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Animal Cruelty and Domestic Violence

RE: Animal cruelty and domestic violence

INDIANA HOUSE BILL No. 1387

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2; IC 34-6-2-34.5; IC 35-41-1-6.5; IC 35-46-3.

Synopsis: Animal cruelty. Specifies that the definition of "crime involving domestic or family violence" includes certain crimes involving animal cruelty used to threaten, intimidate, coerce, harass, or terrorize a family or household member.

Defines certain terms used in the animal cruelty statute. Permits a court to prohibit or impose conditions on the right of a person convicted of certain animal cruelty offenses to possess an animal. Makes killing an animal with the intent used to threaten, intimidate, coerce, harass, or terrorize a family or household member a Class D felony, and makes sexual intercourse or deviate sexual conduct with an animal a Class A misdemeanor or Class D felony.

Effective: July 1, 2007

Lawson L, Bardon, Neese, Denbo

January 16, 2007, read first time and referred to Committee on Courts and Criminal Code.

Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1387

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

SOURCE: IC 31-9-2-29.5; (07)IN1387.1.1. --> SECTION 1. IC 31-9-2-29.5, AS AMENDED BY P.L.173-2006, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 29.5. "Crime involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:

- (1) A homicide offense under IC 35-42-1.
- (2) A battery offense under IC 35-42-2.
- (3) Kidnapping or confinement under IC 35-42-3.
- (4) A sex offense under IC 35-42-4.
- (5) Robbery under IC 35-42-5.
- (6) Arson or mischief under IC 35-43-1.
- (7) Burglary or trespass under IC 35-43-2.
- (8) Disorderly conduct under IC 35-45-1.
- (9) Intimidation or harassment under IC 35-45-2.
- (10) Voyeurism under IC 35-45-4.
- (11) Stalking under IC 35-45-10.
- (12) An offense against the family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, or IC 35-46-1-15.1.
- (13) Human and sexual trafficking crimes under IC 35-42-3.5.
- (14) A crime involving animal cruelty and a family or household member under IC 35-46-3-12(b)(3) or IC 35-46-3-12.5.**

SOURCE: IC 31-9-2-42; (07)IN1387.1.2. --> SECTION 2. IC 31-9-2-42 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 42.

"Domestic or family violence" means, except for an act of self defense, the occurrence of one (1) or more of the following acts committed by a family or household member:

- (1) Attempting to cause, threatening to cause, or causing physical harm to another family or household member without legal justification.
- (2) Placing a family or household member in fear of physical harm without legal justification.
- (3) Causing a family or household member to involuntarily engage in sexual activity by force, threat of force, or duress.

(4) Beating, torturing, mutilating, or killing a vertebrate animal without justification with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member.

For purposes of IC 22-4-15-1 and IC 34-26-5, domestic or family violence also includes stalking (as defined in IC 35-45-10-1) or a sex offense under IC 35-42-4, whether or not the stalking or sex offense is committed by a family or household member.

SOURCE: IC 34-6-2-34.5; (07)IN1387.1.3. --> SECTION 3. IC 34-6-2-34.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 34.5. "Domestic or family violence" means, except for an act of self-defense, the occurrence of at least one (1) of the following acts committed by a family or household member:

- (1) Attempting to cause, threatening to cause, or causing physical harm to another family or household member.
- (2) Placing a family or household member in fear of physical harm.
- (3) Causing a family or household member to involuntarily engage in sexual activity by force, threat of force, or duress.

(4) Beating, torturing, mutilating, or killing a vertebrate animal without justification with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member.

For purposes of IC 34-26-5, domestic and family violence also includes stalking (as defined in IC 35-45-10-1) or a sex offense under IC 35-42-4, whether or not the stalking or sex offense is committed by a family or household member.

SOURCE: IC 35-41-1-6.5; (07)IN1387.1.4. --> SECTION 4. IC 35-41-1-6.5, AS AMENDED BY P.L.173-2006, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6.5. "Crime involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:

- (1) A homicide offense under IC 35-42-1.
- (2) A battery offense under IC 35-42-2.
- (3) Kidnapping or confinement under IC 35-42-3.
- (4) Human and sexual trafficking crimes under IC 35-42-3.5.
- (5) A sex offense under IC 35-42-4.
- (6) Robbery under IC 35-42-5.
- (7) Arson or mischief under IC 35-43-1.
- (8) Burglary or trespass under IC 35-43-2.
- (9) Disorderly conduct under IC 35-45-1.
- (10) Intimidation or harassment under IC 35-45-2.
- (11) Voyeurism under IC 35-45-4.
- (12) Stalking under IC 35-45-10.
- (13) An offense against family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, or IC 35-46-1-15.1.

(14) A crime involving animal cruelty and a family or household member under IC 35-46-3-12(b)(3) or IC 35-46-3-12.5.

SOURCE: IC 35-46-3-12; (07)IN1387.1.7. --> SECTION 7. IC 35-46-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) This section does not apply to a person who euthanizes an injured, a sick, a homeless, or an unwanted domestic animal if:

(1) the person is employed by a humane society, an animal control agency, or a governmental entity operating an animal shelter or other animal impounding facility; and
(2) the person euthanizes the domestic animal in accordance with guidelines adopted by the humane society, animal control agency, or governmental entity operating the animal shelter or other animal impounding facility.

(b) A person who knowingly or intentionally beats a vertebrate animal commits cruelty to an animal, a Class A misdemeanor. However, the offense is a Class D felony if:

- (1) the person has a previous, unrelated conviction under this section; or
- (2) the person knowingly or intentionally tortures or mutilates a vertebrate animal;

or

(3) the person committed the offense with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member.

(c) It is a defense to a prosecution under this section that the accused person:

(1) reasonably believes the conduct was necessary to:

- (A) prevent injury to the accused person or another person;
 - (B) protect the property of the accused person from destruction or substantial damage; or
 - (C) prevent a seriously injured vertebrate animal from prolonged suffering; or
- (2) engaged in a reasonable and recognized act of training, handling, or disciplining the vertebrate animal.

SOURCE: IC 35-46-3-12.5; (07)IN1387.1.8. --> SECTION 8. IC 35-46-3-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12.5. **A person who knowingly or intentionally kills a vertebrate animal with the intent to threaten, intimidate, coerce, harass, or terrorize a family or household member commits domestic violence animal cruelty, a Class D felony.**

SOURCE: IC 35-46-3-14; (07)IN1387.1.9. --> SECTION 9. IC 35-46-3-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. **A person who knowingly or intentionally performs an act involving:**

- (1) a sex organ of a person and the mouth or anus of an animal;
 - (2) a sex organ of an animal and the mouth or anus of a person;
 - (3) any penetration of the human female sex organ by an animal's sex organ; or
 - (4) any penetration of an animal's sex organ by the human male sex organ;
- commits bestiality, a Class A misdemeanor. However, the offense is a Class D felony if the animal suffers extreme pain or death.**

SOURCE: ; (07)IN1387.1.10. --> SECTION 10. [EFFECTIVE JULY 1, 2007] **IC 35-46-3-12, as amended by this act, and IC 35-46-3-12.5 and IC 35-46-3-14, both as added by this act, apply only to crimes committed after June 30, 2007.**