

1 HB51  
2 147850-3  
3 By Representative Williams (J)  
4 RFD: Agriculture and Forestry  
5 First Read: 05-FEB-13  
6 PFD: 01/24/2013

1 ENGROSSED

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4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
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8 Relating to animal abuse; to require certain persons  
9 to report torture or cruelty to an animal; to define the terms  
10 "torture" and "cruelty"; to provide that a person required to  
11 make a report of animal abuse would not be subject to civil or  
12 criminal liability.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

16 (1) CRUELTY. As that term is defined in Section  
17 13A-11-14, Code of Alabama 1975.

18 (2) TORTURE. The act of doing physical injury to an  
19 animal by the infliction of inhumane treatment or gross  
20 physical abuse meant to cause the animal intensive or  
21 prolonged pain or serious physical injury, or thereby causing  
22 death due to the act.

23 (b) For purposes of this act, the terms "torture"  
24 and "cruelty" do not include actions taken if there is a  
25 reasonable fear of imminent attack or conduct which is  
26 otherwise permitted under the agricultural or animal husbandry  
27 laws, customs, or practices of this state or the United

1 States, including, but not limited to, catfish, cattle, goats,  
2 horses, pigs, hogs, poultry, sheep, pen-raised game, and other  
3 farm animals. Furthermore, the terms "torture" or "cruelty" do  
4 not include conduct which is permitted under the fishing,  
5 hunting, and trapping laws, customs, or practices of this  
6 state or the United States.

7 Additionally, the terms "cruelty" and "torture" do  
8 not include conduct that is licensed or lawful under the  
9 Alabama Veterinary Practice Act or engaging in activities by  
10 any licensed veterinarian while following accepted standards  
11 of practice of the profession within the State of Alabama,  
12 including, but not limited to, the euthanizing of a dog or  
13 cat.

14 Section 2. All veterinarians, doctors, physicians,  
15 surgeons, medical examiners, coroners, dentists, osteopaths,  
16 optometrists, chiropractors, podiatrists, nurses, school  
17 teachers and officials, peace officers, law enforcement  
18 officials, animal control officers, pharmacists, social  
19 workers, day care workers or employees, mental health  
20 professionals, members of the clergy as defined in Rule 505 of  
21 the Alabama Rules of Evidence, or licensed veterinarians, and  
22 veterinary technicians who have direct knowledge that an  
23 animal has been subjected to torture or cruelty from an  
24 individual, with whom there has been direct professional  
25 contact shall within one business day of such direct knowledge  
26 report the suspected abuse to the municipal police department  
27 if the alleged torture or cruelty occurred within the

1 corporate limits of a municipality or to the county sheriff's  
2 office if the alleged torture or cruelty occurred in the  
3 unincorporated areas of the county. The report shall be made  
4 either orally or in writing, either in person or  
5 electronically, and shall include any and all of the following  
6 known to the person making the report:

7 (1) The name, address, and telephone number of the  
8 person suspected of committing the animal torture or cruelty.

9 (2) A description of each animal subjected to the  
10 torture or cruelty, including any licensing or other  
11 identification related to each animal involved.

12 (3) The name, address, and telephone number of the  
13 owner or other person responsible for the care of the animal.

14 (4) The nature and extent of the suspected animal  
15 torture or cruelty.

16 (5) Any explanation given for the suspected animal  
17 torture or cruelty.

18 (6) Any other information that the person making the  
19 report believes may be helpful in establishing the cause of  
20 the suspected torture or cruelty or the identity or location  
21 of the person alleged to have committed the torture or  
22 cruelty.

23 Section 3. (a) The police department or sheriff's  
24 office receiving a report of suspected torture or cruelty of  
25 an animal shall review the information provided in the report  
26 and if there is adequate information, shall begin an

1 investigation of the nature and cause of the suspected torture  
2 or cruelty within 72 hours.

3 (b) If the police department or sheriff's office  
4 finds probable cause to believe that torture or cruelty to an  
5 animal has occurred, it shall process the case in the same  
6 manner as any other criminal investigation.

7 Section 4. (a) Absent negligence, wantonness,  
8 recklessness, or deliberate misconduct, no person required  
9 under this act to report suspected animal torture or cruelty  
10 nor any law enforcement officer or agency investigating a  
11 report of suspected animal torture or cruelty as required in  
12 this act shall be held liable in any civil or criminal  
13 proceeding brought as a result of making the report provided  
14 the person or entity acted in good faith and with reasonable  
15 belief that animal torture or cruelty had occurred as set out  
16 in this act.

17 (b) Nothing in this act shall apply to conduct which  
18 is otherwise permitted under the agricultural or animal  
19 husbandry laws, customs, or practices of this state or the  
20 United States, including, but not limited to, catfish, cattle,  
21 goats, horses, pigs, hogs, poultry, sheep, pen-raised game,  
22 and other farm animals nor to conduct which is permitted under  
23 the fishing, hunting, and trapping laws, customs, or practices  
24 of this state or the United States. Additionally, the terms  
25 "cruelty" and "torture" do not include conduct that is  
26 licensed or lawful under the Alabama Veterinary Practice Act  
27 or engaging in activities by any licensed veterinarian while

1 following accepted standards of practice of the profession  
2 within the State of Alabama, including, but not limited to,  
3 the euthanizing of a dog or cat.

4 (c) The provisions of this act shall not apply to  
5 any four-year university or its affiliates, so long as the  
6 guidelines of the institution's Institutional Animal Care and  
7 Use Committee are followed.

8 Section 5. This act shall become effective on the  
9 first day of the third month following its passage and  
10 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Agriculture and  
Forestry..... . . . . 05-FEB-13

Read for the second time and placed  
on the calendar with 1 substitute  
and 1 amendment..... . . . . 21-FEB-13

Read for the third time and passed  
as amended..... . . . . 25-APR-13

Yeas 75, Nays 7, Abstains 5

Jeff Woodard  
Clerk