

## ANIMAL PROTECTION LAWS OF ALABAMA



## Animal Protection Laws of Alabama

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*This chapter contains Alabama’s general animal protection and related statutes with an effective date on or before September 1, 2020. It begins with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories with the relevant part of each statute italicized.*

*Alabama may employ similar provisions within other non-animal-specific criminal and civil statutes; may have other more specific statutes in addition to those included; and may have a variety of animal-related regulations in effect. Because the law is continually evolving, always review an official source for the most current language of any statute.*

## ANIMAL PROTECTION LAWS OF ALABAMA

## ALABAMA

1. <u>DEFINITION OF "ANIMAL"</u>	-----
2. <u>GENERAL CRUELTY *</u>	<p>Wanton or malicious injury to animals  <b>ALA. CODE § 3-1-10</b>  <i>6 months county jail and/or \$1,000 fine</i></p> <p>Killing or disabling livestock  <b>ALA. CODE § 3-1-11.1</b>  <i>Class C felony</i></p> <p>Cruelty to animals  <b>ALA. CODE § 13A-11-14</b>  <i>Class A misdemeanor, 1 year in county jail BUT maximum \$3,000 fine</i></p> <p>Aggravated cruelty to animals  <b>ALA. CODE § 13A-11-14.1</b>  <i>Class C felony</i></p> <p>Cruelty in first or second degrees (dogs and cats only)  <b>ALA. CODE §§ 13A-11-240; 13A-11-241</b>  <i>Class C felony</i></p>
3. <u>EXEMPTIONS</u>	<p>Veterinary practice, research animals, wildlife, accepted farmed animal husbandry practices, rodeo, other  <b>ALA. CODE §§ 3-1-11, 13A-11-14.1, 13A-11-246</b></p> <p>Veterinary practice, accepted farmed animal husbandry practices, other  <b>ALA. CODE § 13A-6-221</b></p>
4. <u>FIGHTING &amp; RACKETEERING</u>	<p><b>NOTE:</b> statutes relating to the <u>seizure</u>, <u>restitution</u>, and <u>forfeiture</u> of dogs used in dogfighting may be found in those respective sections of this document.</p> <p>Various dogfighting activities  <b>ALA. CODE § 3-1-29</b></p>

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	<p><i>Class C felony</i></p> <p>Keeping a cockpit and cockfighting  <b>ALA. CODE § 13A-12-4</b>  <i>Violation: \$20-\$50 fine</i></p> <p>Various hog and dogfighting activities  <b>ALA. CODE § 13A-12-6</b>  <i>First offense: Class A misdemeanor</i>  <i>Subsequent offenses: Class C felony</i></p>
<p><b>5. <u>SEXUAL ASSAULT</u></b></p>	<p>Bestiality  <b>ALA. CODE §§ 13A-6-220; 13A-6-221</b>  <i>Class A misdemeanor</i></p>
<p><b>6. <u>CRUELTY TO WORKING ANIMALS</u></b></p>	<p>Harassing service dog  <b>ALA. CODE § 13A-11-231; ALA. CODE § 13A-11-232</b>  <i>Class C misdemeanor</i></p> <p>Injuring service dog  <b>ALA. CODE § 13A-11-233</b>  <i>Intentionally/willfully: Class A misdemeanor</i>  <i>Recklessly: Class B misdemeanor</i></p> <p>Causing disability or death of service dog  <b>ALA. CODE § 13A-11-234</b>  <i>Class A misdemeanor</i></p> <p>Harass, harm, interfere with police animal  <b>ALA. CODE § 13A-11-261(a), (b), (d)</b>  <i>Class A misdemeanor</i></p> <p>Serious physical harm to police animal  <b>ALA. CODE § 13A-11-261(c)</b>  <i>Class C felony</i></p>
<p><b>7. <u>MAXIMUM PENALTIES &amp; STATUTE OF LIMITATIONS**</u></b></p>	<p><b>NOTE:</b> Penalties for violations of <b>ALA. CODE § 13A-11-14</b> and <b>§ 13A-12-4</b> are in the substantive statute, available in the <a href="#">General Cruelty</a> section of this document.</p> <p>Class C misdemeanor  <i>6 months county jail and/or \$3,000 fine</i></p>

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	<p>ALA. CODE § 13A-5-7 ALA. CODE § 13A-5-12</p> <p>Class B misdemeanor <i>6 months county jail and/or \$3,000 fine</i></p> <p>ALA. CODE § 13A-5-7 ALA. CODE § 13A-5-12</p> <p>Class A misdemeanor <i>1 year county jail and/or \$6,000 fine</i></p> <p>ALA. CODE § 13A-11-14 ALA. CODE § 13A-5-7 ALA. CODE § 13A-5-12</p> <p>Class C felony <i>10 years imprisonment (includes hard labor) and \$15,000 fine</i></p> <p>ALA. CODE § 13A-5-6 ALA. CODE § 13A-5-11</p> <p>Conflicting laws ALA. CODE § 13A-11-247</p> <p>Statute of limitations <i>Misdemeanor: 12 months</i> Ala. Code § 15-3-2 <i>Felony: 5 years</i> Ala. Code § 15-3-1</p>
<p><b>8. <u>CROSS ENFORCEMENT &amp; REPORTING</u></b></p>	<p>-----</p>
<p><b>9. <u>VETERINARIAN REPORTING &amp; IMMUNITY</u></b></p>	<p><b>NOTE:</b> Alabama administrative code states that a veterinarian is obligated to report to the proper authorities any grossly inhumane treatment to animals of which he or she has direct knowledge.</p> <p>ALA. ADMIN. CODE R. 930-X-1-.10</p>
<p><b>10. <u>LAW ENFORCEMENT POLICIES</u></b></p>	<p>County commissions may employ persons to enforce all laws for the prevention of cruelty to animals; such officers shall have the same powers as deputy sheriffs.</p> <p>ALA. CODE § 3-1-16</p>

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	<p>Any county or municipality may appoint trained agents to inspect alleged violations and to protect and prevent cruelty to dogs or cats. <i>ALA. CODE § 13A-11-242</i></p> <p>No liability for actions taken in good faith for county, municipality, employees or agents, regardless of final disposition of dog or cat. <i>ALA. CODE § 13A-11-243</i></p>
<b>11. <u>SEIZURE</u></b>	<p>Authorized officers, humane society employees may seize animals. <i>ALA. CODE § 3-1-13</i></p> <p><i>Note:</i> This statute was held unconstitutional on due process grounds. <i>Humane Soc. of Marshall County v. Adams</i>, 439 So.2d 150 (Ala.1983).</p> <p>Dogs used in dogfighting shall be seized as contraband and awarded to the humane society or other agency handling stray animals. <i>ALA. CODE § 3-1-29</i></p> <p>Law enforcement officers and appointed trained agents may seize dog or cat or order owner to provide on-site care. <i>ALA. CODE § 13A-11-243</i></p>
<b>12. <u>COURTROOM ANIMAL ADVOCATE PROGRAM</u></b>	-----
<b>13. <u>PROTECTION ORDERS†</u></b>	-----
<b>14. <u>RESTITUTION †</u></b>	<p>Upon conviction, court shall order fine sentenced to be used as necessary for restitution. <i>ALA. CODE § 3-1-10</i></p> <p>Cost of care is a lien. <i>ALA. CODE § 3-1-13</i></p> <p><i>Note:</i> This statute was held unconstitutional on due process grounds. <i>Humane Soc. of Marshall County v. Adams</i>, 439 So.2d 150 (Ala.1983).</p> <p>Court may order defendant to post cost-of-care bonds for dogs seized from dogfighting. <i>ALA. CODE § 3-1-29</i></p> <p>Upon conviction, owner may be ordered to pay costs of care and euthanasia.</p>

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	ALA. CODE § 13a-11-245(c)(2)
<b>15. <u>FORFEITURE &amp; POSSESSION BANS †</u></b>	<p>If owner does not reclaim animal within 10 days of lien notice, humane society has disposition.</p> <p>ALA. CODE § 3-1-13</p> <p><i>Note:</i> This statute was held unconstitutional on due process grounds. <i>Humane Soc. of Marshall County v. Adams</i>, 439 So.2d 150 (Ala.1983).</p> <p>At its discretion, agency shall humanely dispatch or dispose of dogs confiscated from dogfighting.</p> <p>ALA. CODE § 3-1-29</p> <p>The court, at a hearing to be set within 20 days of seizure or order to provide care, may order destruction or humane disposition of seized dog or cat or enjoin further possession or custody of unseized dog or cat, if owner is found unable, unwilling or unfit to adequately provide for, protect, and have custody of dog or cat.</p> <p>ALA. CODE § 13A-11-244 ALA. CODE § 13A-11-245</p>
<b>16. <u>COURT-ORDERED TREATMENT †</u></b>	-----
<b>17. <u>HOT CARS</u></b>	-----
<b>18. <u>CIVIL NUISANCE ABATEMENT</u></b>	-----
<b>19. <u>AG-GAG LAWS</u></b>	<p>It is unlawful to obtain access to an animal facility by false pretenses for the purpose of performing acts not authorized by that facility, or to knowingly obtain control by theft or deception that is unauthorized any records, data, materials, equipment, or animals of any animal facility for the purpose of depriving the rightful owner.</p> <p>ALA. CODE §§ 13A-11-152, 13A-11-153, 13A-11-154, 13A-11-155, 13A-11-156, 13A-11-157, 13A-11-158</p> <p><i>Less than \$250 loss: Class A misdemeanor</i> <i>More than \$250 loss: Class C felony</i></p>
<b>20. <u>BREED SPECIFIC LEGISLATION</u></b>	-----

\* States may have other more specific statutes in addition to the general animal protection statutes

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referenced in this table.

- \*\* Despite statutory maximums, states often employ sentencing guidelines that may significantly alter the allowable sentence.
- † This table generally references only those provisions that are within each state's animal protection statutes. States may employ similar provisions within other non-animal-specific criminal and civil statutes, and may also have a variety of animal-related regulations in effect.

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## ANIMAL PROTECTION LAWS OF ALABAMA

### 1. DEFINITION OF “ANIMAL”

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## ANIMAL PROTECTION LAWS OF ALABAMA

### 2. GENERAL CRUELTY

#### ALA. CODE § 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.*

#### ALA. CODE § 3-1-11.1. Killing or disabling livestock; penalty.

- (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.*

#### ALA. CODE § 13A-11-14. Cruelty to animals.

- (a) *A person commits the crime of cruelty to animals if, except as otherwise authorized by law, he 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*

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*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.*

### ALA. CODE § 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.
- (d) *Aggravated cruelty to animals is a Class C felony.*

### ALA. CODE § 13A-11-240. Definitions.

- (a) *The word “torture” as used in this act shall mean the act of doing physical injury to a dog or cat by the infliction of inhumane treatment or gross physical abuse meant to cause*

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*said animal intensive or prolonged pain or serious physical injury, or thereby causing death due to said act.*

- (b) *The word “cruel” as used in this article shall mean: Every act, omission, or neglect, including abandonment, where unnecessary or unjustifiable pain or suffering, including abandonment, is caused or where unnecessary pain or suffering is allowed to continue.*
- (c) *The words “dog or cat” as used in this article shall mean any domesticated member of the dog or cat family.*

### **ALA. CODE § 13A-11-241. Cruelty in first and second degrees.**

- (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.*

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### 3. EXEMPTIONS

#### ALA. CODE § 3-1-11. Wanton or malicious injury, etc.; defenses.

*Upon the trial, the defendant may prove in mitigation or justification, as the jury may determine, that, at the time of the killing, disabling, disfiguring, destruction or injury, the animal killed, disabled, disfigured, destroyed or injured was trespassing and had within six months previously thereto trespassed upon a growing crop, enclosed by a lawful fence or while such animal was running at large in violation of law. No conviction must be had, if it is shown that, before the commencement of the prosecution, compensation for the injury was made or tendered to the owner.*

#### ALA. CODE § 13A-6-221. Bestiality.

- (a) A person commits the crime of bestiality if he or she:
  - (1) Knowingly engages in or submits to any sexual conduct or sexual contact with an animal.
  - (2) Knowingly causes, aids, or abets another in engaging in any sexual conduct or sexual contact with an animal.
  - (3) Knowingly permits any sexual conduct or sexual contact with an animal upon premises under his or her control.
  - (4) Knowingly organizes, promotes, conducts, advertises, aids, abets, observes, or performs any service furthering an act involving sexual conduct or sexual contact with an animal for a commercial or recreational purpose.
- (b) Bestiality is a Class A misdemeanor.
- (c) *This section shall not apply to accepted animal husbandry practices, conformation judging practices, or accepted veterinary medicine practices.*

#### ALA. CODE § 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*

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*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-11-246. Applicability.**

*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.*

**ANIMAL PROTECTION LAWS OF ALABAMA****4. FIGHTING AND RACKETEERING****ALA. CODE § 3-1-29. Activities relating to fighting of dogs prohibited; punishment; confiscation; procedures for disposition of animals.**

- (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.

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- (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.



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- (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.

### ALA. CODE § 13A-12-4. Keeping cockpit; cockfighting.

*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.*

### ALA. CODE § 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.*



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## ANIMAL PROTECTION LAWS OF ALABAMA

- (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.*

**ANIMAL PROTECTION LAWS OF ALABAMA****5. SEXUAL ASSAULT****ALA. CODE § 13A-6-220. Definitions.**

*For purposes of this section, the following terms shall have the following meanings:*

- (1) *Sexual conduct. Any touching or fondling by a person, either directly or through clothing, of the sex organs or anus of an animal or any transfer or transmission of semen by the person upon any part of the animal for the purpose of sexual gratification or arousal of the person.*
- (2) *Sexual contact. Any contact, however slight, between the mouth, sex organ, or anus of a person and the sex organ or anus of an animal, any penetration, however slight, of any part of the body of the person into the sex organ or anus of an animal, or any penetration of the sex organ or anus of the person into the mouth of the animal for the purpose of sexual gratification or sexual arousal of the person.*

**ALA. CODE § 13A-6-221. Bestiality.**

- (a) *A person commits the crime of bestiality if he or she:*
  - (1) *Knowingly engages in or submits to any sexual conduct or sexual contact with an animal.*
  - (2) *Knowingly causes, aids, or abets another in engaging in any sexual conduct or sexual contact with an animal.*
  - (3) *Knowingly permits any sexual conduct or sexual contact with an animal upon premises under his or her control.*
  - (4) *Knowingly organizes, promotes, conducts, advertises, aids, abets, observes, or performs any service furthering an act involving sexual conduct or sexual contact with an animal for a commercial or recreational purpose.*
- (b) *Bestiality is a Class A misdemeanor.*
- (c) *This section shall not apply to accepted animal husbandry practices, conformation judging practices, or accepted veterinary medicine practices.*

## ANIMAL PROTECTION LAWS OF ALABAMA

### 6. CRUELTY TO WORKING ANIMALS

#### ALA. CODE § 13A-11-231. Definitions.

For the purposes of this article, the following terms have the following meanings:

- (1) **HARASS.** To engage in any conduct directed toward a service dog or handler that is likely to impede or interfere with the performance of a service dog in its duties or places the health and safety of the service dog or its handler in jeopardy. Such conduct includes actions which distract, obstruct, or intimidate the service dog, such as taunting, teasing, or striking.
- (2) **INJURY.** Physical or emotional injury to the service dog.
- (3) **NOTICE.** An actual verbal or other communication warning that the behavior of the person or the dog of the person is harassing toward the performance of a service dog in its duty or endangering the health and safety of the service dog.
- (4) **SERVICE DOG.** A dog that has been individually trained for the purpose of assisting or accommodating a physician-diagnosed physical or mental disability or medical condition of a person as that term is used in the federal Americans with Disabilities Act. Service dogs include, but are not limited to, guide or leader dogs for persons who are blind; dogs that assist persons with physical disabilities by providing balance support, pulling a wheelchair, or performing other tasks; dogs that provide hearing assistance by alerting individuals who are deaf to specific sounds; and dogs who alert persons to an impending potential medical crisis. The term includes a therapy dog.
- (5) **THERAPY DOG.** A trained emotional support dog that has been tested and registered by a nonprofit national therapy dog organization that sets standards and requirements for the health, welfare, task work, and oversight of therapy dogs and their handlers. The term therapy dog includes a dog trained to visit and provide emotional support to children, the sick and disabled, the aged, and victims in the court system. A registered therapy dog is trained for public access in facilities including, but not limited to, libraries, nursing homes, hospitals, schools, hospice, courthouse facilities, funeral homes, disaster areas, and homes where visits are needed to aid in health care and emotional support. A registered therapy dog is covered under this article from the time the dog leaves its home until the time it returns while in the performance of its duties as defined herein. The handler of a registered therapy dog shall be a member in good standing of a national therapy dog organization and be clearly identified with an organization and have authorized credentials.
- (6) **VALUE.** The value of the service dog to the service dog user as demonstrated by any of the following elements:
  - a. Cost of the service dog.
  - b. Replacement and training or retraining expenses for the service dog and the user.

## ANIMAL PROTECTION LAWS OF ALABAMA

- c. Veterinary and other medical and boarding expenses for the service dog during a period of treatment for injury.
- d. Lost wages or income incurred by the service dog user during any period the user is without the services of the service dog.
- e. Any additional expenses incurred by the service dog user directly because of the loss of the use of the service dog.

### ALA. CODE § 13A-11-232. Harassment of service dog.

- (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.*

### ALA. CODE § 13A-11-233. Causing injury to service dog.

- (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.*

### ALA. CODE § 13A-11-234. Causing death to service dog; causing injury resulting in disability to service dog.

- (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.*

## ANIMAL PROTECTION LAWS OF ALABAMA

**ALA. CODE § 13A-11-261. Harassment of, interference with, etc., duties of police animals, search and rescue animals, or handlers; causing physical harm or death; entering containment area; restraining, taunting, endangering, etc.**

- (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.*

## ANIMAL PROTECTION LAWS OF ALABAMA

### 7. MAXIMUM PENALTIES & STATUTES OF LIMITATIONS

**NOTE:** Penalties for violations of [ALA. CODE § 13A-11-14](#) and [§ 13A-12-4](#) are in the substantive statute, available in the [General Cruelty](#) section of this document.

#### **ALA. CODE § 13A-5-6. Prison terms; felonies.**

- (a) *Sentences for felonies shall be for a definite term of imprisonment, which imprisonment includes hard labor, within the following limitations:*
- (1) For a Class A felony, for life or not more than 99 years or less than 10 years.
  - (2) For a Class B felony, not more than 20 years or less than 2 years.
  - (3) *For a Class C felony, not more than 10 years or less than 1 year and 1 day and must be in accordance with subsection (b) of Section 15-18-8 unless sentencing is pursuant to Section 13A-5-9 or the offense is a sex offense pursuant to Section 15-20A-5.*
  - (4) For a Class D felony, not more than 5 years or less than 1 year and 1 day and must be in accordance with subsection (b) of Section 15-18-8.
  - (5) For a Class A felony in which a firearm or deadly weapon was used or attempted to be used in the commission of the felony, or a Class A felony sex offense involving a child as defined in Section 15-20A-4, not less than 20 years.
  - (6) For a Class B or C felony in which a firearm or deadly weapon was used or attempted to be used in the commission of the felony, or a Class B felony sex offense involving a child as defined in Section 15-20A-4, not less than 10 years.
- (b) The actual time of release within the limitations established by subsection (a) of this section shall be determined under procedures established elsewhere by law.
- (c) In addition to any penalties heretofore or hereafter provided by law, in all cases where an offender is designated as a sexually violent predator pursuant to Section 15-20A-19, or where an offender is convicted of a Class A felony sex offense involving a child as defined in Section 15-20A-4, and is sentenced to a county jail or the Alabama Department of Corrections, the sentencing judge shall impose an additional penalty of not less than 10 years of post-release supervision to be served upon the defendant's release from incarceration.
- (d) In addition to any penalties heretofore or hereafter provided by law, in all cases where an offender is convicted of a sex offense pursuant to Section 13A-6-61, 13A-6-63, or 13A-6-65.1, when the defendant was 21 years of age or older and the victim was six years of age or less at the time the offense was committed, the defendant shall be sentenced to life imprisonment without the possibility of parole.

## ANIMAL PROTECTION LAWS OF ALABAMA

### ALA. CODE § 13A-5-7. Prison terms; misdemeanors.

- (a) *Sentences for misdemeanors shall be a definite term of imprisonment in the county jail or to hard labor for the county, within the following limitations:*
  - (1) *For a Class A misdemeanor, not more than one year.*
  - (2) *For a Class B misdemeanor, not more than six months.*
  - (3) *For a Class C misdemeanor, not more than three months.*
- (b) *Sentences for violations shall be for a definite term of imprisonment in the county jail, not to exceed 30 days.*

### ALA. CODE § 13A-5-11. Fines; felonies.

- (a) *A sentence to pay a fine for a felony shall be for a definite amount, fixed by the court, within the following limitations:*
  - (1) *For a Class A felony, not more than \$60,000;*
  - (2) *For a Class B felony, not more than \$30,000;*
  - (3) *For a Class C felony, not more than \$15,000;*
  - (4) *For a Class D felony, not more than \$7,500; or*
  - (5) *Any amount not exceeding double the pecuniary gain to the defendant or loss to the victim caused by the commission of the offense.*
- (b) *As used in this section, "gain" means the amount of money or the value of property derived from the commission of the crime, less the amount of money or the value of property returned to the victim of the crime or seized or surrendered to lawful authority prior to the time sentence is imposed. "Value" shall be determined by the standards established in subdivision (14) of Section 13A-8-1.*
- (c) *The court may conduct a hearing upon the issue of defendant's gain or the victim's loss from the crime according to procedures established by rule of court.*
- (d) *This section shall not apply if a higher fine is otherwise authorized by law for a specific crime.*

### ALA. CODE § 13A-5-12. Fines; misdemeanors.

- (a) *A sentence to pay a fine for a misdemeanor shall be for a definite amount, fixed by the court, within the following limitations:*
  - (1) *For a Class A misdemeanor, not more than \$6,000;*
  - (2) *For a Class B misdemeanor, not more than \$3,000;*
  - (3) *For a Class C misdemeanor, not more than \$500; or*
  - (4) *Any amount not exceeding double the pecuniary gain to the defendant or loss to the victim caused by the commission of the offense.*

## ANIMAL PROTECTION LAWS OF ALABAMA

- (b) A sentence to pay a fine for a violation shall be for a definite amount, fixed by the court, not to exceed \$200, or any amount not exceeding double the pecuniary gain to the defendant or loss to the victim caused by the commission of the offense.
- (c) As used in this section, “gain” means the amount of money or the value of property derived from the commission of the crime, less the amount of money or the value of property returned to the victim of the crime or seized or surrendered to lawful authority prior to the time sentence is imposed. “Value” shall be determined by the standards established in subdivision (14) of Section 13A-8-1.
- (d) The court may conduct a hearing upon the issue of defendant’s gain or the victim’s loss from the crime according to procedures established by rule of court.

### **ALA. CODE § 13A-11-247. Conflicting laws.**

This article shall not be construed to repeal other criminal laws. *Whenever conduct prescribed by any provision of this article is also prescribed by any other provision of law, the provision which carries the more serious penalty shall be applied.*

### **Ala. Code § 15-3-1. Felonies generally.**

Except as otherwise provided by law, the prosecution of all felonies, except those specified in Section 15-3-3, Section 15-3-5, or any other felony that has a specified limitations period, shall be commenced within five years after the commission of the offense.

### **Ala. Code § 15-3-2. Misdemeanors.**

Unless otherwise provided, the prosecution of all misdemeanors before a circuit or district court must be commenced within 12 months after the commission of the offense.



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**ANIMAL PROTECTION LAWS OF ALABAMA**

**8. CROSS ENFORCEMENT & REPORTING**

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## ANIMAL PROTECTION LAWS OF ALABAMA

### 9. VETERINARY REPORTING & IMMUNITY

**NOTE:** Alabama's administrative code requires veterinarians to report cruelty.

**ALA. ADMIN. CODE R. 930-X-1-.10**

...

(16) *A veterinarian is obligated to report to the proper authorities any grossly inhumane treatment to animals of which he or she has direct knowledge.*

...

**ANIMAL PROTECTION LAWS OF ALABAMA****10. LAW ENFORCEMENT POLICIES****ALA. CODE § 3-1-16. Prevention of cruelty to animals; enforcement officers**

*The county commissions of the respective counties of this state may employ a suitable person or persons who shall be charged specially with the duty of enforcing all laws for the prevention of cruelty to animals, and to fix the compensation of such officer or officers, which shall be paid in the same manner as other salaries of county employees are paid, and such officer or officers, upon taking the oath as required to be taken by deputy sheriffs, shall be vested with all powers now vested by law in deputy sheriffs.*

**ALA. CODE § 13A-11-242. Appointment of 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.*

**ALA. CODE § 13A-11-243. Powers of agents, officers; liability.**

- (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.*

## ANIMAL PROTECTION LAWS OF ALABAMA

### 11. SEIZURE

**NOTE:** The following statute was held unconstitutional on due process grounds. *Humane Soc. of Marshall County v. Adams*, 439 So.2d 150 (Ala.1983).

**ALA. CODE § 3-1-13. Right of officers, etc., of humane societies to take charge of and care for neglected or abused animals; written notice to owner from whom animal taken; lien for expenses for care and keeping of animal.**

*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.

**ALA. CODE § 3-1-29. Activities relating to fighting of dogs prohibited; punishment; confiscation; procedures for disposition of animals.**

- (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*

## ANIMAL PROTECTION LAWS OF ALABAMA

*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.

**ANIMAL PROTECTION LAWS OF ALABAMA**

- (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.

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**ANIMAL PROTECTION LAWS OF ALABAMA****ALA. CODE § 13A-11-243. Powers of agents, officers; liability.**

- (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.*

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**ANIMAL PROTECTION LAWS OF ALABAMA**

**12. COURTROOM ANIMAL ADVOCATE PROGRAM**

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**ANIMAL PROTECTION LAWS OF ALABAMA**

**13. PROTECTION ORDERS**

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## ANIMAL PROTECTION LAWS OF ALABAMA

### 14. RESTITUTION

#### **ALA. CODE § 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.*

**NOTE:** The following statute was held unconstitutional on due process grounds. *Humane Soc. of Marshall County v. Adams*, 439 So.2d 150 (Ala.1983).

#### **ALA. CODE § 3-1-13. Right of officers, etc., of humane societies to take charge of and care for neglected or abused animals; written notice to owner from whom animal taken; lien for expenses for care and keeping of animal.**

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.

#### **ALA. CODE § 3-1-29. Activities relating to fighting of dogs prohibited; punishment; confiscation; procedures for disposition of animals.**

- (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.

## ANIMAL PROTECTION LAWS OF ALABAMA

- (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*

## ANIMAL PROTECTION LAWS OF ALABAMA

*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.

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- (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.

### ALA. CODE § 13A-11-245. Disposition of animal.

- (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.

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### 15. FORFEITURE & POSSESSION BANS

**NOTE:** The following statute was held unconstitutional on due process grounds. *Humane Soc. of Marshall County v. Adams*, 439 So.2d 150 (Ala.1983).

**ALA. CODE § 3-1-13. Right of officers, etc., of humane societies to take charge of and care for neglected or abused animals; written notice to owner from whom animal taken; lien for expenses for care and keeping of animal.**

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.*

**ALA. CODE § 3-1-29. Activities relating to fighting of dogs prohibited; punishment; confiscation; procedures for disposition of animals.**

- (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

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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.*



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- (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.*

### ALA. CODE § 13A-11-244. Hearing.

- (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



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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.*

### ALA. CODE § 13A-11-245. Disposition of animal.

- (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.*

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**ANIMAL PROTECTION LAWS OF ALABAMA**

**16. COURT-ORDERED TREATMENT**

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**ANIMAL PROTECTION LAWS OF ALABAMA**

**17. HOT CARS**

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**18. CIVIL NUISANCE ABATEMENT**

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## ANIMAL PROTECTION LAWS OF ALABAMA

### 19. AG-GAG LAWS

#### ALA. CODE § 13A-11-152. Definitions.

As used in this article, the following terms shall have the following meanings:

- (1) Animal. Every living creature, domestic or wild, with the exception of man and animals used for illegal gaming purposes.
- (2) Animal or crop facility. Any facility engaging in scientific research, education, or agricultural production of or involving the use of animals or crops including any organization with the primary purpose of representing livestock or crop production or processing; any organization with a primary purpose of promoting or marketing livestock or crops; any organization with a primary purpose of promoting or marketing livestock or crop products or materials; any person licensed to practice veterinary medicine; any person licensed to apply chemical applications not limited to pesticides, insecticides, rodenticides, or herbicides; any organization with a primary purpose of representing any of the above; the owner, operator, and employees of any animal or crop facility; and any vehicle, building, greenhouse, structure, laboratory, pasture, field, paddock, pond, impoundment, or premises where animals or crops are located.
- (3) Commissioner. The Commissioner of Agriculture and Industries for the State of Alabama.
- (4) Crops. Any shrub, vine, tree, seedling, shoot, slip, or other plant undergoing experimentation or otherwise capable of producing food, fiber, lawful or legal medicines, nursery stock, floral products, or aesthetic beauty.
- (5) Person. A human being, and where appropriate, a public or private corporation, an unincorporated corporation, a partnership, a government or a governmental instrumentality, or a private organization, association, coalition, federation, and its officers or spokespersons.

#### ALA. CODE § 13A-11-153. Prohibited Acts.

It shall be unlawful for any person to do any of the following:

- (1) Intentionally release, steal, destroy, demolish, obliterate, or otherwise cause loss of any animal or crop from an animal or crop facility without the consent of the owner.
- (2) Damage, vandalize, or steal any property on or from an animal or crop facility.
- (3) Obtain access to an animal or crop facility by false pretenses for the purpose of performing acts not authorized by that facility.
- (4) Break and enter into any animal or crop facility with the intent to destroy, alter, duplicate, or obtain unauthorized possession of records, data, materials, equipment, animals, or crops.

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- (5) Knowingly obtain control by theft or deception that is unauthorized, or to exert control that is unauthorized over any records, data, materials, equipment, animals, or crops of any animal or crop facility for the purpose of depriving the rightful owner or facility of records, materials, data, equipment, animals, or crops.
- (6) Possess or use records, materials, data, equipment, crops, or animals in any way to copy or reproduce records or data of an animal or crop facility knowing or reasonably believing that the records, materials, data, equipment, crops, or animals have been obtained by theft or deception, or without authorization of the rightful owners or administrators of the animal or crop facility.
- (7) Enter or remain on an animal or crop facility with the intent to commit an act prohibited under this section.

### ALA. CODE § 13A-11-154. Violations.

Any person who violates Section 13A-11-153 shall be guilty of a Class C felony if the loss is two hundred fifty dollars (\$250) or more. Any person who violates Section 13A-11-153 shall be guilty of a Class A misdemeanor if the loss is less than two hundred fifty dollars (\$250).

### ALA. CODE § 13A-11-155. Restitution.

Any person convicted of a violation of this article shall also be required by the court to make restitution of two times the value of the animal or crop damaged, destroyed, or lost to the owner or operator of the animal or crop facility for any reasonable costs of replacing materials, data, equipment, animals, crops, and records that may have been damaged, destroyed, lost, or cannot be returned, and reasonable cost of repeating any experimentation that may have been interrupted or invalidated as a result of any violation of this article.

### ALA. CODE § 13A-11-156. Additional remedies.

Notwithstanding any remedy available at law, any owner or operator of an animal or crop facility may apply to the circuit court of the county where the animal or crop facility is located for a temporary restraining order and an injunction to restrain any person, organization, or association from committing any violation of this article.

### ALA. CODE § 13A-11-157. Enforcement.

For purposes of enforcing this article, the commissioner may do all of the following:

- (1) Investigate any offense under this article.

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## ANIMAL PROTECTION LAWS OF ALABAMA

- (2) Seek the assistance of any law enforcement agency of the United States, the state, or any local government in the conduct of any investigations.
- (3) Coordinate any investigation, to the maximum extent practicable, with the investigations of any law enforcement agency of the United States, the state, or any local government.

### **ALA. CODE § 13A-11-158. Construction.**

This article shall not be construed to repeal any other criminal law except as expressly provided in this article. Whenever conduct prescribed by any provision of this article is also prescribed by any other provision of law, the provision which carries the more serious penalty shall apply.

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**ANIMAL PROTECTION LAWS OF ALABAMA**

**20. BREED SPECIFIC LEGISLATION**

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