

**Ala. Code 1975, § 13A-11-153(2)**

**Damaging, Vandalizing, or Stealing Any Property on or from  
an Animal or Crop Facility**

The defendant is charged with damaging, vandalizing, or stealing any property on or from an animal or crop facility.

A person commits the crime of damaging, vandalizing, or stealing any property on or from an animal or crop facility if he/she damages, vandalizes, or steals any property on or from an animal or crop facility.

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

- (1) The defendant damaged, vandalized, or stole any property **(describe)** on or from an animal or crop facility **(name)**;
- (2) The defendant acted **[insert appropriate mens rea element - See Use Notes]; (AND)**
- (3) The loss was **[read as appropriate]: (\$250 or more/under \$250).**

An *animal or crop facility* is any facility engaging in scientific research, education, or agricultural production of or involving the use of animals or crops including any organization with the primary purpose of representing livestock or crop production or processing; any organization with a primary purpose of promoting or marketing livestock or crops; any organization with a primary purpose of promoting or marketing livestock or crop products or materials; any person licensed to practice veterinary medicine; any person licensed to apply chemical applications not limited to pesticides, insecticides, rodenticides, or herbicides; any organization with a primary purpose of representing any of the above; the owner, operator, and employees of any animal or crop facility; and any vehicle, building, greenhouse, structure, laboratory, pasture, field, paddock, pond, impoundment, or premises where animals or crops are located. [13A-11-152(2)]

An *animal* is every living creature, domestic or wild, with the exception of man and animals used for illegal gaming purposes. [13A-11-152(1)]

*Crops* are any shrub, vine, tree, seedling, shoot, slip, or other plant undergoing experimentation or otherwise capable of producing food, fiber, lawful or legal medicines, nursery stock, floral products, or aesthetic beauty. [13A-11-152(4)]

A *person* is a human being, and where appropriate, a public or private corporation, an unincorporated corporation, a partnership, a government or a governmental

instrumentality, or a private organization, association, coalition, federation, and its officers or spokespersons. [13A-11-152(5)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the elements of damaging, vandalizing, or stealing any property on or from an animal or crop facility, then you shall find the defendant guilty of damaging, vandalizing, or stealing any property on or from an animal or crop facility.

If you find that the State has failed to prove beyond a reasonable doubt any one or more of the elements of damaging, vandalizing, or stealing any property on or from an animal or crop facility, then you cannot find the defendant guilty of damaging, vandalizing, or stealing any property on or from an animal or crop facility.

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

### Use Notes

Any person who violates this section shall be guilty of a Class C felony if the loss is \$250 or more; otherwise it is a Class A misdemeanor. [13A-11-154]

The statute does not state a specific mens rea element.

Insert the appropriate mens rea element considering the indictment and the evidence before the court. There are few, if any, strict liability offenses in the Code. See Commentary for 13A-2-3 and 13A-2-4(b). There are four mens rea elements in the Alabama Code: intentionally, knowingly, recklessly and with criminal negligence. See 13A-2-2.

- (1) 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)]
- (2) A person acts *knowingly* with respect to conduct or to a circumstance described by a statute defining an offense when he/she is aware that his/her conduct is of that nature or that the circumstance exists. [13A-2-2(2)]
- (3) A person acts *recklessly* with respect to a result or to a circumstance when he/she is aware of and consciously disregards a substantial and unjustifiable risk that the risk 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)]
- (4) A person acts with *criminal negligence* with respect to a result or to a circumstance when he/she 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)]

[Approved 7-22-17.]