

1 SB393
2 151324-1
3 By Senator Keahey
4 RFD: Judiciary
5 First Read: 04-APR-13

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8 SYNOPSIS: Under existing law, a person commits the
9 crime of cruelty to animals if, except as otherwise
10 authorized by law, he or she intentionally or
11 recklessly subjects any animal to cruel
12 mistreatment, subjects any animal in his or her
13 custody to cruel neglect, or kills or injures
14 without good cause any animal belonging to another.
15 Cruelty to animals is a Class B misdemeanor.

16 This bill would add acts that are done
17 knowingly or with criminal negligence to the
18 prohibition and make the crime a Class A
19 misdemeanor.

20 This bill would provide for the crime of
21 aggravated animal cruelty when the act of cruelty
22 or neglect involved infliction of torture to the
23 animal. Aggravated animal cruelty would be a Class
24 C felony.

25 Amendment 621 of the Constitution of Alabama
26 of 1901, now appearing as Section 111.05 of the
27 Official Recompilation of the Constitution of

1 Alabama of 1901, as amended, prohibits a general
2 law whose purpose or effect would be to require a
3 new or increased expenditure of local funds from
4 becoming effective with regard to a local
5 governmental entity without enactment by a 2/3 vote
6 unless: it comes within one of a number of
7 specified exceptions; it is approved by the
8 affected entity; or the Legislature appropriates
9 funds, or provides a local source of revenue, to
10 the entity for the purpose.

11 The purpose or effect of this bill would be
12 to require a new or increased expenditure of local
13 funds within the meaning of the amendment. However,
14 the bill does not require approval of a local
15 governmental entity or enactment by a 2/3 vote to
16 become effective because it comes within one of the
17 specified exceptions contained in the amendment.

18
19 A BILL

20 TO BE ENTITLED

21 AN ACT

22
23 To amend Section 13A-11-14, Code of Alabama 1975,
24 relating to animal cruelty, to further provide for penalties;
25 to establish the crime of aggravated cruelty to animals and to
26 provide penalties; and in connection therewith would have as
27 its purpose or effect the requirement of a new or increased

1 expenditure of local funds within the meaning of Amendment 621
2 of the Constitution of Alabama of 1901, now appearing as
3 Section 111.05 of the Official ReCompilation of the
4 Constitution of Alabama of 1901, as amended.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Section 13A-11-14, Code of Alabama 1975,
7 is amended to read as follows:

8 "§13A-11-14.

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

12 "(1) Subjects any animal to cruel mistreatment; or

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

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

17 "(b) Cruelty to animals is a Class ~~B~~ A misdemeanor
18 and on the first conviction of a violation of this section
19 shall be punished by a fine of not more than three thousand
20 dollars (\$3,000) or imprisonment in the county jail for not
21 more than ~~six months~~ one year, or both fine and imprisonment;
22 on a second conviction of a violation of this section, shall
23 be punished by a fine of not less than five hundred dollars
24 (\$500) nor more than three thousand dollars (\$3,000) or
25 imprisonment in the county jail for not more than ~~six months~~
26 one year, or both fine and imprisonment; and on a third or
27 subsequent conviction of a violation of this section, shall be

1 punished by a fine of not less than one thousand dollars
2 (\$1,000) nor more than three thousand dollars (\$3,000) or
3 imprisonment in the county jail for not more than ~~six months~~
4 one year, or both fine and imprisonment."

5 Section 2. (a) A person commits the crime of
6 aggravated cruelty to animals if the person intentionally or
7 knowingly violates Section 13A-11-14, Code of Alabama 1975,
8 and the act of cruelty or neglect involved the infliction of
9 torture to the animal.

10 (b) The word "torture" as used in this act shall
11 mean the act of doing physical injury to an animal by the
12 infliction of inhumane treatment or gross physical abuse meant
13 to cause the animal intensive or prolonged pain or serious
14 physical injury, or by causing the death of the animal.

15 (c) For purposes of this act, the terms "torture"
16 and "cruelty" do not include the following:

17 (1) Actions taken if there is a reasonable fear of
18 imminent attack, or conduct which is otherwise permitted under
19 the agricultural or animal husbandry laws, customs, or
20 practices of this state or the United States, including, but
21 not limited to, catfish, cattle, goats, horses, pigs, hogs,
22 poultry, sheep, pen-raised game, rodeo stock and other farm
23 animals.

24 (2) Conduct which is permitted under the fishing,
25 hunting, and trapping laws, customs, or practices of this
26 state or the United States.

1 (3) Conduct that is permitted under the laws,
2 customs, or practices of this state or the United States
3 related to the training, conditioning, and use of animals for
4 rodeos, equine activities, livestock shows, field trials, and
5 similar activities, or the use of dogs for hunting, service
6 work, or similar activities.

7 (4) Conduct that is licensed or lawful under the
8 Alabama Veterinary Practice Act or conduct by any licensed
9 veterinarian that complies with accepted standards of practice
10 of the profession within the State of Alabama, including, but
11 not limited, to euthanasia.

12 (5) Conduct that is lawful under the laws of this
13 state or the United States relating to activities undertaken
14 by research and education facilities and institutions.

15 (d) Aggravated cruelty to animals is a Class C
16 felony.

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