

1 HB698
2 141024-1
3 By Representatives Faust and McMillan
4 RFD: Agriculture and Forestry
5 First Read: 17-APR-12

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

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

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

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

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

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

19
20 A BILL

21 TO BE ENTITLED

22 AN ACT

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

1 its purpose or effect the requirement of a new or increased
2 expenditure of local funds within the meaning of Amendment 621
3 of the Constitution of Alabama of 1901, now appearing as
4 Section 111.05 of the Official ReCompilation of the
5 Constitution of Alabama of 1901, as amended.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

9 "§13A-11-14.

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

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

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

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

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

1 one year, or both fine and imprisonment; and on a third or
2 subsequent conviction of a violation of this section, shall be
3 punished by a fine of not less than one thousand dollars
4 (\$1,000) nor more than three thousand dollars (\$3,000) or
5 imprisonment in the county jail for not more than ~~six months~~
6 one year, or both fine and imprisonment."

7 Section 2. (a) A person commits the crime of
8 aggravated cruelty to animals if the person violates Section
9 13A-11-14, Code of Alabama 1975, and the act of cruelty or
10 neglect was especially heinous, atrocious, cruel, or involved
11 the infliction of torture to the animal.

12 (b) For purposes of this section, torture is the act
13 of doing physical injury to an animal by the infliction of
14 inhumane treatment or gross physical abuse meant to cause the
15 animal intensive or prolonged pain, serious bodily injury, or
16 death as a result of the act.

17 (c) Aggravated cruelty to animals is a Class C
18 felony.

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