

1 HB193
2 172998-2
3 By Representative Rogers
4 RFD: Judiciary
5 First Read: 11-FEB-16

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8 SYNOPSIS: Existing law provides for the crimes of
9 cruelty to animals and aggravated cruelty to
10 animals.

11 This bill would increase the penalties for
12 those crimes under certain conditions and would
13 require a person convicted under certain conditions
14 to undergo a psychological evaluation and attend
15 counseling.

16 This bill would also create the crime of
17 animal abandonment and would provide penalties.

18 Amendment 621 of the Constitution of Alabama
19 of 1901, now appearing as Section 111.05 of the
20 Official Recompilation of the Constitution of
21 Alabama of 1901, as amended, prohibits a general
22 law whose purpose or effect would be to require a
23 new or increased expenditure of local funds from
24 becoming effective with regard to a local
25 governmental entity without enactment by a 2/3 vote
26 unless: it comes within one of a number of
27 specified exceptions; it is approved by the

1 affected entity; or the Legislature appropriates
2 funds, or provides a local source of revenue, to
3 the entity for the purpose.

4 The purpose or effect of this bill would be
5 to require a new or increased expenditure of local
6 funds within the meaning of the amendment. However,
7 the bill does not require approval of a local
8 governmental entity or enactment by a 2/3 vote to
9 become effective because it comes within one of the
10 specified exceptions contained in the amendment.

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT
15

16 To amend Sections 13A-11-14 and 13A-11-14.1 of the
17 Code of Alabama 1975, relating to the crimes of cruelty and
18 aggravated cruelty to animals; to increase the penalties under
19 certain conditions; to require a person convicted under
20 certain conditions to undergo a psychological evaluation and
21 attend counseling; to add Section 13A-11-14.2 to the Code of
22 Alabama 1975, to create the crime of animal abandonment and to
23 provide penalties; and in connection therewith to have as its
24 purpose or effect the requirement of a new or increased
25 expenditure of local funds within the meaning of Amendment 621
26 of the Constitution of Alabama of 1901, now appearing as

1 Section 111.05 of the Official ReCompilation of the
2 Constitution of Alabama of 1901, as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 13A-11-14 and 13A-11-14.1 of the
5 Code of Alabama 1975, are amended to read as follows:

6 "§13A-11-14.

7 "(a) ~~A~~ Except as otherwise authorized by law, a
8 person commits the crime of cruelty to animals if, ~~except as~~
9 ~~otherwise authorized by law,~~ he or she recklessly or with
10 criminal negligence does any of the following:

11 "(1) Subjects any animal to cruel mistreatment; ~~or.~~

12 "(2) Subjects any animal in his or her custody to
13 cruel neglect; ~~or.~~

14 "(3) Kills or injures without good cause any animal
15 belonging to another.

16 "(b) ~~Cruelty to animals is a Class A misdemeanor and~~
17 ~~on (1) On~~ the first conviction of a violation of this section,
18 a person shall be guilty of a Class A misdemeanor. ~~shall be~~
19 ~~punished by a fine of not more than three thousand dollars~~
20 ~~(\$3,000) or imprisonment in the county jail for not more than~~
21 ~~one year, or both fine and imprisonment; on~~

22 "(2) On a second conviction of a violation of this
23 section, ~~shall be punished by a fine of not less than five~~
24 ~~hundred dollars (\$500) nor more than three thousand dollars~~
25 ~~(\$3,000) or imprisonment in the county jail for not more than~~
26 ~~one year, or both fine and imprisonment; and on~~ a person shall
27 be guilty of a Class D felony, shall be prohibited from

1 owning, buying, adopting, or having under his or her control
2 any animal for 15 years after his or her conviction, and shall
3 be required to undergo psychological evaluation and attend
4 counseling.

5 "3) On a third or subsequent conviction of a
6 violation of this section, a person shall be guilty of a Class
7 C felony shall be punished by a fine of not less than one
8 thousand dollars (\$1,000) nor more than three thousand dollars
9 (\$3,000) or imprisonment in the county jail for not more than
10 one year, or both fine and imprisonment.

11 "§13A-11-14.1.

12 "(a) A person commits the crime of aggravated
13 cruelty to animals if the person intentionally, or knowingly,
14 or recklessly violates Section 13A-11-14, and the act of
15 cruelty or neglect involved the infliction of torture to the
16 animal.

17 "(b) The word torture as used in this section shall
18 mean the act of doing physical injury to an animal by the
19 infliction of inhumane treatment or gross physical abuse meant
20 to cause the animal intensive or prolonged pain or serious
21 physical injury, or by causing the death of the animal.

22 "(c) For purposes of this section and Section
23 13A-11-14, the terms torture and cruelty do not include the
24 following:

25 "(1) Actions taken if there is a reasonable fear of
26 imminent attack, or conduct which is otherwise permitted under
27 the agricultural or animal husbandry laws, customs, or

1 practices of this state or the United States, including, but
2 not limited to, catfish, cattle, goats, horses, pigs, hogs,
3 poultry, sheep, pen-raised game, rodeo stock, and other farm
4 animals.

5 "(2) Conduct which is permitted under the fishing,
6 hunting, and trapping laws, customs, or practices of this
7 state or the United States.

8 "(3) Conduct that is permitted under the laws,
9 customs, or practices of this state or the United States
10 related to the training, conditioning, and use of animals for
11 rodeos, equine activities, livestock shows, field trials, and
12 similar activities, or the use of dogs for hunting, service
13 work, or similar activities.

14 "(4) Conduct that is licensed or lawful under the
15 Alabama Veterinary Practice Act or conduct by any licensed
16 veterinarian that complies with accepted standards of practice
17 of the profession within the State of Alabama, including, but
18 not limited to, euthanasia.

19 "(5) Conduct that is lawful under the laws of this
20 state or the United States relating to activities undertaken
21 by research and education facilities and institutions.

22 "(6) Conduct that is prohibited under Section
23 13A-12-4.

24 "(d) Aggravated cruelty to animals is a Class C
25 felony.

26 "(e) In addition to the fines and penalties imposed
27 on a person for a violation of this section, the person shall

1 be prohibited from owning, buying, adopting, or having under
2 his or her control any animal for 15 years after his or her
3 conviction and shall be required to undergo psychological
4 evaluation and attend counseling.

5 Section 2. Section 13A-11-14.2 is added to the Code
6 of Alabama 1975, to read as follows:

7 §13A-11-14.2.

8 (a) For the purposes of this section, the following
9 terms shall have the following meanings:

10 (1) ABANDONMENT. Failure to make reasonable
11 arrangements for assumption of custody by another person.

12 (2) MINIMUM CARE. A sufficient and continuous supply
13 of good, wholesome air, an amount of food sufficient in
14 quantity and quality so as to allow for normal growth or
15 maintenance of body weight, a non-temporary, enclosed
16 structure to provide shelter from wind, rain, snow, or sun
17 with adequate bedding to protect against cold and dampness,
18 potable water sufficient to satisfy the needs of the animal,
19 proper waste disposal sufficiently free of contaminants that
20 could affect the health of the animal, and proper veterinary
21 care sufficient to relieve stress from injury, neglect, or
22 disease, that preserves the health and well-being of the
23 animal.

24 (b) (1) A person commits the crime of animal
25 abandonment if the person, being the owner or possessor or
26 having charge or custody of an animal, intentionally,
27 knowingly, recklessly, or with criminal negligence leaves the

1 animal at a location without providing continuous minimum
2 care.

3 (2) It is no defense to the crime defined in
4 subsection (1) that the person abandoned the animal at or near
5 an animal shelter, veterinary clinic, or other place of
6 shelter if the person did not make reasonable arrangements for
7 the minimum care of the animal.

8 (c) (1) On the first conviction of a violation of
9 this section, a person shall be guilty of a Class B
10 misdemeanor, shall be prohibited from owning, buying,
11 adopting, or having under his or her control any animal for 15
12 years after his or her conviction, and shall be required to
13 undergo psychological evaluation and attend counseling.

14 (2) On a second or subsequent conviction, or if the
15 abandonment of an animal results in the serious injury or
16 death of the animal, a person shall be guilty of a Class C
17 felony.

18 Section 3. Although this bill would have as its
19 purpose or effect the requirement of a new or increased
20 expenditure of local funds, the bill is excluded from further
21 requirements and application under Amendment 621, now
22 appearing as Section 111.05 of the Official Recompilation of
23 the Constitution of Alabama of 1901, as amended, because the
24 bill defines a new crime or amends the definition of an
25 existing crime.

1 Section 4. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.