

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1387, 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:

- 1 Page 2, line 19, after "Beating" insert "**(as described in**
- 2 **IC 35-46-3-0.5(2))**".
- 3 Page 2, line 19, after "torturing" insert "**(as described in**
- 4 **IC 35-46-3-0.5(5))**".
- 5 Page 2, line 19, after "mutilating" insert "**(as described in**
- 6 **IC 35-46-3-0.5(3))**".
- 7 Page 2, line 38, after "Beating" insert "**(as described in**
- 8 **IC 35-46-3-0.5(2))**".
- 9 Page 2, line 38, after "torturing" insert "**(as described in**
- 10 **IC 35-46-3-0.5(5))**".
- 11 Page 2, line 38, after "mutilating" insert "**(as described in**
- 12 **IC 35-46-3-0.5(3))**".
- 13 Page 3, line 37, delete "repeatedly and violently with a hand or an
- 14 object".
- 15 Page 3, line 39, after "injury." insert "**The term does not include**
- 16 **reasonable training or disciplinary techniques.**".
- 17 Page 4, line 9, after "food" delete "," and insert "**or**".
- 18 Page 4, line 9, delete "or adequate shelter" and insert "**if the animal**
- 19 **is dependent upon the person for the provision of food or drink**".

- 1 Page 4, line 16, after "inflict" insert "**extreme physical pain or**
2 **injury on**".
- 3 Page 4, line 16, delete "extreme physical pain or".
- 4 Page 4, line 17, delete "injury with".
- 5 Page 4, line 17, before "intent" insert "**sole**".
- 6 Page 4, line 21, after "substance" insert "**and suffer harm, pain, or**
7 **physical injury**".
- 8 Page 4, between lines 21 and 22, begin a new paragraph and insert:
9 "SECTION 6. IC 35-46-3-5 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Except as
11 provided in subsections (b) through (c), this chapter does not apply to
12 the following:
- 13 (1) Fishing, hunting, trapping, or other conduct authorized under
14 IC 14-22.
- 15 (2) Conduct authorized under IC 15-5-7.
- 16 (3) Veterinary practices authorized by standards adopted under
17 IC 15-5-1.1-8.
- 18 (4) Conduct authorized by a local ordinance.
- 19 (5) Acceptable farm management practices.
- 20 (6) Conduct authorized by the Indiana Meat and Poultry
21 Inspection and Humane Slaughter Act, IC 15-2.1-24, and rules
22 adopted under IC 15-2.1-24 for state or federally inspected
23 livestock slaughtering facilities.
- 24 (7) A research facility registered with the United States
25 Department of Agriculture under the federal Animal Welfare Act
26 (7 U.S.C. 2131 et seq.).
- 27 (8) Destruction of a vertebrate defined as a pest under
28 IC 15-3-3.6-2(22).
- 29 **(9) Destruction of or injury to a fish.**
- 30 **(10) Destruction of a vertebrate animal that is:**
- 31 **(A) endangering, harassing, or threatening livestock or a**
32 **domestic animal; or**
- 33 **(B) destroying or damaging a person's property.**
- 34 (b) Section 1 of this chapter applies to conduct described in
35 subsection (a).
- 36 (c) Destruction of an animal by electrocution is authorized under
37 this section only if it is conducted by a person who is engaged in an
38 acceptable farm management practice, by a research facility registered

1 with the United States Department of Agriculture under the Animal
 2 Welfare Act, or for the animal disease diagnostic laboratory established
 3 under IC 15-2.1-5-1, a research facility licensed by the United States
 4 Department of Agriculture, a college, or a university."

5 Page 6, between lines 8 and 9, begin a new paragraph and insert:

6 "SECTION 9. IC 35-46-3-7 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. **(a)** A person ~~having~~
 8 **who owns** a vertebrate animal ~~in the person's custody and~~ who
 9 recklessly, knowingly, or intentionally abandons or neglects the animal
 10 commits cruelty to an animal, a Class B misdemeanor.

11 **(b) It is a defense to a prosecution under this section that the**
 12 **owner reasonably believed that the vertebrate animal was capable**
 13 **of surviving on its own."**

14 Page 6, delete lines 14 through 21.

15 Page 7, between lines 10 and 11, begin a new paragraph and insert:

16 **"(d) When a court imposes a sentence or enters a dispositional**
 17 **decree under this section concerning a person described in**
 18 **subdivision (1), the court:**

19 **(1) shall consider requiring:**

20 **(A) a person convicted of an offense under this section; or**
 21 **(B) a child adjudicated a delinquent child for committing**
 22 **an act that would be a crime under this section if**
 23 **committed by an adult;**

24 **to receive psychological, behavioral, or other counseling as a**
 25 **part of the sentence or dispositional decree; and**

26 **(2) may order an individual described in subdivision (1) to**
 27 **receive psychological, behavioral, or other counseling as a**
 28 **part of the sentence or dispositional decree."**

29 Page 7, line 30, delete "Class A misdemeanor" and insert "**Class D**
 30 **felony**".

31 Page 7, line 30, delete "However, the offense".

32 Page 7, delete line 31.

33 Page 7, delete lines 32 through 33.

34 Page 7, line 34, after "2007]" insert "**(a) Except as provided in**
 35 **subsection (b),"**

36 Page 7, line 34, after "IC 35-46-3-8" delete ",".

37 Page 7, line 35, delete "IC 35-46-3-9,".

38 Page 7, line 35, delete "all" and insert "**both**".

1 Page 7, after line 37, begin a new paragraph and insert:
2 **"(b) IC 35-46-3-12(d), as amended by this act, applies only to:**
3 **(1) crimes; and**
4 **(2) delinquent acts that would be crimes if committed by an**
5 **adult;**
6 **that are committed after June 30, 2007."**

(Reference is to HB 1387 as reprinted February 20, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

Steele

Chairperson