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## Idaho Statutes

### TITLE 25 ANIMALS

#### CHAPTER 35 ANIMAL CARE

25-3502. DEFINITIONS. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

- 1) "Abandon" means to completely forsake and desert an animal previously under the custody or possession of a person without making reasonable arrangements for its proper care, sustenance and shelter.
- 2) "Animal" means any vertebrate member of the animal kingdom, except man.
- 3) "Animal care and control agency" means any agency incorporated under the laws of this state to which a county or municipality has conferred authority to exercise the powers and duties set forth in this chapter based upon the agency's ability to fulfill the purposes of this chapter.
- 4) "Companion animal" means those animals solely kept as pets and not used as production animals, as defined in this section, including, but not limited to, domestic dogs, domestic cats, rabbits, companion birds, and other animals.
- 5) "Cruel" or "cruelty" shall mean any or all of the following:
  - a) The intentional and malicious infliction of pain, physical suffering, injury or death upon an animal;
  - b) To maliciously kill, maim, wound, torment, deprive of necessary sustenance, drink or shelter, cruelly beat, mutilate or cruelly kill an animal;
  - c) To subject an animal to needless suffering or inflict unnecessary cruelty;
  - d) To knowingly abandon an animal;
  - e) To negligently confine an animal in unsanitary conditions or to negligently house an animal in inadequate facilities; to negligently fail to provide sustenance, water or shelter to an animal.
- 6) "Department" means the Idaho state department of agriculture.
- 7) "Department investigator" means a person employed by, or approved by, the Idaho state department of agriculture, division of animal industries, to determine whether there has been a violation of this chapter.
- 8) "Division" means the division of animal industries of the Idaho state department of agriculture.
- 9) "Custodian" means any person who keeps or harbors an animal, has an animal in his care or acts as caretaker of an animal.
- 10) "Malicious" or "maliciously" means the intentional doing of a wrongful act without just cause or excuse, with an intent to inflict an injury or death.
- 11) "Owner" means any person who has a right of property in an animal.
- 12) "Person" means any individual, firm, corporation, partnership, other business unit, society, association or other legal entity, any public or private institution, the state of Idaho, or any municipal corporation or political subdivision of the state.
- 13) "Pound" means a place enclosed by public authority for the detention of stray animals.
- 14) "Production animal" means, for purposes of this chapter:
  - a) The following animals if used for the purpose of producing food or fiber, or other commercial activity, in furtherance of the production of food or fiber, or other commercial activity, or to be sold for the use by another for such purpose: cattle, sheep, goats, swine, poultry, latites, equines, domestic cervidae, camelidae, and guard and stock dogs; and
  - b) Furbearing animals kept for the purpose of commercial fur production.
- 15) "Torture" means the intentional, knowing and willful infliction of unjustifiable and extreme or prolonged pain, mutilation or maiming done for the purpose of causing suffering. "Torture" shall not mean or include acts of omission or of neglect nor acts committed unintentionally or by accident. "Torture" also shall not mean or include normal or legal practices as provided in section [25-3514](#), Idaho Code.

#### History:

[25-3502, added 1994, ch. 346, sec. 2, p. 1091; am. 1996, ch. 229, sec. 2, p. 745; am. 2006, ch. 170, sec. 3, p. 524; am. 2011, ch. 309, sec. 3, p. 877; am. 2016, ch. 190, sec. 1, p. 523.]

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