposition of the animal. The owner or keeper of the animal shall be liable for all unpaid reasonable costs of the care, keeping or disposal of the animal. Posting of the security deposit or bond shall not prevent the law enforcement agency or animal care and control agency from disposing of the seized or impounded animal before the expiration of the period covered by the security deposit or bond if the court orders the forfeiture of the animal or the owner relinquishes the animal.*
- (9) Upon resolution of the criminal action, remaining funds deposited with the municipal or county treasurer which have not, and will not be expended in the care, keeping or disposal of the animal shall be remitted to the owner or keeper of the animal.
- (10) *Irrespective of any other provision of this section, if in the written determination of a licensed veterinarian, the animal is experiencing extreme pain or suffering, or is severely injured or diseased, and therefore not likely to recover, it may be immediately euthanized.*
- (11) No proceeding under this section shall be used as a basis for a continuance or to delay the criminal case nor shall proceedings in the criminal case, other than dismissal, be used as a basis to delay or continue the forfeiture proceeding as provided for in this section. Proceedings under this section are of a civil nature and governed by the Idaho rules of civil procedure except as to limitations upon the discovery process. Due to the need to conduct any proceeding necessary under this section in an expeditious manner, and the right of any criminal defendant to avoid self-incrimination, any and all discovery requests shall be granted only under authority of the court. Discovery shall be authorized with the intent to provide the necessary information relating directly to the evidence for the probable cause proceeding. In no event shall discovery mechanisms be used to unreasonably burden the

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opposing party. Discovery mechanisms shall not include the deposition of any party, witness or representative, the use of interrogatories, or the demand to inspect any records outside the immediate reports and financial accountings for the animal in question.

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20. REHABILITATIVE SENTENCING

IDAHO CODE § 25-3504A. Torturing a companion animal.

- (1) A person is guilty of the offense of torturing a companion animal if he tortures a companion animal as defined in this chapter.
- (2) A person convicted of torturing a companion animal shall be guilty of a misdemeanor, if it is the person's first conviction under this section, and shall be punished according to section 25-3520A(1) or (2), Idaho Code.
- (3) A person convicted of a subsequent violation of torturing a companion animal shall be guilty of a felony and shall be punished under the provisions of section 25-3520A(3)(b), Idaho Code.
- (4) Notwithstanding subsection (2) of this section, a person convicted of torturing a companion animal for the first time, but who, within ten (10) years prior to the conviction, also has been convicted of a felony offense involving the voluntary infliction of bodily injury upon any human shall be guilty of a felony and shall be punished according to the provisions of section 25-3520A(3)(b), Idaho Code.
- (5) *Before sentencing an individual convicted of a violation of this section, the court shall order and consider a presentence investigation that shall include a psychological evaluation of the defendant.*

IDAHO CODE § 25-3520A. Penalty for violations—Termination of rights.

- (1) Unless otherwise specified in this chapter, any person convicted of a first violation of a provisions of this chapter shall be punished for each offense by a jail sentence of not more than six (6) months or by a fine of not less than one hundred dollars (\$100) or more than five thousand dollars (\$5,000), or by both such fine and imprisonment.
- (2) Unless otherwise specified in this chapter, any person convicted of a second violation of a provision of this chapter within ten (10) years of the first conviction shall be punished for each offense by a jail sentence of not more than nine (9) months or a fine of not less than two hundred dollars (\$200) or more than seven thousand dollars (\$7,000), or by both fine and imprisonment.
- (3)
 - (a) Unless the penalty is otherwise specified in this chapter, any person convicted of a third or subsequent violation of any of the provisions of this chapter within fifteen (15) years of the first conviction shall be guilty of a misdemeanor and punished for each offense by a jail sentence of not more than twelve (12) months or a fine of not less than five hundred dollars (\$500) or more than nine thousand dollars (\$9,000), or by both such fine and imprisonment.
 - (b) Any person convicted of section 25-3504A(3) or (4), Idaho Code, or any person convicted of a third or subsequent violation who previously has been found guilty of or has pled guilty to two (2) violations of section 25-3504, Idaho Code, provided the violations were for conduct as defined by section 25-3502 (5) (a) or (b), Idaho Code, within fifteen (15) years of the first conviction, shall be guilty of a felony and punished for each offense by a jail sentence of not more than twelve (12) months or a fine of not less than five hundred dollars (\$500) or not more than nine thousand dollars (\$9,000), or by both such fine and imprisonment. All other violations

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of section 25-3504, Idaho Code, for conduct as defined by paragraph (c), (d), or (e) of section 25-3502 (5), Idaho Code, shall constitute misdemeanors and shall be punishable as provided in paragraph (a) of this subsection.

- (c) Each prior conviction or guilty plea shall constitute one (1) violation of this chapter regardless of the number of counts involved in the conviction or guilty plea. Practices described in section 25-3514, Idaho Code, are not animal cruelty.
- (4) If a person pleads guilty or is found guilty of an offense under this chapter, the court may issue an order terminating the person's right to possession, title, custody or care of an animal that was involved in the offense or that was owned or possessed at the time of the offense. If a person's right to possession, title, custody or care of an animal is terminated, the court may award the animal to a humane society or other organization that has as its principal purpose the humane treatment of animals, or may award the animal to a law enforcement agency or animal care and control agency. The court's award of custody or care of an animal will grant to the organization or agency the authority to determine custody, adoption, sale or other disposition of the animal thereafter.
- (5) *Prior to sentencing pursuant to the provisions of this chapter, the court may in its discretion order a presentence psychological evaluation. If the prosecutor requests a presentence psychological evaluation prior to sentencing, the court shall determine whether a presentence psychological evaluation is warranted.*