

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 136
HOUSE BILL 2340

AN ACT

AMENDING TITLE 3, CHAPTER 11, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 11;
RELATING TO HORSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 3, chapter 11, Arizona Revised Statutes, is amended
3 by adding article 11, to read:

4 ARTICLE 11. HORSES

5 3-1491. Salt River horse herd; necessary interaction; written
6 authorization; violation; classification; definition

7 A. A PERSON SHALL NOT HARASS, SHOOT, INJURE, KILL OR SLAUGHTER A HORSE
8 THAT IS PART OF THE SALT RIVER HORSE HERD.

9 B. A PERSON SHALL NOT INTERFERE WITH, TAKE, CHASE, CAPTURE OR
10 EUTHANIZE A HORSE THAT IS PART OF THE SALT RIVER HORSE HERD WITHOUT WRITTEN
11 AUTHORIZATION FROM EITHER THE DEPARTMENT OR THE COUNTY SHERIFF. THE
12 DEPARTMENT OR THE COUNTY SHERIFF MAY PROVIDE WRITTEN AUTHORIZATION PURSUANT
13 TO THIS SUBSECTION ONLY FOR HUMANE PURPOSES.

14 C. IF AN INCIDENT OCCURS THAT REQUIRES INTERACTION WITH THE SALT RIVER
15 HORSE HERD IN ORDER TO PROTECT THE SAFETY OR HEALTH OF A HORSE THAT IS OR
16 HORSES THAT ARE PART OF THE SALT RIVER HORSE HERD OR THE PUBLIC, A PRIVATE OR
17 PUBLIC ENTITY MAY ADDRESS THE INCIDENT AFTER OBTAINING WRITTEN AUTHORIZATION
18 FROM EITHER THE DEPARTMENT OR THE COUNTY SHERIFF.

19 D. IF A HORSE HAS ANY BRAND OR OTHER MARK THAT INDICATES OWNERSHIP,
20 THE DEPARTMENT SHALL ATTEMPT TO PROVE OWNERSHIP OF THE HORSE OR THE COUNTY
21 SHERIFF SHALL CONTACT THE DEPARTMENT TO ATTEMPT TO ESTABLISH OWNERSHIP OF THE
22 HORSE. IF THE DEPARTMENT CANNOT PROVE OWNERSHIP OF THE HORSE, THE DEPARTMENT
23 OR THE COUNTY SHERIFF MAY PROVIDE WRITTEN AUTHORIZATION PURSUANT TO THIS
24 SECTION.

25 E. THIS STATE SHALL ENTER INTO AN AGREEMENT PURSUANT TO SECTION 11-952
26 WITH THE UNITED STATES FOREST SERVICE TO IMPLEMENT THIS ARTICLE OR TO ADDRESS
27 ANY ISSUE RELATING TO THE SALT RIVER HORSE HERD.

28 F. THIS STATE MAY ENTER INTO AN AGREEMENT WITH A PRIVATE ENTITY TO
29 ADDRESS ANY ISSUE RELATING TO THE SALT RIVER HORSE HERD.

30 G. A HORSE THAT IS PART OF THE SALT RIVER HORSE HERD IS NOT A STRAY
31 ANIMAL AS DEFINED IN SECTION 3-1401 AND IS NOT SUBJECT TO SECTIONS 3-1371 AND
32 3-1402.

33 H. A PERSON WHO VIOLATES SUBSECTION A OF THIS SECTION IS GUILTY OF A
34 CLASS 1 MISDEMEANOR.

35 I. FOR THE PURPOSES OF THIS SECTION, "SALT RIVER HORSE HERD" INCLUDES
36 THE HORSES THAT INHABIT AND THAT HAVE HISTORICALLY LIVED IN AND AROUND THE
37 LOWER SALT RIVER AND SAGUARO LAKE AREAS IN THE TONTO NATIONAL FOREST AND THAT
38 DO NOT HAVE A BRAND OR OTHER MARK THAT INDICATES OWNERSHIP.

39 3-1492. Unlawful release of a domesticated horse; violation;
40 classification

41 A PERSON WHO INTENTIONALLY RELEASES A DOMESTICATED HORSE INTO THE WILD
42 IS GUILTY OF A CLASS 1 MISDEMEANOR.

1 Sec. 2. Arizona department of agriculture: agreement:
2 conditional enactment: notice

3 A. The Arizona department of agriculture shall enter into an agreement
4 with the United States forest service pursuant to section 11-952, Arizona
5 Revised Statutes, to implement title 3, chapter 11, article 11, Arizona
6 Revised Statutes, as added by this act.

7 B. Title 3, chapter 11, article 11, Arizona Revised Statutes, as added
8 by this act, does not become effective unless the Arizona department of
9 agriculture and the United States forest service enter into an agreement
10 pursuant to subsection A of this section on or before December 31, 2017.

11 C. The Arizona department of agriculture shall notify in writing the
12 director of the Arizona legislative council on or before January 15, 2018
13 either:

- 14 1. Of the date on which the condition was met.
15 2. That the condition was not met.

APPROVED BY THE GOVERNOR MAY 11, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 11, 2016.