

**Ala. Code 1975, § 13A-11-241(a)**  
**Cruelty to Dog or Cat in the First Degree**  
**(Torture)**

The defendant is charged with cruelty to a dog or cat in the first degree.

A person commits the crime of cruelty to a dog or cat in the first degree if he/she intentionally tortures any dog or cat.

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

- (1) The defendant tortured a dog or cat; **(AND)**
- (2) The defendant acted intentionally.

The words *dog or cat* shall mean any domesticated member of the dog or cat family. [13A-11-240(c)]

*Torture* shall mean the act of doing physical injury to a dog or cat by the infliction of inhumane treatment or gross physical abuse meant to cause said animal intensive or prolonged pain or serious physical injury, or thereby causing death due to said act. [13A-11-240(a)]

*Physical injury means* impairment of physical condition or substantial pain. [13A-1-2(12)]

*Serious physical injury means* physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ. [13A-1-2(14)]

**[Read as appropriate]:** The Defendant cannot be convicted if he/she is one of the following persons or institutions: **[Read as appropriate]:**

1. Academic and research enterprises that use dogs or cats for medical or pharmaceutical research or testing;
2. Any owner of a dog or cat who euthanizes the dog or cat for humane purposes;
3. Any person who kills a dog or cat found outside of the owned or rented property of the owner or custodian of the dog or cat when the dog or cat threatens immediate physical injury or is causing physical injury to any person, animal, bird, or silvicultural or agricultural industry;

4. A person who shoots a dog or cat with a BB gun not capable of inflicting serious injury when the dog or cat is defecating or urinating on the person's property;  
**(OR)**
5. A person who uses a training device, anti-bark collar, or an invisible fence on his/her own dog or cat or with permission of the owner. [13A-11-246]

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 cruelty to a dog or cat in the first degree, then you shall find the defendant guilty of cruelty to a dog or cat in the first degree.

If you find that the State has failed to prove beyond a reasonable doubt any one or more of the elements of cruelty to a dog or cat in the first degree, then you cannot find the defendant guilty of cruelty to a dog or cat in the first degree.

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

[Approved 05/09/19]