

Ala. Code 1975, § 13A-11-14.1
Aggravated Cruelty to Animals

The defendant is charged with aggravated cruelty to animals.

A person commits the crime of aggravated cruelty to animals if he/she intentionally or knowingly: **[Read as appropriate]:**

- (1) Subjects an animal to cruel mistreatment;
- (2) Subjects an animal in his/her custody to cruel neglect; **(OR)**
- (3) Kills or injures without good cause an animal belonging to another;

and the act of cruelty or neglect involved the infliction of torture to the animal.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The Defendant **[Read as appropriate]:**
 - (A) Subjected an animal to cruel mistreatment, **[describe the act];**
 - (B) Subjected an animal in his/her custody to cruel neglect, **[describe the act]; (OR)**
 - (C) Killed or injured without good cause an animal belonging to another, **[insert the name of the owner];**
- (2) The act of cruelty or neglect involved the infliction of torture to the animal;
(AND)
- (3) The defendant did so intentionally or knowingly.

The word *torture* 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. [13A-11-14.1(b)]

[Read as appropriate]: The terms *torture* and *cruelty* do not include the following:
[Read as appropriate]:

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.

[Insert instruction for 13A-12-4.]

A person acts *intentionally* with respect to a result or to conduct described by a statute defining an offense when his/her purpose is to cause that result or to engage in that conduct. [13A-2-2(1)]

A person acts *knowingly* with respect to conduct or to a circumstance described by a statute defining an offense he/she is aware that his/her conduct is of that nature or that the circumstance exists. [13A-2-2(2)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the elements of aggravated cruelty to animals, then you shall find the defendant guilty of aggravated cruelty to animals.

If you find that the State has failed to prove beyond a reasonable doubt any one or more of the elements of aggravated cruelty to animals, then you cannot find the defendant guilty of aggravated cruelty to animals.

[If lesser-included offenses are included, the Court should instruct on those offenses at this point.]

[Approved 09-13-19.]