

Ala. Code 1975, § 13A-11-153(3)

Obtaining Access to an Animal or Crop Facility by False Pretenses

The defendant is charged with obtaining access to an animal or crop facility by false pretenses.

A person commits the crime of obtaining access to an animal or crop facility by false pretenses if he/she obtains access to an animal or crop facility by false pretenses for the purpose of performing acts not authorized by that facility.

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

- (1) The defendant obtained access to an animal or crop facility **(name)** by false pretenses;
- (2) The defendant did so for the purpose of performing acts not authorized by that facility;
- (3) The defendant acted intentionally; **(AND)**
- (4) 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)]

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)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the elements of obtaining access to an animal or crop facility by false pretenses, then you shall find the defendant guilty of obtaining access to an animal or crop facility by false pretenses.

If you find that the State has failed to prove beyond a reasonable doubt any one or more of the elements of obtaining access to an animal or crop facility by false pretenses, then you cannot find the defendant guilty of obtaining access to an animal or crop facility by false pretenses.

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

Use Notes

The mens rea is intentional. [See Commentary to Section 13A-2-2.]

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]

[Approved 7-22-17.]