Maddy Schafer
21 May 2023

A Foundation of Informed Legislation and Animal Care for Idaho

For decades, the United States has had inconsistency with animal protections, let alone if any had been in place. Before our understanding of applied animal behavior and its sciences, there were extremely high euthanasia rates, inhumane practices used in wildlife management and domestic cases, and much more. In the 1950s, there was a beginning of change on the frontier of animal welfare with the establishment of the Humane Slaughter Act of 1958. Amended yet again in the 1970s, it states the requirement “that animals be stunned into unconsciousness [...] to minimize pain” yet enforcement “has been found to be ‘inconsistent’” (“Laws That Protect Animals”). Work has been continued by lobbyists and animal welfare advocacy groups to raise more awareness on the legislative level, yet this inconsistency and lack of care are still found throughout legislation, especially since animal protection is left to the state, city, and municipality governments. A lack of animal protection is silence that can cause continued abuse in these states lacking in protection. In the state of Idaho alone, very few animal protection laws are in place, and those that do exist lack strong enforcement. For the animals in Idaho, legislation is one of the few hopes left for their protection among the number of solutions to curb continued abuse within the state.

Leaving animal protection laws to the states has left a large variability in who is protected and how. The Animal Legal Defense Fund, one of the largest animal advocacy groups based in America, compiles research on legal trends in animal protection across the United States while also ranking these states based on their animal protection laws. They base state ranking on categories including felonies for animal abuse, the affirmative duty of police officers to enforce
animal protection laws, statutory protections, forfeiture of the abused animals from abusers, each states’ definition of adequate care, and much more (Animal Legal Defense Fund). Each law provides a better quality of life by removing animals from illegal fighting rings, domestically abusive homes, and intentional abuse. These convictions must have a baseline which can often be found in the definition of adequate care. In defining what adequate should include, Manteca and their associates, from the Autonomous University of Bolivia’s Farm Animal Welfare Education Center, clearly delineate what the five freedoms are as defined by many animal welfare advocates. Manteca describes that “the animal is free from hunger, thirst and malnutrition”, “has access to shelters from the elements”, “is free from pain, injury, and disease”, “is able to express most of its normal behavioral patterns” and that they do “not experience fear or distress” due to a lack of psychological stressors (Manteca et al.). For there to be a criminal accusation of abuse there must be clearly defined terms of adequate care in the state for it to stand. For instance, if a state does not clearly state the requirements for outdoor animal housing, an animal may be left to fend for itself in frigid conditions legally and possibly sustain injuries from it. Legislation is necessary to protect these animals despite the inconsistency across the states.

Locally, in Idaho, animal welfare lacks strength or enforcement creating a multitude of issues for animals and caretakers. In the aforementioned report done by the Animal Legal Defense Fund, they rank Maine, Illinois, Oregon, Colorado, and Rhode Island as the top five while the bottom five are filled by Utah, Idaho, Alabama, Mississippi, and New Mexico. This ranks Idaho as the 47th in animal protection laws as they have very few protections. They state that Idaho does not have felony penalties for abandonment and neglect, no mandatory seizure of animals from abusers or reporting of suspected abuse from veterinary staff, maintaining an
Ag-Gag Law (laws in which whistleblowers are punished for inspecting day-to-day activities on farms), lack of clearly defined adequate care terms, and other needed areas of improvement (Animal Legal Defense Fund). A lack of these protections allow for these abuses to continue without thoughts given to the welfare of the animals within Idaho. Yet, one of the few protections given by the Idaho State Legislation states that “torturing a companion animal shall be guilty of a misdemeanor” (Idaho Legislation, sec. 25-304A). While acknowledging the cruelty dealt to animals, this measure fails to acknowledge the intentional torture of feral and stray animals. The legislation only requires a jail sentence of under a year and a fine without mandatory seizure of an animal by a known abuser. Weak legislation in Idaho barely addresses the apparent issue of high lack of animal welfare. Idaho presents an example of the necessity of legislation in the protection of animals, especially when it comes to the care and welfare of animals.

Animal welfare must be addressed at the most foundational level; this foundation is Idaho’s legislation. Laws set the guideline for the constituents, and as a veterinary scientist, Mota-rojas and his co-authors stated “the law should also act in a deterrent role [...] and this may require strong messages in the form of maximum penalties” (Mota-rojas, et al. 16). Mota-rojas acknowledges the lack of attention towards punishing and enforcing these crimes, often dismissing it altogether. As mentioned earlier, this is reflected in the lack of laws aiding enforcement to act on these crimes, lack of training, and lack of communication especially within Idaho. Thus, this points towards the necessity to design laws with “specificity [that] helps law enforcement officers [...] and allows them to enforce the laws more efficiently and effectively” (Animal Legal Defense Fund 6). By setting clearer statutes and legislation for Idahoans, it can make it easier to acknowledge the problem of animal abuse and to act upon it. For example, as
mentioned earlier, if adequate care was clarified among some states like Idaho, it would be easier to identify and charge counts of animal abuse and neglect. Despite the time it may take to put in place, laws like these are necessary for foundational support for law enforcement to protect vulnerable animals across the United States and in Idaho.

Other solutions, such as RTH/TNR programs and additional education, would lend to Idahoans having a greater understanding of animals while also providing necessary and informed care. RTH, or Return-To-Home, and TNR, Trap-Neuter-Release, programs are among the most comprehensive solutions to the growing feral cat populations, such as those within the state’s borders. These programs are designed to trap the feral cat, neuter, and vaccinate the animal in hopes of improving the quality of life while simultaneously stopping more growth among the feral colony. They are meant to help relieve the euthanasia issue in shelters as they often kill free-roaming and stray cats the most. Spehar and Wolf, in their study of RTH and TNR programs, found that the programs were “effective at reducing both feline intake and euthanasia” shown through a 94.1% drop in feline euthanasia and a 42.8% drop in feline admissions at one Kentucky shelter (Spehar and Wolf). While these only address one vulnerable population, RTH and TNR programs allow appropriate care to be provided while helping nature by reducing numbers without mass euthanasia. In addition to these programs and legislation, education must be provided to both enforcement and the general population. With a large gap in communication between Animal Control officers and police, and an even larger miscommunication on what can be enforced, there is a necessity to provide “comprehensive and systematic training” (COPS 3).

The Community Oriented Policing Services specifically cited this among the solutions to the lack of care surrounding animal welfare because of the wide variety of offenses there can be. Historically, there has been little support for law enforcement in this discipline leaving them
unaware of how to handle a situation that could lead to them being gravely injured or the animal being in a worse condition. Continuing education on handling animal welfare issues may provide a bandaid to the overarching issue, alongside comprehensive programs designed to care for animals at large.

Though, for all of the solutions to be as effective as they can be, they must be based on a strong foundation protected legally in Idaho. While education and programs can give some relief to local communities in the interim, support of legislation is necessary for long-term change to be secured. Solving the lack of care for animal welfare and protection cannot happen immediately as all of the solutions take immense time to see results. RTH/TNR programs, for example, can take upwards of ten years to see formative results and statistics. Though, that should not discourage the necessity to build a firm legal foundation to protect and support the animals of this state and the workers surrounding them. By giving a sturdy foundation, both animals and those who love them can be better protected and informed, lending itself to heightened care of animals as a part of nature and the Idahoan community.
Works Cited


