

Ala. Code 1975, § 13A-11-14
Cruelty to Animals

The defendant is charged with cruelty to animals.

A person commits the crime of cruelty to animals if he/she recklessly or with criminal negligence: **[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.

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 name of owner];**

(AND)

(2) The defendant did so recklessly or with criminal negligence.

[Read as appropriate]: The term *cruelty* does 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.]

[Read as appropriate]: A person acts *recklessly* with respect to a result or to a circumstance described by a statute defining an offense when he is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. [13A-2-2(3)]

[Read as appropriate] A person who creates a risk but is unaware thereof solely by reason of voluntary intoxication acts *recklessly* with respect thereto. [13A-2-2(3)]

[Insert instruction for 13A-3-2 as appropriate.]

[Read as appropriate]: A person acts with *criminal negligence* with respect to a result or to a circumstance which is defined by statute as an offense when he fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation. A court or jury may consider statutes or ordinances regulating the defendant's conduct as bearing upon the question of criminal negligence.
[13A-2-2(4)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the elements of cruelty to animals, then you shall find the defendant guilty of 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 cruelty to animals, then you cannot find the defendant guilty of cruelty to animals.

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

[Approved 09-13-19.]