

## ALABAMA ANIMAL CRUELTY LAWS

Animal Cruelty Laws Overview			
<b>Title</b>	<b>Section</b>	<b>Classification</b>	<b>Punishment Range</b>
Cruelty to Animals	13A-11-14	Class A Misdemeanor	0-1 year county jail; fine of up to \$3000
Aggravated Cruelty to Animals	13A-11-14.1	Class C Felony	1 year, 1 day-10 years prison; fine of up to \$15,000
Cruelty to Dog or Cat (Overdrive or deprive)	13A-11-241 (b)	Class A Misdemeanor	0-1 year county jail; fine of up to \$3000
Cruelty to Dog or Cat (intentionally torture)	13A-11-241 (a)	Class C Felony	1 year, 1 day-10 years prison; fine of up to \$15,000
Obstruction or Interfering with Handler; Harm, Theft, or Death of Animal (causes or attempts to cause less than serious harm)	13A-11-261 (b)	Class A Misdemeanor	0-1 year county jail; fine of up to \$3000
Obstruction or Interfering with Handler; Harm, Theft, or Death of Animal (release animal or cause item to enter containment area)	13A-11-261 (d)	Class A Misdemeanor	0-1 year county jail; fine of up to \$3000
Obstruction or Interfering with Handler; Harm, Theft, or Death of Animal (causes or attempts to cause serious harm to animal)	13A-11-261 (c)	Class C Felony	1 year, 1 day-10 years prison; fine of up to \$15,000; restitution for medical bills
Harassing Service Dogs Prohibited	13A-11-232	Class C Misdemeanor	0-90 days in county jail; fine of up to \$500
Injuring Service Dogs Prohibited (injure with reckless disregard)	13A-11-233 (a)	Class B Misdemeanor	0-6 months in county jail; fine not to exceed \$1,000
Injuring Service Dogs Prohibited (intentionally injure)	13A-11-233 (b)	Class A Misdemeanor	0-1 year county jail; fine of up to \$3000

Causing Disability or Death of Service Dog Prohibited	13A-11-234	Class A Misdemeanor	0-1 year county jail; fine of up to \$3000
Greyhounds (putting to death by means of other than lethal injection)	13A-11-16 (b)	Class C Misdemeanor (first offense) Class A Misdemeanor (subsequent offense)	0-90 days in county jail; fine of up to \$500 0-1 year county jail; fine of up to \$3000
Wanton or Malicious Injury, etc., to Animals or Other Property	3-1-10	Class B Misdemeanor	0-6 months in county jail; fine not to exceed \$1,000
Cockfighting	13A-12-4	Violation	Fine of \$20 to \$50
Hog and Canine Fighting	13A-12-6	Class A Misdemeanor (First Offense) Class C Felony (Subsequent Offense)	year county jail; fine of up to \$3000 1 year, 1 day-10 years prison; fine of up to \$15,000
Dog Fighting	3-1-29	Class C Felony	1 year, 1 day-10 years prison; fine of up to \$15,000
Wanton or Malicious Injury, etc., to Livestock	3-1-11.1	Class C Felony	1 year, 1 day-10 years prison; fine of up to \$15,000
Violation of Humane Livestock Transportation Provisions	2-15-114	Unclassified Misdemeanor	Civil fine not less than \$10 or to exceed \$100, county jail up to six months

## **CRUELTY PROVISIONS**

### **§ 13A-11-14. Cruelty to animals.**

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

- (1) Subjects any animal to cruel mistreatment; or
- (2) Subjects any animal in his or her custody to cruel neglect; or
- (3) Kills or injures without good cause any animal belonging to another.

(b) Cruelty to animals is a Class A misdemeanor and on the first conviction of a violation of this section shall be punished by a fine of not more than three thousand dollars (\$3,000) or imprisonment in the county jail for not more than one year, or both fine and imprisonment; on a second conviction of a violation of this section, shall be punished by a fine of not less than five hundred dollars (\$500) nor more than three thousand dollars (\$3,000) or imprisonment in the county jail for not more than one year, or both fine and imprisonment; and on a third or subsequent conviction of a

violation of this section, shall be punished by a fine of not less than one thousand dollars (\$1,000) nor more than three thousand dollars (\$3,000) or imprisonment in the county jail for not more than one year, or both fine and imprisonment.

*Commentary:*

ALA. CODE 13A-2-2 (3) defines recklessly as “[a] person acts recklessly with respect to a result or to a circumstance described by a statute defining an offense when he is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. A person who creates a risk but is unaware thereof solely by reason of voluntary intoxication, as defined in subdivision (e)(2) of Section 13A-3-2, acts recklessly with respect thereto.”

ALA. CODE 13A-2-2 (4) defines criminal negligence as “[a] person acts with criminal negligence with respect to a result or to a circumstance which is defined by statute as an offense when he fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation. A court or jury may consider statutes or ordinances regulating the defendant’s conduct as bearing upon the question of criminal negligence.”

Destruction of mistreated animals does not violate defendant’s right to inspect evidence when animals were properly seized and destroyed. *La Rue v. State*, 478 So. 2d 13 (1985).

Circumstantial evidence is sufficient to convict defendant. *Id.*

**§ 13A-11-14.1. Aggravated cruelty to animals.**

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

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

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

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

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

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

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

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

(6) Conduct that is prohibited under Section 13A-12-4, Code of Alabama 1975.

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

ALA. CODE 13A-2-2 (1) defines intentionally as “[a] person acts intentionally with respect to a result or to conduct described by a statute defining an offense, when his purpose is to cause that result or to engage in that conduct.”

ALA. CODE 13A-2-2 (1) defines knowingly as “[a] person acts knowingly with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of that nature or that the circumstance exists.”

### **§ 13A-11-241. Degrees of crime of cruelty. (Dog or Cat)**

(a) A person commits the crime of cruelty to a dog or cat in the first degree if he or she intentionally tortures any dog or cat or skins a domestic dog or cat or offers for sale or exchange or offers to buy or exchange the fur, hide, or pelt of a domestic dog or cat. Cruelty to a dog or cat in the first degree is a Class C felony. A conviction for a felony pursuant to this section shall not be considered a felony for purposes of the Habitual Felony Offender Act, Section 13A-5-9 to 13A-5-10.1, inclusive.

(b) A person commits the crime of cruelty to a dog or cat in the second degree if he or she, in a cruel manner, overloads, overdrives, deprives of necessary sustenance or shelter, unnecessarily or cruelly beats, injures, mutilates, or causes the same to be done. Cruelty to a dog or cat in the second degree is a Class A misdemeanor.

### **§ 13A-11-246. Excluded persons and institutions. (Cruelty to Dog or Cat)**

This article shall not apply to any of the following persons or institutions:

- (1) Academic and research enterprises that use dogs or cats for medical or pharmaceutical research or testing.
- (2) Any owner of a dog or cat who euthanizes the dog or cat for humane purposes.
- (3) Any person who kills a dog or cat found outside of the owned or rented property of the owner or custodian of the dog or cat when the dog or cat threatens immediate physical

injury or is causing physical injury to any person, animal, bird, or silvicultural or agricultural industry.

- (4) A person who shoots a dog or cat with a BB gun not capable of inflicting serious injury when the dog or cat is defecating or urinating on the person's property.
- (5) A person who uses a training device, anti-bark collar, or an invisible fence on his or her own dog or cat or with permission of the owner.

**§ 13A-11-261 Obstruction or interfering with handler; harm, theft, or death of animals.**

- (a) Any person who intentionally and knowingly causes, attempts to cause, or causes another person to harass, interfere, or obstruct a police animal or search and rescue animal being used by a handler in lawfully performing duties or causes harassment, interference, or obstruction of a handler in lawfully performing his or her duties is guilty of a Class A misdemeanor.
- (b) Any person who intentionally and knowingly causes or attempts to cause physical harm to a police animal or search and rescue animal which results in no long-term damage or disfigurement of the animal and any temporary loss of service of the animal does not exceed 30 calendar days, is guilty of a Class A misdemeanor.
- (c) Any person who intentionally and knowingly causes or attempts to cause serious physical harm, theft, or death of a police animal or search and rescue animal is guilty of a Class C felony.
- (d) Any person who intentionally and knowingly enters a containment area of a police animal or search and rescue animal without the consent of the handler, causes or attempts to cause any item or substance to enter the containment area without the consent of the handler, or who releases a police animal or search and rescue animal without the consent of the handler, is guilty of a Class A misdemeanor.
- (e) An owner or keeper of a dog or other animal, who fails to reasonably restrain the dog or animal from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a police animal or search and rescue animal, is responsible for any violation of this article in the same manner as if he or she knowingly caused or attempted to cause the violation.

**§ 13A-11-232. Harassing service dog prohibited.**

- (a) It is unlawful for a person who has received notice that his or her behavior is harassing to a dog the person knows or has reason to believe is a service dog to continue that behavior with malice or reckless disregard.
- (b) It is unlawful for a person with reckless disregard to allow his or her dog that is not contained by a fence, a leash, or other containment system to harass a service dog.

(c) A person who violates subsection (a) or (b) is guilty of a Class C misdemeanor.

**§ 13A-11-233. Injuring service dog prohibited.**

(a) It is unlawful for any person without legal justification or authority to cause injury to a service dog, or to allow his or her dog to cause injury to a service dog.

(b) A person who violates subsection (a) with reckless disregard is guilty of a Class B misdemeanor.

(c) A person who intentionally or willfully violates subsection (a) is guilty of a Class A misdemeanor.

**§ 13A-11-234. Causing disability or death of service dog prohibited.**

(a) It is unlawful for any person without legal justification or authority to cause the death of a service dog or cause an injury resulting in disability to the service dog such that it is no longer able to function in that role, or for that person to allow his or her dog to cause the same.

(b) A person who violates subsection (a) with reckless disregard is guilty of a Class A misdemeanor.

(c) A person who intentionally or willfully violates subsection (a) is guilty of a Class A misdemeanor.

**§ 13A-11-16. Greyhounds.**

(a) It is the intent of the Legislature that animals that participate in greyhound racing on which pari-mutual wagering is conducted and animals that are bred and trained for greyhound racing be treated humanely, both on and off the racetrack, throughout the lives of the animals.

(b) A greyhound bred, trained, or used for greyhound racing may not be put to death by any means other than lethal injection. A greyhound may not be removed from this state for the purpose of being destroyed.

(c)

(1) Any person who violates this section on the first offense shall be guilty of a Class C misdemeanor.

(2) A person who violates this section on a second or subsequent offense shall be guilty of a Class A misdemeanor.

**§ 3-1-10. Wanton or malicious injury, etc., to animals or other property.**

Any person, who unlawfully, wantonly or maliciously kills, disables, disfigures, destroys or injures any animal or article or commodity of value which is the property of another must, on conviction, be fined not less than twice the value of the injury or damage to the owner of the property nor more than \$1,000.00 and may also be imprisoned in the county jail, or sentenced to hard labor for the county for not more than six months, and so much of the fine as may be necessary to repair the injury or loss shall go to the party injured

**ANIMAL FIGHTING PROVISIONS**

**§ 13A-12-4. Cock fighting.**

Any person who keeps a cockpit or who in any public place fights cocks shall, on conviction, be fined not less than \$20.00 nor more than \$50.00.

**§ 13A-12-6. Hog and canine fighting.**

(a) As used in this section, the term “hog” shall mean a pig, swine, or boar.

(b) The crime of hog and canine fighting occurs when a person organizes or conducts any commercial or private event, commonly referred to as a “catch,” wherein there is a display of combat or fighting between one or more domestic or feral canines and feral or domestic hogs and in which it is intended or reasonably foreseeable that the canines or hogs would be injured, maimed, mutilated, or killed.

(c) The crime of hog and canine fighting occurs when a person intentionally does any of the following for the purpose of organizing, conducting, or financially or materially supporting any event as provided in subsection (b):

- (1) Finance, commercially advertise, sell admission tickets, or employ persons.
- (2) Own, manage, or operate any facility or property.
- (3) Supply, breed, train, or keep canines or hogs.
- (4) Knowingly purchase tickets of admission.

(d) This section shall not apply to the lawful hunting of hogs with canines or the use of canines for the management, farming, or herding of hogs which are livestock or the private training of canines for the purposes enumerated in this subsection provided that such training is conducted in the field and is not in violation of this section.

(e) A violation of this section is a Class A misdemeanor upon conviction for a first offense. A second or subsequent violation is a Class C felony. After a first violation, a judge shall inform the defendant of the enhanced penalty upon a second or subsequent violation.

**§ 3-1-29. Dog fighting.**

(a) It shall be a Class C felony for any person to do any of the following:

- (1) To own, possess, keep or train any dog with the intent that such dog shall be engaged in an exhibition of fighting with another dog.
- (2) For amusement or gain, to cause any dog to fight with another dog, or cause any dogs to injure each other.
- (3) To permit any act in violation of subdivisions (1) and (2) of this subsection.

(b) It shall be a Class C felony for any person to be knowingly present, as a spectator, at any place, building, or tenement where preparations are being made for an exhibition of the fighting of dogs, with the intent to be present at such preparations, or to be knowingly present at such exhibition or to knowingly aid or abet another in such exhibition.

(c) Any dog used to fight other dogs in violation of subsection (a) of this section, shall be confiscated as contraband by the sheriff or other law enforcement officers and shall not be returned to the owner, trainer or possessor of said dog. The court shall award the animals to the humane society or other agency handling stray animals. At its discretion, the humane society or other agency handling stray animals shall humanely dispatch or dispose of any confiscated dog.

(d) Any dog confiscated pursuant to subsection (c) of this section by the sheriff or other law enforcement officers shall be taken to the local humane society or other animal welfare agency.

(e) An appointed veterinarian or officer of the humane society or other animal welfare agency may upon delivery or at any time thereafter destroy the animal that is in his or her opinion injured, diseased past recovery, or whose continued existence is inhumane and destruction is necessary to relieve pain or suffering.

(f) After confiscation the humane society or other animal welfare agency may make application to the circuit court for a hearing to determine whether any animal seized pursuant to subsection (c) of this section shall be humanely destroyed due to disease, injury or lack of any useful purpose because of training or viciousness. The court shall set a hearing date not more than 30 days from the filing of the application and shall give notice of the same to the owners of the animals. Upon a finding by the court that the seized animals are diseased, injured or lack any useful purpose due to training or viciousness, it shall be within the authority of the humane society or other animal welfare agency to humanely destroy such animal. Any animal found by the court not to be diseased, injured or lacking any useful purpose due to training or viciousness shall be delivered to a court-approved private veterinarian or a private housing facility under the supervision of a veterinarian. Expenses incurred in connection with the housing, care or upkeep of the dogs by any person, firm, partnership, corporation or other entity shall be taxed against the owner.

(g) After confiscation, any entity holding a dog confiscated pursuant to this section may make application to the circuit court for issuance of an order requiring the owner or keeper of the dog to post a bond or deposit funds with the clerk of the court to cover the reasonable costs of the seizure, care, keeping, and the possible disposal of the dog. Reasonable costs shall include, but not be limited to, transportation, food, shelter, and care, including veterinary care. The bond or deposited



funds shall be ordered posted in 30-day increments until such time as the case that was the cause of the dog being confiscated is resolved. The court shall set a hearing date no more than 10 days from filing of the application and shall give notice of the same to the owner or keeper of the dog.

(1) If, within 72 hours of the conclusion of the hearing, the owner or keeper fails to post the bond or deposit funds with the clerk of the court as ordered by the court, then the dog shall be forfeited by operation of law.

(2) If the owner or keeper presents sufficient evidence for the judge presiding over the hearing to determine that the owner or keeper is indigent, the owner or keeper may be relieved of the requirement to post a bond or deposit funds with the clerk of the court and may be relieved of the forfeiture provision under subdivision (1).

(3) The owner or keeper may choose at any time to surrender the dog to the local animal shelter or other animal housing facility holding the dog. The surrender shall not be considered a presumption of guilt.

(4) At the end of the time for which expenses are covered by the bond or deposit of funds, if the owner or keeper fails to post a new bond or deposit new funds with the clerk of the court, which must be received before the expiration date of the previous bond or deposit of funds, then the dog shall be forfeited by operation of law. The court may correct, alter, or otherwise adjust the bond or funds to be deposited upon a motion made before the expiration date of the previous bond or deposit of funds. No person may file more than one motion seeking an adjustment to the bond or funds to be deposited for each six-month period for which the dog is held under this section.

(5) The entity holding the dog confiscated pursuant to this section shall be entitled to draw on any bond posted or funds deposited to cover the actual costs incurred in the seizure, care, keeping, and the possible disposal of the dog.

(6) Upon resolution of any criminal charges brought against the owner or keeper of the dog confiscated pursuant to this section, the owner or keeper shall be refunded the amount remaining on any bond posted or funds deposited in accordance with this section not expended for the seizure, care, keeping, or disposal of the dog.

(h) If any dog owner is convicted under subsection (a) or (b) of this section, the animal or animals shall be awarded to the local humane society or other animal welfare agency.

(i) At any time, if a dog is confiscated pursuant to this section, the state or entity holding the dog may file a petition with the circuit court seeking civil forfeiture of the seized dog.

(1) As part of this petition, the state or entity holding the dog may seek an extension of any bond ordered by the judge under subsection (g) of this section, pending resolution of the civil forfeiture petition filed pursuant to this subsection. The bond extension shall be considered in accordance with the procedures set forth in subsection (g) of this section. Upon resolution of a civil forfeiture petition filed under this subsection, the owner or keeper shall be refunded the amount remaining on any bond posted or funds deposited in accordance with this subsection not expended for the seizure, care, keeping, or disposal of the dog.

(2) The court shall set a hearing date no more than 20 days from the filing of the petition for civil forfeiture and shall give notice of the hearing to the owner or keeper of the dog.

(3) If the state meets its burden at the forfeiture hearing, the judge shall order the owner or keeper to forfeit ownership of the dog.

(4) If the state fails to meet its burden at this forfeiture hearing, the judge shall order the dog immediately returned to the owner or keeper.

*Commentary:*

Statute not unconstitutionally vague. *Williams v. State*, 462 So. 2d 771 (Ala. Crim. App. 1984).

Sufficient evidence to convict under statute for possessing and or training a dog for fighting purposes where 23 dogs were found, the majority of those dogs showing fresh scars and wounds, the dogs were animal aggressive, and dog fighting equipment was found on the scene. *Ware v. State*, 949 So.2d 169 (Ala. Crim. App. 2006).

Each dog can be charged as a separate count, if sufficiently pleaded. *Id.*

## **LIVESTOCK PROVISIONS**

### **§ 2-15-110. Humane treatment required.**

In order to prevent injury to animals in livestock markets and in transit and to prevent unnecessary abuse and cruelty to animals with resultant loss of profit from the slaughter and sale of such animals, it shall be unlawful in this state to handle or transport such animals in any manner not consistent with humane methods of treatment to such extent as is reasonably possible or in a manner not in compliance with or in violation of the requirements of this article.

### **§ 2-15-111. Transportation to minimize delays — Notice of delay.**

(a) All trucks, vans or other conveyances used for the transportation of cattle, sheep, swine or other animals along public roads, streets or highways of Alabama shall, prior to the loading of such animals, be prepared to proceed to their destination without delay and, upon loading, shall proceed by the most direct and usually traveled route.

(b) In the event of a breakdown that would cause a delay of the arrival of the livestock at their destination for more than one hour, the owner of such livestock shall be notified as soon as possible of such breakdown.

### **§ 2-15-112. Vehicles; construction.**

All such trucks, vans or other conveyances used for the transporting of the animals described in this article shall be so constructed that the roof of any deck of the conveyance will not touch the highest point of the back of any animal loaded thereon. Any such conveyance which is propelled or drawn by the use of diesel fuel shall have the exhaust so placed that the fumes will not blow directly into the area in which the animals are loaded either when the conveyance is in motion or when it is motionless.

**§ 2-15-114. Penalty.**

(a) Any person who shall violate any of the provisions or requirements of this article, or who fails to perform any duty imposed by the provisions of this article or who violates any rule or regulation duly promulgated under this article shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$10.00 nor more than \$100.00 and, within the discretion of the court, may also be imprisoned for not more than six months.

(b) The manager, executive officer, owner or other person in charge of any transportation agency or livestock market who knowingly allows any employee, agent or servant to violate any of the provisions or requirements of this article or who knows that any employee, agent or servant is violating any provisions of this article and who does not take immediate steps to correct such violations shall be guilty of a misdemeanor and upon conviction shall be punished as provided in subsection (a) of this section.

**§ 3-1-11.1. Wanton or malicious injury, etc.; livestock.**

(a) Any person, who unlawfully, wantonly, or maliciously kills, disables, disfigures, destroys, or injures the livestock of another while the livestock is on the premises of the owner of the livestock or on the premises of a person having charge thereof shall be guilty of a Class C felony.

(b) In addition to being guilty of a Class C felony, any person who unlawfully, wantonly, or maliciously kills, disables, disfigures, destroys, or injures the livestock of another while the livestock is on the premises of the owner of the livestock, or on the premises of a person having charge thereof, shall be liable for damages sustained by the killing, disabling, disfiguring, or destroying of the livestock in an amount equal to double the value thereof.

(c) For purposes of this section, livestock is defined as equine or equidae, cows, swine, goats, and sheep.

**§ 2-15-113. Rules and regulations; miscellaneous requirements.**

In addition to the authority granted to the Commissioner of the Department of Agriculture and Industries pursuant to Division 1 of Article 4 of this chapter, the said commissioner, with the approval of the State Board of Agriculture and Industries, shall be authorized to promulgate reasonable rules and regulations for the humane treatment of animals held in livestock markets and while being sold or offered for sale in such markets, including the number, kind and size of animals that may be held in pens or areas of stipulated dimensions, regulations for the feeding and care of such animals and for the maintenance of sanitary conditions of the premises.

Sticks, canes or whips shall not be used in such a manner so as to injure an animal. The use of chains, spikes, clubs or other injurious devices are hereby prohibited except under extreme circumstances where it is necessary to prevent injury to persons or other animals; and flappers, other noisemaking devices, electric prods of not more than six volts in strength and other contrivances which have been found to be equally effective shall be used wherever possible for such purposes.

The Commissioner of Agriculture and Industries shall provide for the regular inspection of such livestock markets for the purpose of enforcing the requirements of this section.

**§ 3-1-15. Rabbits and chicks, ducklings, or other fowl; sale, etc., as pets or novelties.**

It shall be unlawful for any person, firm or corporation to display, sell, offer for sale, barter or give away any baby rabbits, or baby chicks, ducklings or other fowl, but not including parrots, parakeets and canaries, as pets or novelties, regardless of whether or not such rabbits or fowl are dyed, colored or otherwise artificially treated.

Whoever violates this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished as prescribed by law.

*Commentary:* pursuant to ALA. CODE § 13A-5-4 (b), every unclassified misdemeanor is classified as a Class C misdemeanor.

**PERSONS TO INVESTIGATE CRUELTY, DESTROY ANIMALS, AND PROCEDURE**

**§ 13A-11-242. Trained agents.**

Any county or municipality may appoint one or more trained agents to inspect alleged violations of this article, to protect dogs or cats from any cruelty charged, and to prevent any cruelty to any dog or cat. Any appointment made pursuant to this section shall be made at a meeting of the local governing body duly called with notice.

**§ 13A-11-243. Powers of law enforcement officers or county agents.**

(a) Any law enforcement officer and any agent of the county or the municipality appointed pursuant to Section 13A-11-242, having reasonable belief, evidence of, or having found a dog or cat to be neglected or cruelly treated may perform either of the following:

- (1) Remove the dog or cat from its present location.
- (2) Order the owner of the dog or cat to provide certain care to the dog or cat at the owner's expense without the removal of the dog or cat from its present location.

(b) Neither the county or municipality, nor any employee or agent of the county or municipality, acting in good faith, shall be liable for any actions taken under this section, regardless of whether or not the dog or cat is returned to its owner after impoundment.

**§ 13A-11-244. Hearings.**

(a) The law enforcement officer or any agent of the county or of the municipality, without the requirement of any fee or charge for court costs, shall immediately petition the municipal court if the violation involves a municipal ordinance or the district court in the county in which the dog or cat is found for a hearing to be set within 20 days of seizure of the dog or cat or issuance of the order to provide care. The hearing shall be held not more than 10 days after the setting of the date to determine whether the owner, if known, is able to provide adequately and protectively for the dog or cat and is fit to have custody of the dog or cat. The hearing shall be concluded and the court order entered within 30 days after the date the hearing is commenced.

(b) The owner, at least five days prior to holding such a hearing, shall be notified of the date of the hearing to determine if the owner is able to provide adequately and protectively for the dog or cat and is fit to have custody of the dog or cat.

**§ 13A-11-245. Procedures.**

(a) The law enforcement officer or agent of the county or municipality may provide for the dog or

cat until either the dog or cat is returned to the owner by the court, or the court refuses to return the dog or cat to the owner and implements one of the procedures pursuant to subsection (c).

(b) If the owner is adjudged by the court, with certification from a licensed veterinarian, to be able to provide adequately for and have custody of the dog or cat, the dog or cat shall be returned to the owner.

(c) If the court determines that the owner of the dog or cat is unable, unwilling, or unfit to adequately provide for, protect, and have custody of the dog or cat, the court may implement the following by court order:

(1) Upon the testimony of the person taking custody, a licensed veterinarian, or another qualified witness that the dog or cat requires destruction or other disposition for humane reasons or is of no commercial value, order the dog or cat destroyed or remanded directly to the custody of the dog or cat control, humane shelter, or similar facility designated by the county or the municipality or other appropriate person to be disposed of by the facility or person in a humane manner.

(2) Upon proof of the costs incurred by the agent or agency having custody of the dog or cat, order that the owner pay any costs incurred for the care of the dog or cat and for any costs incurred in destroying the dog or cat. A separate hearing may be held by the judge of the district court on the assessment of costs, which assessment shall include all costs of notice and hearing. In the event the court finds the owner innocent of charges, the owner shall not be charged with costs of the care of the dog or cat in custody.

(d) If the court determines that the owner is unable, unwilling, or unfit to adequately provide for and protect any other dog or cat in the custody of the owner that was not originally seized by the agency, agent, or other person when the dog or cat in custody was seized, the court may enjoin the owner of further possession or custody of the unseized dog or cat.

### **§ 3-1-13. Neglected or abused animals; care and keeping.**

Any duly authorized officer or employee of a recognized humane society shall have the right to take charge of any animal which is sick or disabled due to neglect or is being cruelly treated or abused and to provide care for such animal until it is deemed to be in suitable condition to be returned to its owner or to the person from whose custody such animal was taken.

The officer so taking such animal shall at the time of taking the animal give written notice to the owner or person from whose custody it was taken.

The necessary expenses incurred for the care and keeping of the animal after such notice by the humane society shall be a lien thereon and, if the animal is not reclaimed within 10 days from the giving of such notice, the humane society may sell the animal to satisfy such lien. If the humane society determines that the animal cannot be sold, it may cause the animal to be otherwise disposed of.

#### **Commentary**

Statutes Violates Due Process *Humane Soc. of Marshall County v. Adams*, 439 So. 2D 150 (1983).

### **§ 3-1-8. Destroying abandoned animals.**

Any agent, officer or member of a duly incorporated society for the prevention of cruelty to animals

may lawfully destroy or cause to be destroyed any animal found abandoned and not properly cared for which may appear, in the judgment of two reputable citizens called by him to view the same in his presence, to be superannuated, infirm, glandered, injured or diseased past recovery for any useful purpose.