

1 HB374
2 126556-2
3 By Representative Williams (J)
4 RFD: Agriculture and Forestry
5 First Read: 29-MAR-11

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, there is no requirement
9 to report torture or cruelty to an animal.

10 This bill would require certain persons to
11 report torture or cruelty to an animal.

12 This bill would define the terms "torture"
13 and "cruelty."

14 This bill would provide that a person with
15 direct knowledge to make a report of animal abuse
16 may not be subjected to civil or criminal
17 liability.

18 This bill would provide that a person or
19 entity who fails to report torture or cruelty to an
20 animal would be subject to a fine.

21 Amendment 621 of the Constitution of Alabama
22 of 1901, now appearing as Section 111.05 of the
23 Official Recompilation of the Constitution of
24 Alabama of 1901, as amended, prohibits a general
25 law whose purpose or effect would be to require a
26 new or increased expenditure of local funds from
27 becoming effective with regard to a local

1 governmental entity without enactment by a 2/3 vote
2 unless: it comes within one of a number of
3 specified exceptions; it is approved by the
4 affected entity; or the Legislature appropriates
5 funds, or provides a local source of revenue, to
6 the entity for the purpose.

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

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 Relating to animal abuse; to require certain persons
20 to report torture or cruelty to an animal; to define the terms
21 "torture" and "cruelty"; to provide that a person who has
22 direct knowledge to make a report of animal abuse may not be
23 subjected to civil or criminal liability; to provide that a
24 person who fails to report torture or cruelty to an animal
25 would be subject to a fine; and in connection therewith would
26 have as its purpose or effect the requirement of a new or
27 increased expenditure of local funds within the meaning of

1 Amendment 621 of the Constitution of Alabama of 1901, now
2 appearing as Section 111.05 of the Official Recompilation of
3 the Constitution of Alabama of 1901, as amended.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. (a) For purposes of this act, the
6 following words shall have the following meanings:

7 (1) CRUELTY. Every act, omission, or neglect,
8 including abandonment, where unnecessary or unjustifiable pain
9 or suffering is caused on or to an animal or where unnecessary
10 pain or suffering is allowed to continue to an animal, as
11 determined by the State Veterinarian or other veterinarian.

12 (2) TORTURE. The act of doing physical injury to an
13 animal by the infliction of inhumane treatment or gross
14 physical abuse meant to cause the animal intensive or
15 prolonged pain or serious physical injury, or thereby causing
16 death due to the act.

17 (b) For purposes of this act, the terms "cruelty"
18 and "torture" do not include conduct which is otherwise
19 permitted under the agricultural or animal husbandry laws,
20 customs, or practices of this state or the United States,
21 including, but not limited to, catfish, cattle, goats, horses,
22 pigs, hogs, poultry, sheep, pen-raised game, and other farm
23 animals. Furthermore, the terms "cruelty" and "torture" do not
24 include conduct which is permitted under the fishing, hunting,
25 and trapping laws, customs, or practices of this state or the
26 United States.

1 Section 2. All veterinarians, doctors, physicians,
2 surgeons, medical examiners, coroners, dentists, osteopaths,
3 optometrists, chiropractors, podiatrists, nurses, school
4 teachers and officials, peace officers, law enforcement
5 officials, pharmacists, social workers, day care workers or
6 employees, mental health professionals, members of the clergy
7 as defined in Rule 505 of the Alabama Rules of Evidence,
8 licensed veterinarians, and veterinary technicians or any
9 other individuals who have direct knowledge that an animal
10 with which the individual, with whom the professional is
11 providing services to, has come in contact has been subjected
12 to torture or cruelty shall within one business day report the
13 suspected abuse to a law enforcement agency, either orally or
14 in writing, and shall include, if known, all of the following:

15 (1) The number or identification and description of
16 each animal involved.

17 (2) The name, address, and telephone number of the
18 owner or other person responsible for the care of the animal.

19 (3) The nature and extent of the suspected torture
20 or cruelty.

21 (4) Any explanation given for the torture or
22 cruelty.

23 (5) Any other information that the person making the
24 report believes may be helpful in establishing the cause of
25 the suspected torture or cruelty or the identity of the person
26 causing the abuse.

1 Section 3. (a) A law enforcement agency receiving a
2 report of suspected torture or cruelty of an animal shall
3 investigate the nature and cause of the suspected torture or
4 cruelty.

5 (b) If the law enforcement agency finds reasonable
6 cause to believe that torture or cruelty has occurred, the law
7 enforcement agency shall process the case in the same manner
8 as any other criminal investigation.

9 Section 4. (a) A person or entity that acts in good
10 faith and has reasonable grounds for making a report of
11 torture or cruelty is not liable in any civil or criminal
12 proceeding brought as a result of making the report.

13 (b) The requirement of this act does not include
14 conduct which is otherwise permitted under the agricultural or
15 animal husbandry laws, customs, or practices of this state or
16 the United States, including, but not limited to, catfish,
17 cattle, goats, horses, pigs, hogs, poultry, sheep, pen-raised
18 game, and other farm animals. Furthermore, the requirement of
19 this act does not include conduct which is permitted under the
20 fishing, hunting, and trapping laws, customs, or practices of
21 this state or the United States.

22 Section 5. Failure to file a report of torture or
23 cruelty of an animal as required by this act shall be
24 punishable by a fine of not less than one thousand dollars
25 (\$1,000).

26 Section 6. Although this bill would have as its
27 purpose or effect the requirement of a new or increased

1 expenditure of local funds, the bill is excluded from further
2 requirements and application under Amendment 621, now
3 appearing as Section 111.05 of the Official Recompilation of
4 the Constitution of Alabama of 1901, as amended, because the
5 bill defines a new crime or amends the definition of an
6 existing crime.

7 Section 7. This act shall become effective on the
8 first day of the third month following its passage and
9 approval by the Governor, or its otherwise becoming law.