

1 HB182
2 31676-2
3 By Representatives Galliher and Hill
4 RFD: Agriculture, Forestry and Natural Resources
5 First Read: 01-FEB-2000



1
2 Enrolled, An Act,

3 To establish the crimes of cruelty to a dog or cat
4 and of intentional extreme cruelty to a domesticated dog or
5 domesticated cat; to provide for penalties; to provide
6 immunity under certain conditions; and in connection therewith
7 would have as its purpose or effect the requirement of a new
8 or increased expenditure of local funds.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. (a) The word "torture" as used in this
11 act shall mean the act of doing physical injury to a dog or
12 cat by the infliction of inhumane treatment or gross physical
13 abuse meant to cause said animal intensive or prolonged pain
14 or serious physical injury, or thereby causing death due to
15 said act.

16 (b) The word "cruel" as used in this act shall mean:
17 Every act, omission, or neglect, including abandonment, where
18 unnecessary or unjustifiable pain or suffering, including
19 abandonment, is caused or where unnecessary pain or suffering
20 is allowed to continue.

21 (c) The words "dog or cat" as used in this act shall
22 mean any domesticated member of the ~~canine or feline~~ dog or
23 cat family.

24 Section 2. (a) A person commits the crime of cruelty
25 to a dog or cat in the first degree if he or she intentionally
26 tortures any dog or cat or skins a domestic dog or cat or

1 offers for sale or exchange or offers to buy or exchange the
2 fur, hide, or pelt of a domestic dog or cat. Cruelty to a dog
3 or cat in the first degree is a Class C felony. A conviction
4 for a felony pursuant to this section shall not be considered
5 a felony for purposes of the Habitual Felony Offender Act,
6 Section 13A-5-9 to 13A-5-10.1, inclusive, Code of Alabama
7 1975.

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

14 Section 3. Any county or municipality may appoint
15 one or more trained agents to inspect alleged violations of
16 this act, to protect dogs or cats from any cruelty charged,
17 and to prevent any cruelty to any dog or cat. Any appointment
18 made pursuant to this section shall be made at a meeting of
19 the local governing body duly called with notice.

20 Section 4. (a) Any law enforcement officer and any
21 agent of the county or the municipality appointed pursuant to
22 Section 3, having reasonable belief, evidence of, or having
23 found a dog or cat to be neglected or cruelly treated may
24 perform either of the following:

25 (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.

Section 5. (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

1 protectively for the dog or cat and is fit to have custody of
2 the dog or cat.

3 Section 6. (a) The law enforcement officer or agent
4 of the county or municipality ~~shall~~ may provide for the dog or
5 cat until either the dog or cat is returned to the owner by
6 the court; or the court refuses to return the dog or cat to
7 the owner and implements one of the procedures pursuant to
8 subsection (c).

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

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

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

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

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

17 Section 7. This act shall not apply to any of the
18 following persons or institutions:

19 (1) Academic and research enterprises that use dogs
20 or cats for medical or pharmaceutical research or testing.

21 (2) Any owner of a dog or cat who euthanizes the dog
22 or cat for humane purposes.

23 (3) Any person who kills a dog or cat found outside
24 of the owned or rented property of the owner or custodian of
25 the dog or cat when the dog or cat threatens immediate

1 physical injury or is causing physical injury to any person,
2 farm animal, birds, or silvicultural or agricultural industry.

3 (4) A person who shoots a dog or cat with a BB gun
4 not capable of inflicting serious injury when the dog or cat
5 is defecating or urinating on the person's property.

6 (5) A person who uses a training device, anti-bark
7 collar, or an invisible fence on his or her own dog or cat or
8 with permission of the owner.

9 Section 8. This article shall not be construed to
10 repeal other criminal laws. Whenever conduct prescribed by any
11 provision of this article is also prescribed by any other
12 provision of law, the provision which carries the more serious
13 penalty shall be applied.

14 Section 9. This act shall become effective on the
15 first day of the third month following its passage and
16 approval by the Governor, or its otherwise becoming law

Art. Huff
Speaker of the House of Representatives

John Hinson
President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 27-APR-2000, as amended.

Greg Pappas
Clerk

Senate	<u>15-MAY-2000</u>	Amended and Passed
House	<u>15-MAY-2000</u>	Concurred in Senate Amendment

APPROVED 5/23/00
TIME 9:45 AM
Don Dixon
GOVERNOR

Alabama Secretary of State

Act Num....: 2000-615
Bill Num....: H-182