



February 22, 2002

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**ENGROSSED  
HOUSE BILL No. 1223**

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DIGEST OF HB 1223 (Updated February 21, 2002 11:35 AM - DI 106)

**Citations Affected:** IC 35-46; noncode.

**Synopsis:** Cruelty to an animal. Makes torturing or mutilating an animal a Class D felony. Provides an exception for an animal shelter euthanizing an animal in accordance with adopted guidelines.

**Effective:** July 1, 2002.

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**Adams T, Munson, Kruzan,  
Atterholt, Herrell**

(SENATE SPONSORS — LUBBERS, CRAYCRAFT)

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January 10, 2002, read first time and referred to Committee on Courts and Criminal Code.  
January 31, 2002, amended, reported — Do Pass.  
February 4, 2002, read second time, ordered engrossed.  
February 5, 2002, engrossed. Read third time, passed. Yeas 87, nays 8.

SENATE ACTION

February 11, 2002, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.  
February 21, 2002, amended, reported favorably — Do Pass.

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EH 1223—LS 6113/DI 69+



February 22, 2002

Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

## ENGROSSED HOUSE BILL No. 1223

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:*

1 SECTION 1. IC 35-46-3-12 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. (a) **This section**  
3 **does not apply to a person who euthanizes an injured, a sick, a**  
4 **homeless, or an unwanted domestic animal if:**

5 (1) **the person is employed by a humane society, an animal**  
6 **control agency, or a governmental entity operating an animal**  
7 **shelter or other animal impounding facility; and**

8 (2) **the person euthanizes the domestic animal in accordance**  
9 **with guidelines adopted by the humane society, animal control**  
10 **agency, or governmental entity operating the animal shelter**  
11 **or other animal impounding facility.**

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

15 (1) the person has a previous, unrelated conviction under this  
16 section; or

17 (2) **the person knowingly or intentionally tortures or mutilates**

EH 1223—LS 6113/DI 69+



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1           **a vertebrate animal.**  
2           ~~(b)~~ (c) It is a defense to a prosecution under this section that the  
3 accused person:  
4           (1) reasonably believes the conduct was necessary to:  
5               (A) prevent injury to the accused person or another person;  
6               (B) protect the property of the accused person from destruction  
7               or substantial damage; or  
8               (C) prevent a seriously injured vertebrate animal from  
9               prolonged suffering; or  
10           (2) engaged in a reasonable and recognized act of training,  
11           handling, or disciplining the vertebrate animal.  
12           SECTION 2. [EFFECTIVE JULY 1, 2002] **IC 35-46-3-12, as**  
13 **amended by this act, applies only to crimes committed after June**  
14 **30, 2002.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1223, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 2, after "(a)" insert "**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)".**

Page 1, line 4, reset in roman "Class A misdemeanor."

Page 1, line 4, delete "Class D".

Page 1, line 5, delete "felony."

Page 1, line 5, reset in roman "Class D".

Page 1, line 5, delete "Class C".

Page 1, line 5, after "if" insert ":

**(1)".**

Page 1, line 6, after "section" delete "." and insert "; or

**(2) the torture, beating, or mutilation results in the death of the animal."**

Page 1, line 7, strike "(b)" and insert " (c)".

and when so amended that said bill do pass.

(Reference is to HB 1223 as introduced.)

DVORAK, Chair

Committee Vote: yeas 10, nays 0.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred House Bill No. 1223, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 12, strike "tortures,".

Page 1, line 12, after "beats" delete ",",.

Page 1, line 12, after "beats," strike "or".

Page 1, line 13, strike "mutilates".

Page 1, line 17, delete "torture, beating, or mutilation results in the death of" and insert "**person knowingly or intentionally tortures or mutilates a vertebrate animal.**".

Page 2, delete line 1.

and when so amended that said bill do pass.

(Reference is to HB 1223 as printed February 1, 2002.)

LONG, Chairperson

Committee Vote: Yeas 9, Nays 0.

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