

HORSE TRIPPING AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the criminal code to prohibit horse tripping.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ defines the term "horse tripping" as the lassoing or roping of the legs of an equine, or otherwise tripping or causing an equine to fall by any means, for the purpose of entertainment, sport, or contest, or practice in preparation for entertainment, sport, or contest;
- ▶ prohibits horse tripping;
- ▶ prohibits a person from organizing an event in which, or providing a facility or access and use of real property where, horse tripping takes place;
- ▶ prohibits a person from providing an equine to another, if the person knows the equine will be used for horse tripping;
- ▶ states that horse tripping does not constitute an accepted animal husbandry practice, customary farming practice, or a commonly accepted practice occurring in conjunction with a sanctioned rodeo, animal race, or pulling contest; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **76-9-301**, as last amended by Laws of Utah 2008, Chapter 292



34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **76-9-301** is amended to read:

36 **76-9-301. Cruelty to animals.**

37 (1) As used in this section:

38 (a) (i) "Abandon" means to intentionally deposit, leave, or drop off any live animal:

39 (A) without providing for the care of that animal, in accordance with accepted animal
40 husbandry practices or customary farming practices; or

41 (B) in a situation where conditions present an immediate, direct, and serious threat to
42 the life, safety, or health of the animal.

43 (ii) "Abandon" does not include returning wildlife to its natural habitat.

44 (b) (i) "Animal" means, except as provided in Subsection (1)(b)(ii), a live, nonhuman
45 vertebrate creature.

46 (ii) "Animal" does not include:

47 (A) a live, nonhuman vertebrate creature, if:

48 (I) the conduct toward the creature, and the care provided to the creature, is in
49 accordance with accepted animal husbandry practices; and

50 (II) the creature is:

51 (Aa) owned or kept by a zoological park that is accredited by, or a member of, the
52 American Zoo and Aquarium Association;

53 (Bb) kept, owned, or used for the purpose of training hunting dogs or raptors; or

54 (Cc) temporarily in the state as part of a circus or traveling exhibitor licensed by the
55 United States Department of Agriculture under 7 U.S.C. 2133;

56 (B) a live, nonhuman vertebrate creature that is owned, kept, or used for rodeo
57 purposes, if the conduct toward the creature, and the care provided to the creature, is in
58 accordance with accepted rodeo practices;

59 (C) livestock, if the conduct toward the creature, and the care provided to the creature,
60 is in accordance with accepted animal husbandry practices or customary farming practices,
61 subject to Subsection (14); or

62 (D) wildlife, as defined in Section 23-13-2, including protected and unprotected
63 wildlife, if the conduct toward the wildlife is in accordance with lawful hunting, fishing, or
64 trapping practices or other lawful practices.

65 (c) "Companion animal" means an animal that is a domestic dog or a domestic cat.

66 (d) "Custody" means ownership, possession, or control over an animal.

67 (e) "Horse tripping" means the lassoing or roping of the legs of an equine, or otherwise
68 tripping or causing an equine to fall by any means, for the purpose of entertainment, sport, or
69 contest, or practice in preparation for entertainment, sport, or contest.

70 [~~e~~] (f) "Legal privilege" means an act that:

- 71 (i) is authorized by state law, including Division of Wildlife Resources rules; and
- 72 (ii) is not in violation of a local ordinance.

73 [~~f~~] (g) "Livestock" means:

74 (i) domesticated:

75 (A) cattle;

76 (B) sheep;

77 (C) goats;

78 (D) turkeys;

79 (E) swine;

80 (F) equines;

81 (G) camelidae;

82 (H) ratites; or

83 (I) bison;

84 (ii) domesticated elk, as defined in Section 4-39-102; or

85 (iii) any domesticated nonhuman vertebrate creature, domestic furbearer, or domestic
86 poultry, raised, kept, or used for agricultural purposes.

87 [~~g~~] (h) "Necessary food, water, care, or shelter" means the following, taking into
88 account the species, age, and physical condition of the animal:

89 (i) appropriate and essential food and water;

90 (ii) adequate protection, including appropriate shelter, against extreme weather
91 conditions; and

92 (iii) other essential care.

93 ~~[(h)]~~ (i) "Torture" means intentionally or knowingly causing or inflicting extreme
94 physical pain to an animal in an especially heinous, atrocious, cruel, or exceptionally deprived
95 manner.

96 (2) Except as provided in Subsection (4) or (6), a person is guilty of cruelty to an
97 animal if the person, without legal privilege to do so, intentionally, knowingly, recklessly, or
98 with criminal negligence:

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

101 (b) abandons an animal in the person's custody;

102 (c) injures an animal;

103 (d) causes any animal, not including a dog, to fight with another animal of like kind for
104 amusement or gain; ~~[or]~~

105 (e) causes any animal, including a dog, to fight with a different kind of animal or
106 creature for amusement or gain[-];

107 (f) engages in horse tripping;

108 (g) organizes an event in which, or provides a facility or access and use of real property
109 where, horse tripping takes place if the person also knows, or through a reasonable exercise of
110 diligence should know, that an individual intends to engage in horse tripping during the event,
111 in the facility, or on the real property; or

112 (h) provides an equine to another with the knowledge that the equine will be used for
113 horse tripping.

114 (3) Except as provided in Section 76-9-301.7, a violation of Subsection (2) is:

115 (a) a class B misdemeanor if committed intentionally or knowingly; and

116 (b) a class C misdemeanor if committed recklessly or with criminal negligence.

117 (4) A person is guilty of aggravated cruelty to an animal if the person:

118 (a) tortures an animal;

119 (b) administers, or causes to be administered, poison or a poisonous substance to an
120 animal; or

121 (c) kills an animal or causes an animal to be killed without having a legal privilege to
122 do so.

123 (5) Except as provided in Subsection (6) or Section 76-9-301.7, a violation of
124 Subsection (4) is:

125 (a) a class A misdemeanor if committed intentionally or knowingly;

126 (b) a class B misdemeanor if committed recklessly; and

127 (c) a class C misdemeanor if committed with criminal negligence.

128 (6) A person is guilty of a third degree felony if the person intentionally or knowingly
129 tortures a companion animal.

130 (7) It is a defense to prosecution under this section that the conduct of the actor towards
131 the animal was:

132 (a) by a licensed veterinarian using accepted veterinary practice;

133 (b) directly related to bona fide experimentation for scientific research, provided that if
134 the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless
135 directly necessary to the veterinary purpose or scientific research involved;

136 (c) permitted under Section 18-1-3;

137 (d) by a person who humanely destroys any animal found suffering past recovery for
138 any useful purpose; or

139 (e) by a person who humanely destroys any apparently abandoned animal found on the
140 person's property.

141 (8) For purposes of Subsection (7)(d), before destroying the suffering animal, the
142 person who is not the owner of the animal shall obtain:

143 (a) the judgment of a veterinarian of the animal's nonrecoverable condition;

144 (b) the judgment of two other persons called by the person to view the unrecoverable
145 condition of the animal in the person's presence;

146 (c) the consent from the owner of the animal to the destruction of the animal; or

147 (d) a reasonable conclusion that the animal's suffering is beyond recovery, through the
148 person's own observation, if the person is in a location or circumstance where the person is
149 unable to contact another person.

150 (9) This section does not affect or prohibit:

151 (a) the training, instruction, and grooming of animals, if the methods used are in

152 accordance with accepted animal husbandry practices or customary farming practices;

153 (b) the use of an electronic locating or training collar by the owner of an animal for the
154 purpose of lawful animal training, lawful hunting practices, or protecting against loss of that
155 animal; or

156 (c) the lawful hunting of, fishing for, or trapping of, wildlife.

157 (10) County and municipal governments may not prohibit the use of an electronic
158 locating or training collar.

159 (11) Upon conviction under this section, the court may in its discretion, in addition to
160 other penalties:

161 (a) order the defendant to be evaluated to determine the need for psychiatric or
162 psychological counseling, to receive counseling as the court determines to be appropriate, and
163 to pay the costs of the evaluation and counseling;

164 (b) require the defendant to forfeit any rights the defendant has to the animal subjected
165 to a violation of this section and to repay the reasonable costs incurred by any person or agency
166 in caring for each animal subjected to violation of this section;

167 (c) order the defendant to no longer possess or retain custody of any animal, as
168 specified by the court, during the period of the defendant's probation or parole or other period
169 as designated by the court; and

170 (d) order the animal to be placed for the purpose of adoption or care in the custody of a
171 county and municipal animal control agency, an animal welfare agency registered with the
172 state, sold at public auction, or humanely destroyed.

173 (12) This section does not prohibit the use of animals in lawful training.

174 (13) A veterinarian who, acting in good faith, reports a violation of this section to law
175 enforcement may not be held civilly liable for making the report.

176 (14) Horse tripping is not an accepted animal husbandry practice, customary farming
177 practice, or commonly accepted practice occurring in conjunction with a sanctioned rodeo,
178 animal race, or pulling contest.

Legislative Review Note
as of 8-5-14 4:15 PM

Office of Legislative Research and General Counsel