



March 29, 2019

ENGROSSED HOUSE BILL No. 1615

DIGEST OF HB 1615 (Updated March 26, 2019 12:23 pm - DI 106)

Citations Affected: IC 31-9; IC 34-6; IC 35-31.5; IC 35-46.

Synopsis: Animal cruelty. Amends and creates certain definitions for offenses relating to animals. Specifies that an animal control program may only destroy an animal by means of humane euthanasia. Makes conforming amendments.

Effective: July 1, 2019.

Hatfield, McNamara, VanNatter, Mahan

(SENATE SPONSORS — BECKER, ALTING, RANDOLPH LONNIE M,
YOUNG M, KOCH, FREEMAN, SANDLIN)

January 22, 2019, read first time and referred to Committee on Courts and Criminal Code.
February 7, 2019, amended, reported — Do Pass.
February 11, 2019, read second time, ordered engrossed. Engrossed.
February 14, 2019, read third time, passed. Yeas 81, nays 13.

SENATE ACTION

March 7, 2019, read first time and referred to Committee on Corrections and Criminal Law.
March 28, 2019, amended, reported favorably — Do Pass.

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March 29, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1615

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 31-9-2-42, AS AMENDED BY P.L.171-2007,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 42. "Domestic or family violence" means, except
4 for an act of ~~self defense~~, **self-defense**, the occurrence of one (1) or
5 more of the following acts committed by a family or household
6 member:
7 (1) Attempting to cause, threatening to cause, or causing physical
8 harm to another family or household member without legal
9 justification.
10 (2) Placing a family or household member in fear of physical
11 harm without legal justification.
12 (3) Causing a family or household member to involuntarily
13 engage in sexual activity by force, threat of force, or duress.
14 (4) **Beating Abusing** (as described in ~~IC 35-46-3-0.5(2)~~;
15 **IC 35-46-3-0.5**), torturing (as described in ~~IC 35-46-3-0.5(5)~~;
16 **IC 35-46-3-0.5**), mutilating (as described in ~~IC 35-46-3-0.5(3)~~);
17 **IC 35-46-3-0.5**), or killing a vertebrate animal without

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1 justification with the intent to threaten, intimidate, coerce, harass,
2 or terrorize a family or household member.

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

7 SECTION 2. IC 34-6-2-34.5, AS AMENDED BY P.L.171-2007,
8 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2019]: Sec. 34.5. "Domestic or family violence" means,
10 except for an act of self-defense, the occurrence of at least one (1) of
11 the following acts committed by a family or household member:

12 (1) Attempting to cause, threatening to cause, or causing physical
13 harm to another family or household member.

14 (2) Placing a family or household member in fear of physical
15 harm.

16 (3) Causing a family or household member to involuntarily
17 engage in sexual activity by force, threat of force, or duress.

18 (4) ~~Beating~~ **Abusing** (as described in ~~IC 35-46-3-0.5(2)~~;
19 **IC 35-46-3-0.5**), torturing (as described in ~~IC 35-46-3-0.5(5)~~;
20 **IC 35-46-3-0.5**), mutilating (as described in ~~IC 35-46-3-0.5(3)~~;
21 **IC 35-46-3-0.5**), or killing a vertebrate animal without
22 justification with the intent to threaten, intimidate, coerce, harass,
23 or terrorize a family or household member.

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

28 SECTION 3. IC 35-31.5-2-1.5 IS ADDED TO THE INDIANA
29 CODE AS A NEW SECTION TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2019]: **Sec. 1.5. "Abuse", for purposes of**
31 **IC 35-46-3, has the meaning set forth in IC 35-46-3-0.5.**

32 SECTION 4. IC 35-31.5-2-26 IS REPEALED [EFFECTIVE JULY
33 1, 2019]. ~~Sec. 26. "Beat", for purposes of IC 35-46-3, has the meaning~~
34 ~~set forth in IC 35-46-3-0.5(2).~~

35 SECTION 5. IC 35-31.5-2-208, AS ADDED BY P.L.114-2012,
36 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2019]: Sec. 208. "Mutilate", for purposes of IC 35-46-3, has
38 the meaning set forth in ~~IC 35-46-3-0.5(3)~~. **IC 35-46-3-0.5.**

39 SECTION 6. IC 35-31.5-2-210, AS ADDED BY P.L.114-2012,
40 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2019]: Sec. 210. "Neglect", for purposes of IC 35-46-3, has
42 the meaning set forth in ~~IC 35-46-3-0.5(4)~~. **IC 35-46-3-0.5.**



1 SECTION 7. IC 35-31.5-2-335, AS ADDED BY P.L.114-2012,
 2 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2019]: Sec. 335. "Torture", for purposes of IC 35-46-3, has the
 4 meaning set forth in ~~IC 35-46-3-0.5(5)~~. **IC 35-46-3-0.5.**

5 SECTION 8. IC 35-46-3-0.5, AS AMENDED BY P.L.111-2009,
 6 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2019]: Sec. 0.5. The following definitions apply throughout
 8 this chapter:

9 (1) "Abandon" means to desert an animal or to leave the animal
 10 **permanently in a place** without making provision for adequate
 11 long term care of the animal. The term does not include leaving
 12 an animal in a place that is temporarily vacated for the protection
 13 of human life during a disaster.

14 (2) ~~"Beat"~~ **"Abuse"** means to ~~unnecessarily or cruelly~~ **knowingly**
 15 **or intentionally beat, strike, torment, injure, or otherwise**
 16 **harm** an animal. ~~or to throw the animal against an object causing~~
 17 ~~the animal to suffer severe pain or injury. The term does not~~
 18 ~~include reasonable training or disciplinary techniques.~~

19 (3) **"Humane euthanasia"** means the humane destruction of
 20 **an animal using sodium pentobarbital or a derivative,**
 21 **administered in a manner that causes painless loss of**
 22 **consciousness and death. The term does not include a method:**

23 (A) **prohibited by section 15 of this chapter; or**

24 (B) **involving the use of carbon monoxide, carbon dioxide,**
 25 **or any nonanesthetic inhalant.**

26 (3) ~~(4)~~ **"Mutilate"** means to wound, injure, maim, or disfigure an
 27 animal by ~~irreparably~~ **damaging** the animal's body parts or to
 28 render any part of the animal's body useless. The term includes
 29 bodily injury involving:

30 (A) serious permanent disfigurement;

31 (B) serious temporary disfigurement;

32 (C) permanent or protracted loss or impairment of the function
 33 of a bodily part or organ; or

34 (D) a fracture.

35 (4) ~~(5)~~ **"Neglect"** means:

36 (A) endangering an animal's health by failing to provide or
 37 arrange to provide the animal with food or drink, if the animal
 38 is dependent upon the person for the provision of food or
 39 drink;

40 (B) restraining an animal for more than a brief period in a
 41 manner that endangers the animal's life or health by the use of
 42 a rope, chain, or tether that:



- 1 (i) is less than three (3) times the length of the animal;
 2 (ii) is too heavy to permit the animal to move freely; or
 3 (iii) causes the animal to choke;
 4 (C) restraining an animal in a manner that seriously endangers
 5 the animal's life or health;
 6 (D) failing to:
 7 (i) provide reasonable care for; or
 8 (ii) seek veterinary care for;
 9 an injury or illness to a dog or cat that seriously endangers the
 10 life or health of the dog or cat; or
 11 (E) leaving a dog or cat outside and exposed to:
 12 (i) excessive heat without providing the animal with a means
 13 of shade from the heat; or
 14 (ii) excessive cold if the animal is not provided with straw
 15 or another means of protection from the cold;
 16 regardless of whether the animal is restrained or kept in a
 17 kennel.
- 18 ~~(5)~~ **(6)** "Torture" means:
 19 (A) to inflict extreme physical pain or injury on an animal with
 20 the intent of increasing or prolonging the animal's pain; ~~or~~
 21 (B) to administer poison to a domestic animal (as defined in
 22 section 12(d) of this chapter) or expose a domestic animal to
 23 a poisonous substance with the intent that the domestic animal
 24 ingest the substance; ~~and suffer harm, pain, or physical injury.~~
 25 **(C) to destroy an animal by electrocution; or**
 26 **(D) to intentionally freeze or heat an animal to death.**
- 27 SECTION 9. IC 35-46-3-5, AS AMENDED BY P.L.111-2009,
 28 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2019]: Sec. 5. (a) Except as provided in subsections (b)
 30 through (c), this chapter does not apply to the following:
 31 (1) Fishing, hunting, trapping, or other conduct authorized under
 32 IC 14-22.
 33 (2) Conduct authorized under IC 15-20-2.
 34 (3) Veterinary practices authorized by standards adopted under
 35 IC 25-38.1-2-14.
 36 (4) Conduct authorized by a local ordinance.
 37 (5) Acceptable farm management practices.
 38 (6) Conduct authorized by IC 15-17, and rules adopted under
 39 IC 15-17 for state or federally inspected livestock slaughtering
 40 facilities and state or federal animal disease control programs.
 41 (7) A research facility registered with the United States
 42 Department of Agriculture under the federal Animal Welfare Act



- 1 (7 U.S.C. 2131 et seq.).
- 2 (8) Destruction of a vertebrate defined as a pest under
- 3 IC 15-16-5-24.
- 4 (9) Destruction of or injury to a fish.
- 5 (10) Destruction of a vertebrate animal that is:
- 6 (A) endangering, harassing, or threatening livestock or a
- 7 domestic animal; or
- 8 (B) destroying or damaging a person's property.
- 9 (11) ~~Destruction~~ **Humane euthanasia** of an animal by an animal
- 10 control program, including an animal control facility, an animal
- 11 shelter, or a humane society.
- 12 (12) Destruction of an injured or ill animal by an individual to
- 13 prevent the animal from prolonged suffering. **This subdivision**
- 14 **does not apply to an animal control program, including an**
- 15 **animal control facility, an animal shelter, or a humane**
- 16 **society, which may destroy an injured or ill animal only by**
- 17 **humane euthanasia.**
- 18 (13) Conduct not resulting in serious injury or illness to the
- 19 animal that is incidental to exhibiting an animal for show,
- 20 competition, or display, or that is incidental to transporting the
- 21 animal for show, competition, or display.
- 22 (14) Parking an animal.
- 23 (15) Humane destruction of an animal that the person owns.
- 24 (b) Section 1 of this chapter applies to conduct described in
- 25 subsection (a).
- 26 (c) Destruction of an animal by electrocution is authorized under
- 27 this section only if it is conducted by a person who is engaged in an
- 28 acceptable farm management practice, by a research facility registered
- 29 with the United States Department of Agriculture under the Animal
- 30 Welfare Act, or for the animal disease diagnostic laboratory established
- 31 under IC 21-46-3-1, a research facility licensed by the United States
- 32 Department of Agriculture, a college, or a university.
- 33 SECTION 10. IC 35-46-3-12, AS AMENDED BY P.L.158-2013,
- 34 SECTION 566, IS AMENDED TO READ AS FOLLOWS
- 35 [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) This section does not apply
- 36 to a person who euthanizes an injured, a sick, a homeless, or an
- 37 unwanted domestic animal if:
- 38 (1) the person is employed by a humane society, an animal control
- 39 agency, or a governmental entity operating an animal shelter or
- 40 other animal impounding facility; and
- 41 (2) the person euthanizes the domestic animal in accordance with
- 42 guidelines adopted by the humane society, animal control agency,



- 1 or governmental entity operating the animal shelter or other
 2 animal impounding facility.
- 3 (b) A person who knowingly or intentionally ~~beats~~ **abuses** a
 4 vertebrate animal commits cruelty to an animal, a Class A
 5 misdemeanor. However, the offense is a Level 6 felony if:
- 6 (1) the person has a previous, unrelated conviction under this
 7 section; or
- 8 (2) the person committed the offense with the intent to threaten,
 9 intimidate, coerce, harass, or terrorize a family or household
 10 member.
- 11 (c) A person who knowingly or intentionally tortures or mutilates a
 12 vertebrate animal commits torturing or mutilating a vertebrate animal,
 13 a Level 6 felony.
- 14 (d) As used in this subsection, "domestic animal" means an animal
 15 that is not wild. The term is limited to:
- 16 (1) cattle, calves, horses, mules, swine, sheep, goats, dogs, cats,
 17 poultry, ostriches, rhea, and emus; and
- 18 (2) an animal of the bovine, equine, ovine, caprine, porcine,
 19 canine, feline, camelid, cervidae, or bison species.
- 20 A person who knowingly or intentionally kills a domestic animal
 21 without the consent of the owner of the domestic animal commits
 22 killing a domestic animal, a Level 6 felony.
- 23 (e) It is a defense to a prosecution under this section that the
 24 accused person:
- 25 (1) reasonably believes the conduct was necessary to:
- 26 (A) prevent injury to the accused person or another person;
- 27 (B) protect the property of the accused person from destruction
 28 or substantial damage; or
- 29 (C) prevent a seriously injured vertebrate animal from
 30 prolonged suffering; or
- 31 (2) engaged in a reasonable and recognized act of training,
 32 handling, or disciplining the vertebrate animal.
- 33 (f) When a court imposes a sentence or enters a dispositional decree
 34 under this section, the court:
- 35 (1) shall consider requiring:
- 36 (A) a person convicted of an offense under this section; or
- 37 (B) a child adjudicated a delinquent child for committing an
 38 act that would be a crime under this section if committed by an
 39 adult;
- 40 to receive psychological, behavioral, or other counseling as a part
 41 of the sentence or dispositional decree; and
- 42 (2) may order an individual described in subdivision (1) to receive



1 psychological, behavioral, or other counseling as a part of the
2 sentence or dispositional decree.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1615, 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 2, delete lines 7 through 10.
- Page 2, delete lines 32 through 42.
- Page 3, delete lines 1 through 4.
- Page 3, delete lines 12 through 16.
- Page 4, delete lines 5 through 9.
- Page 4, line 10, reset in roman "(3)".
- Page 4, line 10, delete "(4)".
- Page 4, line 19, reset in roman "(4)".
- Page 4, line 19, delete "(5)".
- Page 5, line 2, delete "(6)" and insert "(5)".
- Page 5, line 5, delete "(7)" and insert "(6)".
- Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1615 as introduced.)

MCNAMARA

Committee Vote: yeas 12, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1615, 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 14, strike "IC 35-46-3-0.5(2)," and insert "**IC 35-46-3-0.5**,".
- Page 1, line 15, delete "IC 35-46-3-0.5(7)," and insert "**IC 35-46-3-0.5**,".
- Page 1, line 17, delete "IC 35-46-3-0.5(4)," and insert "**IC 35-46-3-0.5**,".
- Page 2, line 18, strike "IC 35-46-3-0.5(2)," and insert "**IC 35-46-3-0.5**,".

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Page 2, line 19, delete "IC 35-46-3-0.5(7)," and insert "**IC 35-46-3-0.5**,".

Page 2, line 21, delete "IC 35-46-3-0.5(4)," and insert "**IC 35-46-3-0.5**,".

Page 2, line 31, delete "IC 35-46-3-0.5(2)." and insert "**IC 35-46-3-0.5**,".

Page 2, line 38, delete "IC 35-46-3-0.5(4)." and insert "**IC 35-46-3-0.5**,".

Page 2, line 42, delete "IC 35-46-3-0.5(5)." and insert "**IC 35-46-3-0.5**,".

Page 3, delete lines 1 through 4.

Page 3, line 8, delete "IC 35-46-3-0.5(7)." and insert "**IC 35-46-3-0.5**,".

Page 3, line 19, strike "strike,".

Page 3, line 20, delete "mistreat" and insert "**harm**".

Page 3, between lines 22 and 23, begin a new line block indented and insert:

"(3) "Humane euthanasia" means the humane destruction of an animal using sodium pentobarbital or a derivative, administered in a manner that causes painless loss of consciousness and death. The term does not include a method:

(A) prohibited by section 15 of this chapter; or

(B) involving the use of carbon monoxide, carbon dioxide, or any nonanesthetic inhalant."

Page 3, line 23, strike "(3)" and insert "**(4)**".

Page 3, line 32, strike "(4)" and insert "**(5)**".

Page 4, line 1, delete "tethering or otherwise".

Page 4, delete lines 15 through 17.

Page 4, line 25, delete "electrocute an animal;" and insert "**destroy an animal by electrocution;**".

Page 4, delete lines 27 through 42, begin a new paragraph and insert:

"SECTION 10. IC 35-46-3-5, AS AMENDED BY P.L.111-2009, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) Except as provided in subsections (b) through (c), this chapter does not apply to the following:

(1) Fishing, hunting, trapping, or other conduct authorized under IC 14-22.

(2) Conduct authorized under IC 15-20-2.

(3) Veterinary practices authorized by standards adopted under IC 25-38.1-2-14.

(4) Conduct authorized by a local ordinance.



- (5) Acceptable farm management practices.
- (6) Conduct authorized by IC 15-17, and rules adopted under IC 15-17 for state or federally inspected livestock slaughtering facilities and state or federal animal disease control programs.
- (7) A research facility registered with the United States Department of Agriculture under the federal Animal Welfare Act (7 U.S.C. 2131 et seq.).
- (8) Destruction of a vertebrate defined as a pest under IC 15-16-5-24.
- (9) Destruction of or injury to a fish.
- (10) Destruction of a vertebrate animal that is:
 - (A) endangering, harassing, or threatening livestock or a domestic animal; or
 - (B) destroying or damaging a person's property.
- (11) ~~Destruction~~ **Humane euthanasia** of an animal by an animal control program, including an animal control facility, an animal shelter, or a humane society.
- (12) Destruction of an injured or ill animal by an individual to prevent the animal from prolonged suffering. **This subdivision does not apply to an animal control program, including an animal control facility, an animal shelter, or a humane society, which may destroy an injured or ill animal only by humane euthanasia.**
- (13) Conduct not resulting in serious injury or illness to the animal that is incidental to exhibiting an animal for show, competition, or display, or that is incidental to transporting the animal for show, competition, or display.
- (14) Parking an animal.
- (15) Humane destruction of an animal that the person owns.

(b) Section 1 of this chapter applies to conduct described in subsection (a).

(c) Destruction of an animal by electrocution is authorized under this section only if it is conducted by a person who is engaged in an acceptable farm management practice, by a research facility registered with the United States Department of Agriculture under the Animal Welfare Act, or for the animal disease diagnostic laboratory established under IC 21-46-3-1, a research facility licensed by the United States Department of Agriculture, a college, or a university."

Delete page 5.

Page 6, delete lines 1 through 4.

Page 6, line 18, reset in roman "Class A".

Page 6, line 19, reset in roman "misdemeanor."



Page 6, line 19, delete "Level 6 felony."

Page 6, line 19, delete "Level 6 Level" and insert "Level 6".

Page 6, line 20, delete "5".

Page 6, line 28, reset in roman "Level 6".

Page 6, line 28, delete "Level 5".

Page 6, line 37, reset in roman "Level 6".

Page 6, line 37, delete "Level 5".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1615 as printed February 8, 2019.)

YOUNG M, Chairperson

Committee Vote: Yeas 8, Nays 0.

