

## **Dogs & Livestock**

### **Section 3-1-1**

#### **Keeping of dog known to kill, etc., stock prohibited; liability of owner for injuries, etc., caused by same; liability for killing of same.**

No person shall keep any dog which has been known to kill or worry sheep or other stock without being set upon the same. Any person knowingly keeping such dog is liable for double the value of all stock killed or injured by such dog, such damages to be recovered by the owner of such stock before any court of competent jurisdiction and no action shall be maintained against anyone for killing such dog.

*(Code 1867, §1296; Code 1876, §1601; Code 1886, §1379; Code 1896, §421; Code 1907, §2832; Code 1923, §6072; Code 1940, T. 3, §1.)*

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## **Vicious Animal**

### **Section 3-1-3**

#### **Liability of owner, etc., permitting vicious or dangerous animal to be at liberty, etc., for injuries caused by same.**

When any person owns or keeps a vicious or dangerous animal of any kind and, as a result of his careless management of the same or his allowing the same to go at liberty, and another person, without fault on his part, is injured thereby, such owner or keeper shall be liable in damages for such injury.

*(Code 1907, §2470; Code 1923, §5678; Code 1940, T. 3, §3.)*

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## **Roaming at Large and Liabilities**

### **Section 3-1-4**

#### **Permitting dog or hog known to kill, etc., sheep, domestic fowl, etc., to run at large.**

Any person, who, owning or having in his possession or under his control any dog or hog known to worry or kill sheep, domestic fowls or goats suffers such dog or hog to run at large must, on conviction, be fined not less than \$5.00 nor more than \$50.00.

*(Code 1876, §4405; Code 1886, §4171; Code 1896, §5591; Code 1907, §6236; Code 1923, §3219; Code 1940, T. 3, §4.)*

**Section 3-1-5**

**Permitting dogs to run at large; applicability of provisions of section in counties and certain cities or towns.**

(a) Every person owning or having in charge any dog or dogs shall at all times confine such dog or dogs to the limits of his own premises or the premises on which such dog or dogs is or are regularly kept. Nothing in this section shall prevent the owner of any dog or dogs or other person or persons having such dog or dogs in his or their charge from allowing such dog or dogs to accompany such owner or other person or persons elsewhere than on the premises on which such dog or dogs is or are regularly kept. Any person violating this section shall be guilty of a misdemeanor and shall be fined not less than \$2.00 nor more than \$50.00.

(b) This section shall not apply to the running at large of any dog or dogs within the corporate limits of any city or town in this state that requires a license tag to be kept on dogs nor shall this section apply in any county in this state until the same has been adopted by the county commission of such county.

*(Acts 1915, No. 185, p. 259; Code 1923, §3221; Code 1940, T. 3, §5.)*

**Section 3-1-6**

**Liability of owner, etc., for injuries to livestock, etc., caused by dog while off premises of owner, etc.**

If any dog, not being at the time on the premises of the owner or person having charge thereof, shall kill or injure any livestock, the owner or person having such dog in charge shall be liable for damages sustained by the killing or maiming of any livestock and for the full costs of the action.

*(Code 1907, §2471; Code 1923, §5679; Code 1940, T. 3, §6.)*

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**Section 11-47-110**

**Animals running at large on streets; driving livestock through streets.**

All cities and towns of this state shall have the power to regulate and prevent the running at large on the streets of all equine or equidae, cows, hogs, dogs, or other animals and to pass all laws necessary for the impounding and sale of the animals and destruction of dogs and to regulate and prohibit the driving of livestock in droves through the streets of a city or town.

*(Code 1907, §1285; Code 1923, §2042; Code 1940, T. 37, §485; Act 2004-627, §1.)*

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## **Damage, injury or killing of an animal not your own**

### **Section 3-1-10**

#### **Wanton, malicious, etc., destruction, injury, etc., of animal or article or commodity of value of another - Prohibited.**

Any person, who unlawfully, wantonly or maliciously kills, disables, disfigures, destroys or injures any animal or article or commodity of value which is the property of another must, on conviction, be fined not less than twice the value of the injury or damage to the owner of the property nor more than \$1,000.00 and may also be imprisoned in the county jail, or sentenced to hard labor for the county for not more than six months, and so much of the fine as may be necessary to repair the injury or loss shall go to the party injured.

*(Code 1852, §§186, 191; Code 1867, §§3733, 3738; Code 1876, §§4408, 4420; Code 1886, §3869; Code 1896, §§5090, 5091; Code 1907, §6230; Code 1923, §3212; Code 1940, T. 3, §9; Acts 1982, No. 82-626, p. 1180.)*

### **Section 3-1-11**

#### **Wanton, malicious, etc., destruction, injury, etc., of animal or article or commodity of value of another - Proof of trespassing by animal in mitigation or justification of offense; tender of compensation.**

Upon the trial, the defendant may prove in mitigation or justification, as the jury may determine, that, at the time of the killing, disabling, disfiguring, destruction or injury, the animal killed, disabled, disfigured, destroyed or injured was trespassing and had within six months previously thereto trespassed upon a growing crop, inclosed by a lawful fence or while such animal was running at large in violation of law. No conviction must be had, if it is shown that, before the commencement of the prosecution, compensation for the injury was made or tendered to the owner.

*(Code 1876, §4411; Code 1886, §3871; Code 1896, §5092; Code 1907, §6231; Code 1923, §3213; Code 1940, T. 3, §10.)*

### **Section 3-1-11.1**

#### **Killing or disabling livestock; penalty.**

(a) Any person, who unlawfully, wantonly, or maliciously kills, disables, disfigures, destroys, or injures the livestock of another while the livestock is on the premises of the

owner of the livestock or on the premises of a person having charge thereof shall be guilty of a Class C felony.

(b) In addition to being guilty of a Class C felony, any person who unlawfully, wantonly, or maliciously kills, disables, disfigures, destroys, or injures the livestock of another while the livestock is on the premises of the owner of the livestock, or on the premises of a person having charge thereof, shall be liable for damages sustained by the killing, disabling, disfiguring, or destroying of the livestock in an amount equal to double the value thereof.

(c) For purposes of this section, livestock is defined as equine or equidae, cows, swine, goats, and sheep.

*(Acts 1993, No. 93-719, p. 1406, §§1-3; Act 2004-627, §1.)*

### **Seizure of Abused Animals**

**Section 3-1-13 This law was declared unconstitutional by the Alabama Supreme Court- go to this statute for help: Section [13A-11-243](#)**

**~~Right of officers, etc., of humane societies to take charge of and care for neglected or abused animals; written notice to owner from whom animal taken; lien for expenses for care and keeping of animal.~~**

~~Any duly authorized officer or employee of a recognized humane society shall have the right to take charge of any animal which is sick or disabled due to neglect or is being cruelly treated or abused and to provide care for such animal until it is deemed to be in suitable condition to be returned to its owner or to the person from whose custody such animal was taken.~~

~~The officer so taking such animal shall at the time of taking the animal give written notice to the owner or person from whose custody it was taken.~~

~~The necessary expenses incurred for the care and keeping of the animal after such notice by the humane society shall be a lien thereon and, if the animal is not reclaimed within 10 days from the giving of such notice, the humane society may sell the animal to satisfy such lien. If the humane society determines that the animal cannot be sold, it may cause the animal to be otherwise disposed of.~~

*(Acts 1961, Ex. Sess., No. 84, p. 2001.)*

### **Animal Control/Humane Officers**

### Section 3-1-16

#### **Employment by county commissions of persons to enforce laws for prevention of cruelty to animals; compensation, oath and powers of same.**

The county commissions of the respective counties of this state may employ a suitable person or persons who shall be charged specially with the duty of enforcing all laws for the prevention of cruelty to animals, and to fix the compensation of such officer or officers, which shall be paid in the same manner as other salaries of county employees are paid, and such officer or officers, upon taking the oath as required to be taken by deputy sheriffs, shall be vested with all powers now vested by law in deputy sheriffs.

*(Acts 1911, No. 127, p. 112; Code 1923, §3217; Code 1940, T. 3, §13.)*

### **Cattle and Cattle Diseases**

### Section 3-1-17

#### **Notification of owners, etc., of dairies upon discovery of cows affected with tuberculosis.**

Whenever any regular authorized inspector or his assistant of any city or town in this state shall find that any dairy cow or cows in any dairy in the county or in an adjoining county of such city or town used for the production of milk for the inhabitants of any such city or town are affected with tuberculosis, as determined by the tuberculin test of the Department of Agriculture of the United States of America, or are as otherwise shown to be affected with tuberculosis, such authorized inspector of such city or town or his assistant shall immediately notify the owner, proprietor or manager of such dairy, either in person or in writing, of the presence of such animal or animals affected with such tuberculosis.

*(Acts 1911, No. 503, p. 566; Code 1923, §4442; Code 1940, T. 3, §14.)*

### Section 3-1-18

#### **Removal from herd and slaughter or isolation of tuberculous cows generally; procedure for isolation, retesting, slaughter, etc., of same; compensation of owners for slaughtered cows, etc., determined not to have been affected by tuberculosis.**

The owner or proprietor or manager of any such dairy, upon being notified by such inspector or his assistant, shall remove or cause to be removed, within 24 hours, said tuberculous cow or cows from his herd to a public abattoir and, under the supervision of such inspector or his assistant, such tuberculous cow or cows must be slaughtered immediately unless such owner, proprietor or manager removes said tuberculous cow or cows from the herd under the supervision of such inspector or his assistant and keeps

them isolated therefrom at the expense of the owner for a period of from two to six months, at the expiration of which time said cow or cows shall be retested by said inspector or his assistant and also by some competent veterinarian to be selected by the owner of said cow or cows and, if said inspector or his assistant and the veterinarian so selected by the owner shall fail to agree as to whether said cow or cows are affected with tuberculosis, then said inspector or his assistant, together with the veterinarian selected by the owner, shall call in another competent veterinarian to test said cow or cows. If a majority of such persons should determine that said cow or cows are affected with tuberculosis, the same shall be slaughtered immediately. A postmortem examination on the slaughtered cows shall thereupon be held by the three persons designated in this section, and, if it should be determined by said persons or a majority of them after the holding of such postmortem examination that said cow or cows are not affected with tuberculosis, then the city, town or county employing said inspector who originally pronounced said cows affected with tuberculosis shall immediately pay to the owner of such cow or cows the reasonable value thereof and the reasonable fees of the veterinarian or his assistant called in to aid said inspector or his assistant in making the postmortem examination of said cow or cows.

*(Acts 1911, No. 503, p. 566; Code 1923, §§4443-4445; Code 1940, T. 3, §15.)*

#### **Section 3-1-19**

#### **Penalties for violations of provisions of Sections 3-1-17 and 3-1-18.**

Any person, firm, corporation or association violating the provisions of Sections 3-1-17 and 3-1-18 shall be fined not more than \$500.00 and may also be sentenced to imprisonment in the county jail for three months.

*(Acts 1911, No. 503, p. 566; Code 1923, §4446; Code 1940, T. 3, §16.)*

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#### **Selling/Buying of Domestic Animals**

#### **Section 3-1-15**

#### **Sale, offer for sale, barter, etc., of baby rabbits, chicks, ducklings, etc., as pets or novelties.**

It shall be unlawful for any person, firm or corporation to display, sell, offer for sale, barter or give away any baby rabbits, or baby chicks, ducklings or other fowl, but not including parrots, parakeets and canaries, as pets or novelties, regardless of whether or not such rabbits or fowl are dyed, colored or otherwise artificially treated.

Whoever violates this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished as prescribed by law.

*(Acts 1959, No. 104, p. 590.)*

**Section 3-1-20**

**Sale or purchase of domestic animals or fowl between sunset and sunrise.**

Any person who shall sell or buy any domestic animal or domestic fowl between the hours of sunset and sunrise shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$50.00 nor more than \$500.00 and may also be sentenced to hard labor for the county for a period not exceeding one year; provided, however, that this section shall not apply to merchants, grocers or market men, who have a fixed place of business, selling to consumers, when the sales are made at such place of business.

*(Code 1907, §6238; Code 1923, §3229; Code 1940, T. 3, §17.)*

**Section 3-1-21**

**Sale or exchange of horse or mule affected with glanders, etc.; fee of district attorney.**

Any person who, by himself or another or as agent for another, shall knowingly sell or exchange any horse or mule subject to the disease or affection known as "choking," or affected with glanders or some other fatal, contagious or infectious disease must, on conviction, be fined not less than \$100.00 nor more than \$500.00 and may also be sentenced to hard labor for the county for not less than three nor more than six months. One half of the fine shall go to the party injured. For each conviction under this section, the district attorney shall be entitled to a fee of \$50.00.

*(Code 1886, §3839; Code 1896, §4762; Code 1907, §6239; Code 1923, §3230; Code 1940, T. 3, §18.)*

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**Section 3-1-22**

**Sale, etc., of mare or jennet subject to lien for services of stallion or jack prior to payment of price stipulated for such service.**

Any person who, with a knowledge of the lien, sells or otherwise disposes of any mare or jennet before the stipulated price for the service of any stallion or jack, for which a lien is given by law, is paid must, on conviction, be fined not more than \$100.00.

*(Code 1876, §4356; Code 1886, §3838; Code 1896, §4761; Code 1907, §6240; Code 1923, §3231; Code 1940, T. 3, §19.)*

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## **Physical alteration of equines**

### **Section 3-1-23**

#### **Burning, cauterizing, etc., of teeth of horse, mule, etc., for purpose of fraudulently making horse, etc., appear younger - Prohibited.**

Any person burning, cauterizing or mechanically changing the natural appearance or condition of the teeth of any horse, mule or other soliped in order to fraudulently make such animal appear younger than the animal really is shall be guilty of a misdemeanor.

*(Acts 1935, No. 132, p. 175; Code 1940, T. 3, §20.)*

### **Section 3-1-24**

#### **Burning, cauterizing, etc., of teeth of horse, mule, etc., for purpose of fraudulently making horse, etc., appear younger - Evidence as to burning, etc., of teeth to be substantiated by veterinarian.**

The evidence required for the conviction of any person for violating any provision of Section 3-1-23 must be substantiated as to the burning, cauterizing or changing of the natural appearance or condition of the teeth of such horse, mule or other soliped by a graduate licensed veterinarian and, when necessary, the state veterinarian or a graduate veterinarian selected by the state veterinarian shall determine and testify to the changes that have been made in the teeth of such animal or animals.

*(Acts 1935, No. 132, p. 175; Code 1940, T. 3, §21.)*

### **Section 3-1-25**

#### **Burning, cauterizing, etc., of teeth of horse, mule, etc., for purpose of fraudulently making horse, etc., appear younger - Effect of possession of such horse, etc.**

The possession of any horse, mule or other soliped which has had its teeth burned, cauterized or mechanically changed in order to make such animal appear younger than it really is shall be prima facie evidence of intent to violate the provisions of Section 3-1-23.

*(Acts 1935, No. 132, p. 175; Code 1940, T. 3, §22.)*

### **Section 3-1-26**

#### **Burning, cauterizing, etc., of teeth of horse, mule, etc., for purpose of fraudulently making horse, etc., appear younger - Transportation, etc., of such horse into state.**

Any person transporting or moving into Alabama, for any purpose whatsoever, any horse, mule or other soliped which has had its teeth burned, cauterized or changed in any manner to make such animal appear younger than it really is shall be guilty of a misdemeanor.

*(Acts 1935, No. 132, p. 175; Code 1940, T. 3, §23.)*

#### **Section 3-1-27**

#### **Marking, branding or altering mark or brand of equine or equidae, etc., of another with intent to defraud.**

Any person who, with intent to defraud, marks or brands any unmarked equine or equidae, cow, hog, sheep, goat, or other domestic animal which is the property of another or alters or defaces the mark or brand of the animal shall, on conviction, be punished as if he or she had stolen it.

*(Code 1852, §185; Code 1867, §3732; Code 1876, §4404; Code 1886, §3831; Code 1896, §4749; Code 1907, §6241; Code 1923, §3232; Code 1940, T. 3, §24; Act 2004-627, §1.)*

### **Disposal of animal carcasses**

#### **Section 3-1-28**

#### **Burial or burning of bodies of dead animals generally; burning of hogs dying from cholera, etc.; failure to burn or bury dead animal, etc.**

All owners or custodians of animals which die or are killed in their possession or custody, other than such as are slaughtered for food, within 24 hours shall cause the bodies of such animals to be burned or buried at least two feet below the surface of the ground. Hogs dying from cholera or any other disease whatsoever shall be burned. No such animal shall be burned or buried sufficiently near a residence or residences as to create a nuisance. Any person violating this section, whether by failure to burn or bury an animal dying or being killed in his possession or by causing the same to be burned in such proximity to a dwelling or in such other way as to become a nuisance shall be guilty of a misdemeanor and, on conviction, shall be fined not more than \$50.00.

*(Acts 1919, No. 461, p. 702; Code 1923, §3223; Code 1940, T. 3, §60.)*

### **Dog Fighting**

#### **Section 3-1-29**

**Activities relating to fighting of dogs prohibited; punishment; confiscation; procedures for disposition of animals.**

(a) It shall be a Class C felony for any person:

(1) To own, possess, keep or train any dog with the intent that such dog shall be engaged in an exhibition of fighting with another dog;

(2) For amusement or gain, to cause any dog to fight with another dog, or cause any dogs to injure each other;

(3) To permit any act in violation of subdivisions (1) and (2) of this subsection.

(b) It shall be a Class C felony for any person to be knowingly present, as a spectator, at any place, building, or tenement where preparations are being made for an exhibition of the fighting of dogs, with the intent to be present at such preparations, or to be knowingly present at such exhibition or to knowingly aid or abet another in such exhibition.

Any dog used to fight other dogs in violation of subsection (a) of this section, shall be confiscated as contraband by the sheriff or other law enforcement officers and shall not be returned to the owner, trainer or possessor of said dog. The court shall award the animals to the humane society or other agency handling stray animals. At its discretion, the humane society or other agency handling stray animals shall humanely dispatch or dispose of any confiscated dog.

(c) Any dog confiscated pursuant to subsection (b) of this section by the sheriff or other law enforcement officers shall be taken to the local humane society or other animal welfare agency.

(d) An appointed veterinarian or officer of the humane society or other animal welfare agency may upon delivery or at any time thereafter destroy the animal that is in his opinion injured, diseased past recovery, or whose continued existence is inhumane and destruction is necessary to relieve pain or suffering.

(e) After confiscation the humane society or other animal welfare agency may make application to the circuit court for a hearing to determine whether any animal seized pursuant to subsection (b) of this section shall be humanely destroyed due to disease, injury or lack of any useful purpose because of training or viciousness. The court shall set a hearing date not more than 30 days from the filing of the application and shall give notice of the same to the owners of the animals. Upon a finding by the court that the seized animals are diseased, injured or lack any useful purpose due to training or viciousness, it shall be within the authority of the humane society or other animal welfare agency to humanely destroy such animal. Any animal found by the court not to be diseased, injured or lacking any useful purpose due to training or viciousness shall be delivered to a court-approved private veterinarian or a private housing facility under the supervision of a veterinarian. Expenses incurred in connection with the housing, care or

upkeep of the dogs by any person, firm, partnership, corporation or other entity shall be taxed against the owner.

(f) If any dog owner is convicted under subsection (a) of this section, the animal(s) shall be awarded to the local humane society or other animal welfare agency.

*(Acts 1982, No. 82-461, p. 739; Acts 1984, 1st Ex. Sess., No. 84-796, p. 206.)*

## **Livestock Running at Large**

### **Section 3-2-1**

#### **Taking up as estrays of equine, equidae, etc., running at large about residences, etc.**

Any person who finds running at large about his or her residence or premises or the residence or premises of which he or she has charge any equine or equidae, cattle, hog, sheep, or goat, the owner of which is unknown, may take up such animal as an estray to be disposed of as provided in Sections 3-2-2 to 3-2-4, inclusive.

*(Acts 1959, No. 258, p. 821, §1; Act 2004-627, §1.)*

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### **Section 3-2-2**

#### **Notification of Department of Agriculture and Industries as to seizure; lien of seisor for costs of keeping animal, etc.**

(a) Within five days after taking up an estray, notice of the seizure of such estray shall be furnished to the Department of Agriculture and Industries, accompanied by a complete description of the animal together with the time and place of seizure and the name and address of the seisor. The animal shall be described in such notice by kind, size, sex, markings, brands, color, stature and age.

(b) The seisor shall have a lien on the animal for the cost of keeping it and for the amount of any reasonable damages he may have suffered as a result of the animal being upon his premises.

*(Acts 1959, No. 258, p. 821, §2.)*

### **Section 3-2-3**

#### **Investigation of seizure by department; procedure for return of animal where owner located, etc.**

The Department of Agriculture and Industries, upon receipt of a notice from a person who has seized an estrayed animal as provided in Section 3-2-2, shall investigate such seizure in an effort to locate the owner of the animal. In the event the owner is located and the ownership established, the animal shall be returned to the person found to be the owner thereof upon payment by such person to the seizer the actual cost for keeping the animal, together with the actual amount of damages which he may have suffered as a result of the animal being upon his premises.

*(Acts 1959, No. 258, p. 821, §3.)*

**Section 3-2-4**

**Publication and posting of notice as to estrayed animal where owner not located; return to owner or sale of estray generally; procedure for sale of unclaimed estray and disposition of proceeds thereof.**

(a) If the owner of an estrayed animal seized as provided under Section 3-2-2 is not found after an investigation is conducted by the Department of Agriculture and Industries for the purpose of locating the owner thereof, a notice fully describing the estrayed animal shall be posted by the Department of Agriculture and Industries in at least three conspicuous public places in or near the vicinity where the animal was seized and such a notice shall also be published one time in a newspaper with general circulation in the county where the animal was seized. The posted and published notices of the estrayed animal shall describe such animal by kind, size, sex, markings, brands, color, stature and age.

(b) If the owner of the estrayed animal does not file a claim for possession of the animal with the Department of Agriculture and Industries within 15 days after publication of the notice, the Department of Agriculture and Industries shall dispose of the estrayed animal by sale as provided in subsection (c) of this section. If the owner of the estrayed animal files a claim for return of the animal with the Department of Agriculture and Industries within a 15 day period and satisfactorily establishes his claim of ownership, the Department of Agriculture and Industries shall direct the seizer to return the animal to such owner upon payment to the seizer the actual cost for keeping the animal and the amount he may have suffered as actual damages by reason of the animal being upon his premises. The owner shall also pay to the Department of Agriculture and Industries the actual cost of publication of the estray notice.

(c) In the event no claim is filed with the Department of Agriculture and Industries within a 15 day period after notice and publication, the animal shall be delivered or caused to be delivered by the Department of Agriculture and Industries to the nearest public livestock market where the animal shall be sold. The proceeds received by the livestock market from the sale of the estrayed animal shall be applied to the costs of the sale, publication of the newspaper notice and to satisfy the seizer's lien for keeping the animal and any damages he may have suffered, if any; provided, however, that the total sum paid to the seizer for keep of the animal and damages, if any, shall not exceed 25 percent of the proceeds of the sale after deducting the sales commission, hauling charge and advertising

expense. The remainder of the proceeds of the sale of the estrayed animal shall be held by the livestock market in trust for payment to the owner, in the event such owner establishes his right of ownership with the Department of Agriculture and Industries. If the owner fails to establish his right thereto within 90 days from the date of sale, the remainder of the sale price shall be paid by the livestock market to the Department of Agriculture and Industries for deposit in the State Treasury to the credit of the Agricultural Fund. No amounts shall be disbursed under this subsection by the livestock market unless approval in writing is given by the Department of Agriculture and Industries.

*(Acts 1959, No. 258, p. 821, §4.)*

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### **Section 3-2-20**

#### **Duty of Director of Public Safety.**

The Director of Public Safety shall provide for taking up and impounding livestock or animals running at large upon state and federal aid highways which have been officially designated as such and regularly and customarily patrolled by the state highway patrol or upon the rights-of-way of such highways and, to that end, within the limit of the funds provided by this article, the Director of Public Safety is hereby authorized and empowered to contract with persons, firms or corporations within the several counties to take possession of and impound such livestock or animals.

*(Acts 1951, No. 822, p. 1454, §1.)*

### **Section 3-2-21**

#### **Notification of owner of animal taken up and impounded; filing of notice with probate judge where owner cannot be located; procedure for recovery of animal by owner.**

(a) The owner of any livestock taken up and impounded as provided in Section 3-2-20, if known, shall be served personally with notice thereof, which notice shall specify the number and kind of livestock or animals impounded. If the owner of any livestock or animal taken up is unknown or cannot be located, the officer or person taking up the livestock or animal shall, within two days after so taking it up, file a notice in writing with the judge of probate of the county where the livestock or animals were estray. The judge of probate shall record such notice in a book showing a description of the animal and the place where picked up and the date and, for such service, shall be entitled to charge a fee of not exceeding \$.50 to be collected from the impounder.

(b) The owner of such livestock or animals shall have the right to secure the return thereof, within 10 days from the date of the notice provided for in subsection (a) of this section, upon the payment of a fee of \$10.00 for the first and \$1.00 for each additional head of livestock so taken up, not to exceed \$100.00 for any one seizure regardless of the number of animals seized, together with the actual cost of feeding the same during the period held, and the probate recording fee.

*(Acts 1951, No. 822, p. 1454, §2.)*

#### **Section 3-2-22**

##### **Sale of animals taken up and impounded.**

If the owner or his agent shall not reclaim his livestock or animal within the time allowed in this article, the poundkeeper or officer shall sell the same upon giving five days' notice of such sale by publication one time in a newspaper published in the county, said notice to contain a brief description of the livestock or animal to be sold and the time and place of sale, and out of the proceeds he shall pay the cost and expenses of taking up, keeping and caring for such livestock or animal, the cost of the sale and the fees provided for in Sections 3-2-20 through 3-2-23 and the balance, if any, shall be paid to the owner, if known. In the event no newspaper is published in the county, a copy of the notice of the sale shall be posted in at least three public places in the vicinity where the livestock was taken up. All such sales shall be conducted in the county where the livestock was taken up and impounded.

*(Acts 1951, No. 822, p. 1454, §3.)*

#### **Section 3-2-23**

##### **Disposition of fees collected under article.**

All fees collected under the provisions of this article shall be paid to the State Treasurer and be credited to the account of a special fund to be expended in furtherance of the purposes of this article.

*(Acts 1951, No. 822, p. 1454, §4.)*

##### **Livestock Running at Large**

#### **Section 3-5-1**

##### **"Livestock" or "animal" defined.**

The term "livestock" or "animal," where it occurs in this chapter, shall be held to be limited to and to refer to equine or equidae, cows, calves, yearlings, bulls, oxen, sheep, goats, lambs, kids, hogs, shoats, and pigs.

*(Acts 1939, No. 368, p. 487; Code 1940, T. 3, §77; Act 2004-627, §1.)*

**Section 3-5-2**

**Permitting livestock or animals to run at large upon premises of another without permission or upon public lands, highways, etc., generally.**

(a) It shall be unlawful for the owner of any livestock or animal, as defined in Section 3-5-1, to knowingly, voluntarily, negligently or wilfully permit any such livestock or animal to go at large in the State of Alabama either upon the premises of another or upon the public lands, highways, roads or streets in the State of Alabama.

(b) Nothing in this section or elsewhere in this chapter shall be construed to make it unlawful for livestock or other animals to run at large on the premises of another when the owner or person in charge of the premises has consented in writing to let livestock or other animals run at large on the same or to subject the owner of such livestock or other animals to criminal prosecution therefor.

(c) There shall be no "open range" counties in this state. This section shall apply to all counties within the state.

(d) Any person or persons owning or having the possession, custody or control of any livestock who unlawfully and knowingly permit the same to run or be at large, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than double the damages sustained by the injured party or parties, but in no case more than \$50.00, one half of such fine to go to the injured party or parties, and may also be imprisoned in the county jail or sentenced to hard labor for the county for a term not exceeding six months at the discretion of the court trying the case.

*(Acts 1909, No. 50, p. 41; Code 1923, §3224; Acts 1939, No. 368, p. 487; Code 1940, T. 3, §§78, 93(1), 95; Acts 1951, No. 53, p. 266, §1.)*

**Section 3-5-3**

**Liability of owner for damages done by livestock or animals running at large; judgment lien upon animal or livestock causing damage.**

(a) The owner of such livestock or animal being or running at large upon the premises of another or upon the public lands, roads, highways or streets in the State of Alabama shall be liable for all damages done to crops, shade or fruit trees or ornamental shrubs and flowers of any person, to be recovered before any court of competent jurisdiction; provided, that the owner of any stock or animal shall not be liable for any damages to any motor vehicle or any occupant thereof suffered, caused by or resulting from a collision with such stock or other animal, unless it be proven that such owner knowingly or wilfully put or placed such stock upon such public highway, road or street where such damages were occasioned.

(b) The judgment of the court against the owner of such livestock or animal so depredating shall be a lien superior to all other liens on the livestock or animal causing the damage, except as to taxes.

*(Acts 1939, No. 368, p. 487; Code 1940, T. 3, §79.)*

#### **Section 3-5-4**

#### **Taking up of livestock or animals running at large by highway patrol, etc.; notification of owner thereof generally.**

Any state trooper, the sheriff and his deputies of any county, or the constable of any precinct or any law enforcement officer of any municipality shall take possession of any livestock or animal found at large upon the premises of another or upon the public lands, roads, highways or streets in the State of Alabama, and the owner of such livestock or animal, when so taken up, shall be notified personally or the owner may be notified by leaving a written notice at the usual place of residence of such owner, within 24 hours after the taking up of such livestock or animal.

*(Acts 1939, No. 368, p. 487.)*

#### **Section 3-5-5**

#### **Recovery of livestock or animals by owner upon payment of fees, damages and costs of feeding animals; disposition of fees, damages, etc.**

The owner of the livestock or animal shall have the right to secure such livestock or animal upon the payment of a fee of \$1.00 for each head of livestock or animal taken up to the officer taking up such livestock or animal upon the public lands, highways, streets or roads in the State of Alabama, together with such damages, if any, as may have been suffered by any person and the actual cost of feeding such animal during the period held by such officer if there have been no proceedings in court. Upon such payment being made, the fee of \$1.00 for taking up the animal shall be paid to the officer making the seizure and the amount collected as damages and the actual cost of feeding the animal shall be paid over to the person damaged and to the person at whose expense such animal was fed during the period of retention; provided, that for any seizure, if more than one animal be taken up, an additional fee of \$.50 shall be paid for each such additional head of livestock or animal so taken up, but no fee shall be paid over and above \$5.00, notwithstanding the number of animals so taken up.

*(Acts 1939, No. 368, p. 487; Code 1940, T. 3, §81.)*

#### **Section 3-5-6**

#### **Taking up of livestock or animals running uncontrolled on lands of another by owner, etc., of said lands; notification of owner of livestock or animals generally.**

Any person who is the owner of or in the lawful possession of any land or the agent of any such person shall have the right to take possession of any livestock or animal found at large, uncontrolled, on his premises or on premises of which he has charge and the owner of such livestock or animal, when so taken up, shall be personally notified or, if the owner cannot be found, the owner may be notified by leaving a written notice at the usual place of residence of such owner, within 24 hours after the taking up of such livestock or animal, and by posting notice as provided in Section 3-5-8.

Anything in this chapter to the contrary notwithstanding, the word "uncontrolled," as used in this chapter shall in no case be construed to prohibit the driving of any animal or stock over, upon or along the public streets and highways of this state by the owner thereof or his duly authorized agent.

*(Acts 1939, No. 368, p. 487; Code 1940, T. 3, §82.)*

### **Section 3-5-7**

#### **Filing of statement where owner of livestock or animal taken up unknown, not resident of county, etc.**

(a) If the owner of any livestock or animal found at large and uncontrolled on the premises of another or upon the public lands, highways, roads or streets in the State of Alabama is unknown or if the owner is known but has no place of residence within the county where the livestock or animal is taken up or cannot be located, the officer or person taking up the livestock or animal shall, within two days after so taking up, file a statement in writing with the district court.

(b) Such statement shall set forth:

(1) The name and address of the person taking up the livestock or animal, or, if an officer, the name, address and official designation of the officer taking up the livestock or animal;

(2) A description of the livestock or animal as to kind, sex, marks, brand, color and apparent age;

(3) Where the livestock or animal was taken up and where it is impounded;

(4) The amount of damage claimed;

(5) The amount of charges claimed for taking up and caring for the livestock or animals; and,

(6) The amount of the officer's fee and the cost of feeding and caring for such livestock or animal during such detention if the livestock or animal is taken up by an officer.

*(Acts 1939, No. 368, p. 487; Code 1940, T. 3, §83.)*

### Section 3-5-8

#### **Posting of notice as to taking, etc., and hearing thereupon; proceedings where owner appears and claims livestock or animal generally; proceedings and entry of judgment for sale where livestock or animal not claimed and adjudged to be unlawfully at large generally.**

(a) The district court shall give notice, by posting in three public places in the county, setting forth the fact of such taking up, the description of the livestock or animal and the fact that the owner is unknown or, if known, that he cannot be located, and notifying any person claiming to be the owner of such livestock or animal to appear before the court at a place named not less than three days nor more than six days from the date of such notice and prove such claim of ownership.

(b) If such person appears at any time and if the judge of the district court is satisfied that such person is the actual owner of such livestock or animal, then the judge shall require the owner of the livestock or animal to pay the officer's fee, together with the cost of feeding and caring for such animal, as provided in this chapter, and to pay for all damages done to crops, shade or fruit trees or ornamental shrubs of any person, which damage shall be ascertained by the judge of the district court and, after such ascertainment, shall be paid to the person damaged or to the judge of the district court for the use of the person damaged, whereupon such livestock or animal shall be delivered to such claimant.

(c) If no person claiming to be the owner appears on the day set for hearing, the judge of the district court shall proceed to ascertain and determine whether or not such livestock or animal was unlawfully at large upon the premises of another or upon the public lands, highways, roads or streets in Alabama and shall proceed to inquire and ascertain the amount of damages and charges. If the judge of the district court shall ascertain and determine that such livestock or animals were unlawfully at large on the premises of another or on the public lands, highways, roads or streets in the State of Alabama, he shall make and enter the following order: "It appearing on complaint of A B (or any state trooper or any sheriff or his deputies, constable of any precinct or the law enforcement officer of any municipality, as the case may be) that a cow (or hog or other animal, as the case may be) was unlawfully on the premises or land of A B (or C D, as the case may be, or upon the public lands, highways, roads or streets in the State of Alabama, as the case may be), and that the owner thereof is unknown, and that the said animal has damaged the crop or shade or fruit trees or ornamental shrubbery of A B, (or C D, as the case may be) to the amount of \$ \_\_\_\_\_, it is hereby ordered and adjudged that the said A B (or such state trooper or such sheriff or his deputy, constable or law enforcement officer of any municipality, as the case may be) is entitled to \$ \_\_\_\_\_ for taking up and for caring for said animal, and that the said animal be sold for the satisfaction thereof, together with costs of court."

*(Acts 1939, No. 368, p. 487; Code 1940, T. 3, §84.)*

### Section 3-5-9

**Proceedings and entry of judgment discharging livestock or animal, etc., where same adjudged not unlawfully at large.**

If on the trial of any action or proceeding brought under this chapter it is ascertained and adjudged by the judge of the district court that the livestock or animal taken up by the party complaining was not unlawfully at large upon the premises of another or upon the public lands, highways, roads or streets in the State of Alabama, he shall enter a judgment directing that such livestock or animal be discharged and taxing the party complaining with all the costs.

*(Acts 1939, No. 368, p. 487; Code 1940, T. 3, §85.)*

**Section 3-5-10**

**Officer or person taking up livestock or animal entitled to possession thereof until judgment and costs of keeping and caring for livestock or animal paid.**

The person or officer taking up such livestock or animal shall be entitled to possession thereof until the judgment which may be recovered as provided in this chapter is paid, together with the costs of the same and the cost of keeping and caring for such livestock or animal after such judgment or until the same is sold under execution to satisfy said judgment; provided, that the cost of keeping and caring for such livestock or animal under such circumstances shall be upon the same basis as that previously determined as a proper charge for the maintenance of such livestock or animal prior to the entering of such judgment.

*(Acts 1939, No. 368, p. 487; Code 1940, T. 3, §86.)*

**Section 3-5-11**

**Refunding of counties or municipalities where livestock or animals kept and fed in county or municipal pounds.**

In counties or municipalities where livestock or animal pounds are maintained, any person or officer seizing any livestock or animal may deliver such livestock or animal so seized to the poundkeeper for safekeeping and the county or municipality shall be refunded any amounts which may be expended for keeping and feeding any livestock or animal as provided in this chapter.

*(Acts 1939, No. 368, p. 487; Code 1940, T. 3, §87.)*

**Section 3-5-12**

**Proceedings for recovery of livestock or animal by owner; determination of validity of seizure, amount of damages, etc., where owner unknown, etc.; fees and costs of district court judge and officer making seizure; appeals from judgment of district court.**

(a) The owner of any livestock or animal which has been seized shall have the right to possession of the same by paying such judgment and the costs thereof or, if no judgment has been entered, by paying such damages as may be agreed upon together with fees and costs and expenses due on account of such seizure to the person or officer so seizing such livestock or animal or to the person who may at the time of such payment have such livestock or animal in his possession and by paying to the court the costs of the court incurred to the time of such payment.

Should the parties be unable to agree upon the amount of damages, fees, costs and expenses due, either party shall have the right to go before any district court judge within the county where said livestock or animal is seized or taken up and have the issue tried after first giving the opposite party one day's notice thereof on the day following or as soon thereafter as may be practicable on a written statement or complaint setting forth in substance the facts of such seizure, and said issue shall involve the validity of such seizure and the amount of damages, fees, costs and expenses under the provisions of this chapter and the judgment of the district court judge shall have all the force and effect of a judgment in any other civil action and shall be executed in the same manner as any other judgment of a district court is enforced. When the owner of such livestock or animal so taken up gives bond in double value of the same, payable to the person so taking up said property and approved by the district court judge before whom the proceedings are pending, conditioned to deliver such property to the constable or other legal officer having the right of execution or order of sale within five days after such judgment to satisfy such judgment as to damages and costs, such livestock or animal shall be released to the owner.

If upon the trial it is shown that the owner of said livestock or animal tendered to the plaintiff full and fair compensation for damages before the institution of the action and such party pays the same into court, then the action shall be dismissed at the cost of plaintiff. On the trial of such issues the party taking up such livestock or animal shall be the plaintiff in the action.

If such livestock or animal is taken up upon the public lands, highways, roads or streets in the State of Alabama by any member of the state highway patrol or by the sheriff of any county or the constable of any precinct or by the law enforcement officer of any municipality, such livestock or animal shall be released to its owner upon the payment of the fee of \$1.00 to the officer taking up such animal or the additional fee as provided in Section 3-5-5, together with damages, if any, suffered by any person, which shall be paid to such person and the actual cost of feeding such livestock or animal during the period held by such officer or by any person acting in behalf of himself or under the direction of such officer. Upon such payment being made there shall be prepared a receipt in duplicate on forms prepared by the Attorney General of the State of Alabama, one copy of which shall be delivered to the owner upon payment of such fee, costs and damages, if any, and one copy of which shall be retained by the officer to whom payment is made. At the time of delivering such livestock or animal to the owner, the owner shall be furnished with an itemized account of the damage done, if any, and of the cost of keeping such livestock or animal during such detention and a duplicate of such statement and a

statement of the amount collected shall be retained by the officer to whom payment is made; provided, that the amount for keeping and feeding shall not exceed the actual cost of feeding and caring for such livestock or animal and, in no case shall exceed \$.50 per day per head.

(b) In case the owner is unknown or, if known, cannot be located, the judge of the district court shall determine the validity of the seizure and the amount of damages, fees, costs and expenses under the provisions of this chapter from such evidence as shall be adduced before him.

(c) From any judgment entered by the judge of the district court under the provisions of this chapter an appeal may be taken to the circuit court in such county within 14 days from the entry of such judgment or denial of a post trial motion, whichever is later, in the same manner as appeals are taken from judgments of the district court in other cases.

*(Acts 1939, No. 368, p. 487; Code 1940, T. 3, §88.)*

#### **Section 3-5-13**

#### **Procedure for sale of livestock or animal when not reclaimed by owner, etc.; disposition of proceeds of sale.**

If the owner or his agent shall not, when he has made no bond, reclaim his livestock or animal within 24 hours after the judge of the district court shall have ascertained such damages, then the judge of the district court shall order the same sold by a constable of the precinct or by someone appointed to act as such or by the sheriff or his deputy or by the law enforcement officer of a municipality. Such officer, upon the making of such order, shall sell the same upon giving five days' notice of such sale by publication one time in a newspaper published in the county, said notice to contain a brief description of the livestock or animal to be sold and the time and place of sale. But out of the proceeds such officer shall pay the costs and expenses and damages due the plaintiff and the expenses of taking up, keeping and caring for such livestock or animal, and the balance must be paid to the owner of such livestock or animal, if known, and if not known, then into the county treasury or the treasury of the municipality. The officer making the sale shall be entitled to \$1.00 for making such sale and posting the notices.

*(Acts 1939, No. 368, p. 487; Code 1940, T. 3, §89.)*

#### **Section 3-5-14**

#### **Authority of municipalities to adopt ordinances; municipal ordinances not repealed.**

(a) The governing bodies of all cities or towns may adopt all such ordinances and laws as shall be necessary to prevent the running at large within the limits of the municipality of all livestock or animals and to take up and impound all such livestock or animals found so running at large and to fix, prescribe and provide for the collection of penalties and impounding fees for all such livestock or animals so taken up and impounded.

(b) This chapter shall not be construed to repeal any municipal stock law.

*(Code 1907, §5898; Code 1923, §10224; Acts 1939, No. 368, p. 487; Code 1940, T. 3, §§94, 101.)*

## **Staking of animals on highway right-of-ways**

### **Section 3-3-1**

#### **Prohibited.**

(a) It shall be unlawful for any person to stake, tie, hobble or pasture any animal of the cow kind, horse, mare, jack, mule, jennet or other equine animal, hog or animal of the swine kind, sheep or goat upon the right-of-way of any highway in this state.

(b) Any person having charge of or owning any such animal who knowingly permits such animal to be staked, tied, hobbled or pastured on the right-of-way of any highway in this state shall be guilty of a misdemeanor and shall be punished as provided by law for misdemeanors.

*(Acts 1967, No. 241, p. 622, §§1, 4.)*

### **Section 3-3-2**

#### **Peace officers empowered to take up animals staked, pastured, etc., on highway.**

Every peace officer of this state is empowered to take up any such animal staked, tied, hobbled or pastured on any highway in this state in the same manner as is provided by law for the taking up of estrays or animals running at large.

*(Acts 1967, No. 241, p. 622, §2.)*

### **Section 3-3-3**

#### **Applicability of laws as to estrays, etc., to animals staked, pastured, etc., on highway right-of-way.**

All provisions of any law concerning estrays or animals running at large shall apply with equal force to any such animal staked, tied, hobbled or pastured on the right-of-way of any highway in this state.

*(Acts 1967, No. 241, p. 622, §3.)*

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## **Livestock Fencing**

### **Section 3-4-1**

#### **Requirements as to construction of lawful fences - Generally.**

All inclosures and fences must be made at least five feet high, unless otherwise provided in this chapter. If the fence is made of rails, the rails must be not more than four inches apart from the ground to the height of every two feet. If the fence is made of palings, the palings must be not more than three inches apart. If the fence is made with a ditch, such ditch must be four feet wide at the top and the fence, of whatever material composed, at least five feet high from the bottom of the ditch and three feet high from the top of the bank and so close as to prevent stock of any kind from getting through.

*(Code 1852, §1099; Code 1867, §1282; Code 1876, §1586; Code 1886, §1364; Code 1896, §2110; Code 1907, §4240; Code 1923, §7969; Code 1940, T. 3, §61.)*

### **Section 3-4-2**

#### **Requirements as to construction of lawful fences - Rail fences for cattle and equine or equidae.**

A rail fence five feet high, with the rails not more than 18 inches apart from the ground to the height of every three feet, shall be a lawful fence so far as cattle and equine or equidae are concerned.

*(Code 1852, §1099; Code 1867, §1282; Code 1876, §1586; Code 1886, §1364; Code 1896, §2110; Code 1907, §4240; Code 1923, §7969; Code 1940, T. 3, §61; Act 2004-627, §1.)*

### **Section 3-4-3**

#### **Requirements as to construction of lawful fences - Fences of three or more wires for cattle and equine or equidae.**

A fence made of three or more wires securely fastened to trees or posts not more than eight feet apart, the wires being not more than 15 inches apart and the top wire at least four feet from the ground, shall be a lawful fence so far as concerns equine or equidae and cattle.

*(Code 1896, §2111; Code 1907, §4241; Code 1923, §7970; Code 1940, T. 3, §62; Act 2004-627, §1.)*

### **Section 3-4-4**

#### **Requirements as to construction of lawful fences - Fences of seven or more wires for livestock generally.**

A fence made of seven or more wires securely fastened to trees or posts not more than eight feet apart, the first four wires being of four-inch barb and not over four inches apart,

commencing with the first wire four inches from the ground, the fifth wire not over six inches from the fourth, the sixth wire not over eight inches from the fifth and the seventh wire 15 inches from the sixth, shall be a lawful fence against all stock whatsoever.

*(Code 1896, §2112; Code 1907, §4242; Code 1923, §7971; Code 1940, T. 3, §63.)*

#### **Section 3-4-5**

#### **Requirements as to construction of lawful fences - Standard woven wire fences.**

The following shall be lawful fences against all livestock:

(1) A standard woven wire fence with 10 line wires and stay wires not over 12 inches apart 47 inches high, the bottom wire resting on the ground, the line wires, beginning at the bottom, spaced not more than three to three and a half, four to four and a half, five to five and a half, six, seven and eight inches apart;

(2) A standard woven wire fence with stay wires not over 12 inches apart not less than 36 inches high, the bottom wire resting on the ground, the first eight wires beginning at the bottom, spaced not more than three to three and a half, four to four and a half, five to five and a half and six inches apart, with two wires being of not more than four inch barb, spaced so as to make the fence 48 inches high and securely fastened to trees or posts not more than 10 feet apart.

*(Code 1923, §7972; Code 1940, T. 3, §64.)*

#### **Section 3-4-6**

#### **Liability of owner of animal breaking into lands not enclosed by lawful fence for trespass or damages; liability of person injuring or destroying such animal.**

(a) If any trespass or damage is done by any animal breaking into lands not enclosed by a lawful fence as defined in this chapter, the owner shall not be liable therefor.

(b) If any person injures or destroys any such animal, he shall be liable to the owner for five times the amount of injury done, to be recovered before any court of competent jurisdiction.

*(Code 1852, §1100; Code 1867, §1283; Code 1876, §1587; Code 1886, §1365; Code 1896, §2113; Code 1907, §4245; Code 1923, §7975; Code 1940, T. 3, §65.)*

#### **Section 3-4-7**

#### **Penalty for setting of stakes, pits, poisons, etc., by person not having fence as prescribed in chapter.**

If any person, not having a fence as prescribed in this chapter sets in his enclosure any stakes, pits, poison or anything which may injure or kill an animal or stock, such person shall forfeit \$50.00 for every such act to any person instituting an action for the same. Any stakes, pits or poison on any such lands are presumptive evidence that the same were set by the person in charge of such land.

*(Code 1852, §1101; Code 1867, §1284; Code 1876, §1588; Code 1886, §1366; Code 1896, §2114; Code 1907, §4246; Code 1923, §7976; Code 1940, T. 3, §66.)z*

## **Dog Bites**

### **Section 3-6-1**

#### **Liability of owner of dog for injuries to person bitten or injured while upon property owned or controlled by owner, etc.**

If any dog shall, without provocation, bite or injure any person who is at the time at a place where he or she has a legal right to be, the owner of such dog shall be liable in damages to the person so bitten or injured, but such liability shall arise only when the person so bitten or injured is upon property owned or controlled by the owner of such dog at the time such bite or injury occurs or when such person has been immediately prior to such time on such property and has been pursued therefrom by such dog.

*(Acts 1953, No. 320, p. 379, §1.)*

### **Section 3-6-2**

#### **When person deemed lawfully on property of owner of dog.**

For the purpose of this chapter a person shall be considered to be lawfully upon the private property of the owner of such dog when he is on such property in the performance of any duty imposed upon him by the laws of this state or by the laws of the United States or the postal laws and regulations of the United States, when reading meters, when delivering milk, when making repairs to any public utility or service upon said premises or when on such property upon the invitation, either expressed or implied, of the owner or lessee of such property.

*(Acts 1953, No. 320, p. 379, §3.)*

### **Section 3-6-3**

#### **Mitigation of damages.**

The owner of such dog shall, however, be entitled to plead and prove in mitigation of damages that he had no knowledge of any circumstances indicating such dog to be or to have been vicious or dangerous or mischievous, and, if he does so, he shall be liable only to the extent of the actual expenses incurred by the person so bitten or injured as a result of the bite or injury.

*(Acts 1953, No. 320, p. 379, §2.)*

#### **Section 3-6-4**

#### **Construction of chapter.**

Nothing in this chapter shall be construed as diminishing any right or liability for injury by dog bites now existing under the laws of this state.

*(Acts 1953, No. 320, p. 379, §4.)*

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### **Rabies & Rabies Vaccine**

#### **Section 3-1-2**

#### **Liability of owner, etc., for injuries caused by rabid dog.**

The owner or person in charge of any dog, who knows that such dog has been bitten by a rabid dog or has knowledge of such facts that if followed up would disclose the facts that such dog has been bitten by or exposed to a rabid dog, if such dog becomes a rabid dog and bites any person, stock, hogs or cattle shall be liable to twice the damages sustained by the person injured, including appropriate medical treatment, such damages to be recovered in any court of competent jurisdiction.

*(Acts 1915, No. 477, p. 541; Code 1923, §6073; Code 1940, T. 3, §2.)*

#### **Section 3-7A-1**

#### **Definitions.**

As used in this chapter, the following words and phrases shall have the following meanings respectively ascribed to them unless the context clearly indicates otherwise:

- (1) CANINE CORPS DOGS. Those members of the canine family maintained by governmental agencies for exclusive use in official duties assigned to those agencies. Seeing eye dogs shall be included within the meaning of this definition.
- (2) CAT. All members of the domesticated feline (*Felis catus*) family three months of age or older.

(3) DOG. All members of the domesticated canine (*Canis familiaris*) family three months of age or older.

(4) HAS BEEN EXPOSED. Seized with the teeth or claws, so that the skin of the person or animal seized has been nipped or gripped, or has been wounded or pierced and includes suspected or confirmed contact of saliva with a break or abrasion of the skin or with any mucous membrane, as determined by a licensed physician.

(5) HEALTH OFFICER. A county health officer as defined in Section 22-3-2.

(6) IMMUNIZATION AGAINST RABIES. The injection, in a manner approved by the State Health Officer and the State Veterinarian, of antirabies vaccine approved by the State Health Officer and the State Veterinarian. The administration of antirabies vaccine to species other than those for which reliable immunization data is available shall be a violation of this chapter.

(7) IMPOUNDING OFFICER. An agent of a county or municipality vested with impounding authority for animals covered under this chapter.

(8) OWNER. Any person having a right of property in the animal, or who keeps or harbors the animal, or who has it in his care, or acts as its custodian, or who permits the animal to remain on or about any premises occupied by him.

(9) PERSON. Individuals, firms, partnerships, and associations.

(10) QUARANTINE FOR RABIES OBSERVATION. Confinement under the direct care, custody, control, and supervision of a licensed veterinarian for a period of 10 days subsequent to the date of the exposure, or as otherwise directed by the State Health Officer.

(11) RABIES OFFICER. A licensed veterinarian as defined in Section 34-29-61, duly appointed by the county board of health and approved by the State Health Officer and State Veterinarian.

*(Acts 1990, No. 90-530, p. 816, §1.)*

#### **Section 3-7A-2**

#### **Dogs and cats to be immunized; certificate; validity; to whom sale, etc., of vaccine may be made.**

(a) Every owner of a dog or cat required to be immunized for rabies as defined in this chapter, shall cause said dog or cat to be immunized by the rabies officer, his authorized representative, or any duly licensed veterinarian, when said animal reaches three months of age and annually thereafter. Evidence of such immunization shall consist of a printed certificate furnished in triplicate by the Alabama Department of Public Health, upon which shall be legibly inscribed: a description of the dog or cat; its age, color, sex, breed,

and tattoo identification, if any; the name and address of the owner; the lot number and type of vaccine used (modified live virus, inactivated virus); the name of the manufacturer and amount of vaccine injected; and a serially numbered tag bearing the same number and year as that of the certificate. The certificate shall be dated and signed by the person authorized to administer the vaccine. Certificates not in keeping with the provisions of this section, or certificates issued by those persons unauthorized to administer rabies vaccine, shall not be valid. The original copy of the certificate prescribed herein shall be delivered to the owner of the dog or cat immunized, one copy to the local health department, and one copy to be retained by the rabies officer. The certificate of immunization shall be valid for a period of one year for all dogs and cats required to be immunized under this chapter. Immunization certificates may be destroyed three years after date of issuance.

(b) It shall be unlawful and in violation of the provisions of this chapter for any person to import, receive, sell, offer for sale, barter, or exchange animal antirabies vaccine, other than antirabies vaccine intended for human use, to anyone except a duly licensed veterinarian.

*(Acts 1990, No. 90-530, p. 816, §2.)*

#### **Section 3-7A-3**

##### **Fee for immunization.**

The rabies officer may charge for such immunization a sum established by a committee consisting of the State Health Officer, the State Veterinarian, and the president of the Alabama Veterinary Medical Association, and approved by the State Board of Health prior to the first day of January each year. The committee shall consider all cost factors in administering the vaccine as the economy dictates, including but not limited to the current prices of vaccines and tags.

*(Acts 1990, No. 90-530, p. 816, §3.)*

#### **Section 3-7A-4**

##### **Issuance of tag.**

Coincident with the issuance of the certificate of immunization, the rabies officer, his authorized representative, or any duly licensed veterinarian, who provided the certificate shall furnish a serially numbered tag bearing the same number and year as that of the certificate, which tag shall at all times be attached to a collar or harness worn by the dog or cat for which the certificate and tag have been issued.

*(Acts 1990, No. 90-530, p. 816, §4.)*

#### **Section 3-7A-5**

### **Replacement of certificate and tag.**

In the event of tag loss when the same has been legally issued, every replacement thereof shall be upon such terms as may be agreed upon with the rabies officer or veterinarian by whom the animal has been immunized. In such instance, a new certificate marked "duplicate" may be issued setting forth the number of the new tag and the certificate issued and distributed according to Section 3-7A-2.

*(Acts 1990, No. 90-530, p. 816, §5.)*

### **Section 3-7A-6**

#### **Penalty for dog or cat without tag or certificate.**

The owner of any dog or cat found not wearing the evidence of current immunization as provided herein or for which no certificate of current immunization can be produced, and which is apprehended by an officer or other person charged with the enforcement of this chapter, shall forthwith be subject to a penalty to be imposed by the rabies officer not to exceed an amount equal to twice the state approved charge for immunization, in addition to the fee heretofore prescribed for immunization. When collected, the said penalty shall accrue to the rabies officer or his agent, except in the case of a rabies officer employed full-time on salary, in which case the penalty shall accrue to the employing agency or agencies.

*(Acts 1990, No. 90-530, p. 816, §6.)*

### **Section 3-7A-8**

#### **Destruction of impounded dogs and cats; when authorized; redemption by owner; sale of impounded animals.**

All dogs and cats which have been impounded for lack of rabies immunization in accordance with the provisions of this chapter, due notice of which shall have been given to the owner as provided in Section 3-7A-7, may be humanely destroyed and disposed of when not redeemed by the owner within seven days. In case the owner of an impounded dog or cat desires to make redemption thereof, he may do so on the following condition: He shall pay for the immunization of the animal and the penalty as prescribed in Section 3-7A-6 if certificate of current immunization cannot be produced, and in addition, pay for the board of the animal for the period for which it was impounded. The amount paid for the board of the dog or cat shall accrue to the credit of the city or county, depending upon the jurisdiction of the pound in which the animal was confined. At his discretion, the said impounding officer may sell any dog or cat not redeemed or claimed or otherwise disposed of, to any purchaser desiring the said animal, which said purchaser must comply with all the provisions of this chapter.

*(Acts 1990, No. 90-530, p. 816, §8.)*

## **Rabies Control and Quarantine/Destruction Laws**

### **Section 3-7A-9**

**Quarantine of dog or cat which bites human being; destruction of animal and examination of head; certain acts of or omissions by owner unlawful; delivery of quarantine instructions to owner; report of results; canine corps and seeing eye dogs.**

(a) Whenever the rabies officer or the health officer shall receive information that a human being has been bitten or exposed by a dog or cat required to be immunized against rabies, the health officer or his authorized agent shall cause said dog or cat to be placed in quarantine under the direct supervision of a duly licensed veterinarian for rabies observation as prescribed in Section 3-7A-1. It shall be unlawful for any person having knowledge that a human being has been bitten or exposed by a dog or cat to fail to notify one or more of the aforementioned officers.

(b) When said dog or cat is unowned, as determined by the rabies officer or the health officer after reasonable investigation, or where the owner of a dog or cat agrees in writing, or when ordered by the health officer, the animal shall be humanely destroyed immediately after the exposure and the head shall be submitted for rabies examination to the state health department laboratory.

(c) The period of quarantine for animals other than domesticated dogs and cats which have bitten or exposed a human being shall be determined by the Alabama Department of Public Health upon consultation with the U.S. Public Health Service. Provided, however, for those animal species where reliable epidemiologic data are lacking regarding duration of rabies virus secretion from the salivary glands, said animals shall be humanely destroyed and the head submitted for rabies examination to the state health department laboratory.

(d) It shall be a violation of this chapter for the owner of such animal to refuse to comply with the lawful order of the health officer in any particular case. It is unlawful for the owner to sell, give away, transfer to another location or otherwise dispose of any such animal that is known to have bitten or exposed a human being until it is released from quarantine by the rabies officer, duly licensed veterinarian or by the appropriate health officer.

(e) Instructions for the quarantine of the offending animal shall be delivered in person or by telephone to the owner by the health officer or his authorized agent. If such instructions cannot be delivered in such manner, they shall be mailed by regular mail, postage prepaid and addressed to the owner of the animal. The affidavit or testimony of the health officer or his authorized agent, who delivers or mails such instructions, shall be prima facie evidence of the receipt of such instructions by the owner of the animal. Any

expenses incurred in the quarantine of the offending animal under this section and Section 3-7A-8 shall be borne by the owner.

(f) The veterinarian under whose care the offending animal has been committed for quarantine shall promptly report the results of his observation of said animal to the attending physician of the human being bitten or exposed and the appropriate health officer.

(g) Canine corps dogs and seeing eye dogs shall be exempt from the quarantine period where such exposure occurs in the line of duty and evidence of proper immunization against rabies is presented, but shall be examined immediately at the end of 10 days by a licensed veterinarian, who shall report the results of his examination to the appropriate health officer as previously authorized.

*(Acts 1990, No. 90-530, p. 816, §9.)*

#### **Section 3-7A-10**

#### **Destruction of domesticated species exposed to rabid animal; quarantine as option on recommendation of Department of Public Health.**

Those domesticated species, for which antirabies vaccine is recognized and recommended, upon exposure or potential exposure to a known rabid animal, shall be humanely destroyed or slaughtered immediately. Provided, however, the owner may have the option of quarantining said animals based on the recommendations of the Alabama Department of Public Health upon consultation with the U.S. Public Health Service.

*(Acts 1990, No. 90-530, p. 816, §10.)*

#### **Section 3-7A-11**

#### **County rabies officer; application; appointment; term; powers and duties; authority of county board of health.**

(a) It shall be the responsibility of the county board of health to nominate annually one duly licensed veterinarian from each county within the state for the position of rabies officer. Applications for this position may be received from any duly licensed veterinarian residing within the county, or in the event that no applications are received, from the Alabama Veterinary Medical Association. Said applications shall be provided to the chairman of each county board of health during the month of November. It shall be the responsibility of the county board of health, within or prior to the month of January of the appointing year, to select and appoint a nominee, subject to the approval of the State Health Officer and the State Veterinarian. The appointee's term of office shall expire on December 31 of the year of appointment; provided, however, that he shall be eligible for

reappointment. The rabies officer may be removed from office, for cause, by the county board of health or the State Health Officer.

(b) Appointments not made within the prescribed time limits specified in this section shall become the joint prerogative of the State Health Officer and the State Veterinarian after due consultation with the appropriate health officer.

(c) For the purpose of providing proper enforcement of this chapter, the county board of health is hereby invested with general supervisory and administrative authority for the implementation of this chapter. It shall be the duty of the rabies officer to immunize for rabies all dogs and cats covered under the provisions of this chapter and he may employ as many licensed veterinarians to serve as deputies to aid him as he may desire. The rabies officer and his deputies in each county are clothed with limited police powers to the extent that they may issue citations for violations of this chapter as an agent of the county board of health, and shall not be subject to the limitations of Section 36- 21-50. The sheriff and his deputies in each county and the police officers in each incorporated municipality shall be aides, and are hereby instructed to cooperate with said rabies officer in carrying out the provisions of this chapter. The compensation of the rabies officer and his deputies shall be limited to the fees collected from enforcement of the provisions of this chapter.

*(Acts 1990, No. 90-530, p. 816, §11.)*

#### **Section 3-7A-12**

##### **Penalty for violations.**

Any person violating or aiding or abetting the violation of any provision of this chapter, or counterfeiting or forging any certificate or tag, or making any misrepresentation in regard to any matter prescribed by this chapter or rule promulgated hereunder or except as otherwise provided, or resisting, obstructing, or impeding any authorized officer in enforcing the provisions of this chapter, or refusing to produce for immunization any animal in his possession for which antirabies vaccine is recognized and recommended, or for failing to report an animal bite, shall be charged with a Class C misdemeanor, and for the purpose of enforcing this chapter, shall be fined not less than \$25.00 nor more than \$100.00, and for the purpose of enforcing this chapter, resort may be had to any court of competent jurisdiction.

*(Acts 1990, No. 90-530, p. 816, §12.)*

#### **Section 3-7A-13**

##### **Placement of area under quarantine; additional measures.**

(a) The State Health Officer, upon request of authorized local officials, may place certain areas of the state under a rabies quarantine to prevent the spread of rabies. In extreme

situations, the State Health Officer may place the area under quarantine without waiting for local request.

(b) Whenever the State Health Officer or local health authorities are convinced that the situation is conducive to the spread of rabies, additional measures may be imposed as are deemed necessary to prevent the spread of rabies among dogs, cats, and other animals.

*(Acts 1990, No. 90-530, p. 816, §13.)*

#### **Section 3-7A-14**

##### **Power of municipalities.**

Nothing in this chapter shall be held to limit in any manner the power of any municipality to prohibit dogs or cats from running at large, regardless of rabies immunization status as herein provided; nor shall anything in this chapter be construed, in any manner, to limit the power of any municipality to further control and regulate dogs or cats in such municipality.

*(Acts 1990, No. 90-530, p. 816, §14.)*

#### **Section 3-7A-15**

##### **Rules.**

The State Board of Health is authorized to adopt and promulgate rules for the enforcement of this chapter, which rules shall have the force and effect of law.

*(Acts 1990, No 90-530, p. 816, §15.)*

#### **Section 3-8-1**

##### **Rabies vaccine required for any canidae or felidae; applicability.**

Notwithstanding any provision of law to the contrary, it shall be illegal to own, maintain, sell, or trade any canidae or felidae for which there is no USDA licensed rabies vaccine. Anyone currently owning or maintaining such animal may keep the animal for the length of the animal's life providing the animal is spayed or neutered and is registered with the Department of Agriculture and Industries. This section does not apply to any zoological parks, circuses, colleges, and universities, animal refuges approved by the Department of Agriculture and Industries, county or municipal humane shelters, the Department of Conservation and Natural Resources, or veterinary clinics.

*(Acts 1994, No. 94-322, p. 562, §8.)*

## **Animal Control Facility/Officer Requirements**

### **Section 3-7A-7**

#### **Maintenance of pound; notice of impoundment; adoption of animals.**

It shall be the duty of each and every county in the state to provide a suitable county pound and impounding officer for the impoundment of dogs and cats found running at large in violation of the provisions of this chapter. Every municipality with a population over 5,000 in which the county pound is not located shall maintain a suitable pound or contribute their pro rata share to the staffing and upkeep of the county pound. When dogs and cats are impounded and if the owner thereof is known, such owner shall be given direct notice of the impoundment of said animal or animals belonging to him; or the impounding officer may make said animal or animals available for adoption after a period of not less than seven days.

*(Acts 1990, No. 90-530, p. 816, §7.)*

## **Mandatory Spay/Neuter of Adopted Dogs and Cats**

### **Section 3-9-1**

#### **Definitions.**

As used in this chapter, the following words shall have the following meanings:

(1) ANIMAL SHELTER. Any facility operated by or under contract for the state or any county, municipal corporation, or other political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals; any veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for such purpose in addition to its customary purposes; and any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare organization, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals.

(2) ANIMAL WELFARE ORGANIZATION. Any unincorporated nonprofit organization or business entity existing for fostering and adopting dogs and cats by the public.

(3) SEXUALLY MATURE ANIMAL. Any dog or cat that has reached the age of 180 days.

(4) STERILIZATION. The surgical removal of the reproductive organs of a dog or cat in order to render the animal unable to reproduce.

*(Act 2006-627, §1.)*

### **Section 3-9-2**

### **Requirements for sterilization.**

(a) Any public or private animal shelter, animal control agency operated by a political subdivision of this state, or humane society shall make provisions for the sterilization of all dogs or cats acquired from a shelter, agency, or humane society by providing for all of the following:

(1) Sterilization by a licensed veterinarian before relinquishing custody of the animal.

(2) Entering into a written agreement with the person acquiring the animal guaranteeing that sterilization will be performed by a licensed veterinarian within 30 days after acquisition of the animal, or within 30 days of the sexual maturity of an animal.

(b) The requirements of this chapter shall not apply to any privately owned animal in possession of a shelter, agency, or humane society if the owner of the animal claims or presents evidence that the animal is the property of that person.

(c) All costs of sterilization pursuant to this chapter shall be the responsibility of the person acquiring the animal, and if sterilization is performed prior to acquisition, may be included in any fees charged by the shelter, agency, or humane society for an animal.

(d) Any person acquiring an animal from a public or private animal shelter, animal control agency operated by a political subdivision of this state, or humane society from which an animal is not sterile at the time of acquisition, shall submit to the animal shelter, animal control agency, humane society, or public or private animal shelter a signed statement from the licensed veterinarian attesting that a sterilization procedure has been performed by the veterinarian within seven days after the sterilization.

*(Act 2006-627, §2.)*

### **Section 3-9-3**

#### **Violations.**

It shall be a misdemeanor to fail or refuse to comply with this chapter. Any person failing or refusing to comply shall, upon conviction, be guilty of a misdemeanor and shall be subject to a fine of a minimum of fifty dollars (\$50) and not to exceed two hundred dollars (\$200).

*(Act 2006-627, §3.)*

### **Section 3-9-4**

#### **Relation to other shelter policies.**

This chapter shall not prohibit the adoption by any political subdivision of this state of shelter policies which are more stringent than the requirements of this chapter.

*(Act 2006-627, §4.)*

## **Livestock Theft**

### **Section 2-2-14**

#### **Livestock theft investigator.**

The Commissioner of Agriculture and Industries, with the approval of the Governor, is hereby authorized to designate as "livestock theft investigator" any employee or employees of the Department of Agriculture and Industries performing duties relating to the enforcement of the livestock laws of this state. Such employee or employees so designated shall, in addition to other duties of employment, perform work involving investigations and the enforcement of all laws of the State of Alabama enacted for the purpose of preventing theft and unlawful dealing in and handling of cattle and other livestock, including the enforcement of livestock sanitary and disease control laws to the end that persons who commit or who are charged with the commission of such unlawful offenses may be arrested and prosecuted therefor. Employees of the Department of Agriculture and Industries designated and approved under the provisions of this section as "livestock theft investigators" shall have the power and authority of peace officers for the enforcement of laws to prevent theft of livestock, livestock sanitary and disease control laws and any other laws relating to or governing the keeping, handling, movement and sale of livestock and such peace officers shall exercise such power and authority anywhere within the State of Alabama. Such employees designated and approved as peace officers hereunder shall also be authorized to investigate, serve subpoenas and make arrests for the theft of any farm machinery, equipment or supplies and perform such duties with respect to any other farm related crime as well as any other unlawful offense or crime and such peace officer authority may be exercised anywhere within the state; provided, however, livestock theft investigators shall not have the power or authority to execute search warrants. The provisions of this section shall not be construed to change the employment status of any employee designated, authorized and approved to perform duties as livestock theft investigators as provided under this section except as expressly provided herein.

*(Acts 1953, No. 238, p. 303; Acts 1979, No. 79-281, p. 432.)*

### **Section 2-2-14.1**

#### **Appearance upon arrest for misdemeanor livestock violations.**

(a) Whenever any person is arrested by livestock theft investigators of the Alabama Department of Agriculture and Industries under Section 2-2-14 for misdemeanor violations of livestock sanitary and disease control laws and regulations, or any other laws and regulations governing the handling, movement, or sale of livestock, all punishable as a misdemeanor, the arresting officer shall take the name and address of

such person and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice. Upon the person signing said summons or notice, the officer shall forthwith release him from custody.

(b) If the arrested person shall refuse to identify himself by giving his name and address, or shall refuse to sign the summons or notice, then the arresting officer shall immediately take such person before the nearest and most accessible district judge or district court magistrate of the county within which the violation occurred to set bond.

(c) Any person who willfully refuses to appear at the time and place specified in the summons or notice which the person has signed shall be guilty of the separate offense of bail jumping in the second degree, regardless of the disposition of the charge upon which he was originally charged.

*(Acts 1987, No. 87-643, p. 1148.)*

#### **Section 2-2-14.2**

#### **Forfeiture of conveyances and vehicles used to perpetrate livestock theft.**

(a) All conveyances and vehicles of transportation including trailers and semitrailers, equine or equidae, or any other equipment, together with all harness or other accessories, which have been used, or are used in the commission of theft of livestock, as defined in Section 13A-8-4(f), shall be contraband, and in the discretion of the circuit court, may be forfeited to the state Department of Agriculture and Industries, as hereinafter provided.

(b) Livestock theft investigators, appointed under Section 2-2-14, or any other officer authorized to enforce those laws pertaining to the theft of livestock, who finds any vehicle, conveyance or equipment, listed above, which is being, or has been, used in the perpetration of the crime of theft of livestock, shall seize said vehicle, conveyance or equipment listed above, and report said seizure to the district attorney in the county where the seizure was made. The report made to the district attorney shall include a full description of the property seized along with a full explanation of the circumstances under which the property was seized.

(c) The district attorney or other prosecuting officer of the judicial circuit, upon receiving such report may at once institute, or cause to be instituted condemnation proceedings in the circuit court, in the same manner that he is directed by law to institute proceedings for the condemnation and forfeiture of automobiles and other vehicles used in the illegal transportation of alcoholic beverages. The provisions of Sections 28-4-286 and 28-4-287, so long as they are in compliance with this section shall apply.

(d) The proceeds of the sale of any property condemned and forfeited to the state Department of Agriculture and Industries under authority of this section, after payment of all expenses in the cause, including the cost of seizure and a keeping of the property pending the proceedings, shall be paid into the State Treasury to the credit of the Agricultural Fund.

(e) Any lienholder with a perfected security interest recorded in accordance with the Uniform Commercial Code may recover the property in kind or may recover the balance remaining after deduction of any costs of recovery and sale.

*(Acts 1989, No. 89-688, p. 1354; Act 2004-627, §1.)*

#### **Section 13A-8-4**

#### **Theft of property in the second degree.**

(a) The theft of property which exceeds five hundred dollars (\$500) in value but does not exceed two thousand five hundred dollars (\$2,500) in value, and which is not taken from the person of another, constitutes theft of property in the second degree.

(b) Theft of property in the second degree is a Class C felony.

(c) The theft of a credit card or a debit card, regardless of its value, constitutes theft of property in the second degree.

(d) The theft of a firearm, rifle, or shotgun, regardless of its value, constitutes theft of property in the second degree.

(e) The theft of any substance controlled by Chapter 2 of Title 20 or any amendments thereto, regardless of value, constitutes theft of property in the second degree.

**(f) The theft of any livestock which includes cattle, swine, equine or equidae, or sheep, regardless of their value, constitutes theft of property in the second degree.**

(g) Notwithstanding subsection (a), the theft of property which exceeds two hundred fifty dollars (\$250) in value but does not exceed two thousand five hundred dollars (\$2,500) in value, and which is not taken from the person of another, where the defendant has previously been convicted of a theft of property in the first or second degree or receiving stolen property in the first or second degree, constitutes theft of property in the second degree.

*(Acts 1977, No. 607, p. 812, §3203; Acts 1978, No. 770, p. 1110, §1; Acts 1979, No. 79-471, p. 862, §1; Acts 1992, 2nd Ex. Sess., No. 92-682, p. 68, §1; Act 2003-355, p. 962, §1; Act 2004-627, p. 1421, §1; Act 2006-297, §1.)*

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### **Livestock Transport and Markets**

#### **Section 2-15-110**

### **Inhumane handling or handling in violation of article prohibited.**

In order to prevent injury to animals in livestock markets and in transit and to prevent unnecessary abuse and cruelty to animals with resultant loss of profit from the slaughter and sale of such animals, it shall be unlawful in this state to handle or transport such animals in any manner not consistent with humane methods of treatment to such extent as is reasonably possible or in a manner not in compliance with or in violation of the requirements of this article.

*(Acts 1967, No. 214, p. 578, §1.)*

### **Section 2-15-111**

#### **Conveyances used to transport livestock to proceed to destination without delay; notice to owner of livestock of breakdown.**

(a) All trucks, vans or other conveyances used for the transportation of cattle, sheep, swine or other animals along public roads, streets or highways of Alabama shall, prior to the loading of such animals, be prepared to proceed to their destination without delay and, upon loading, shall proceed by the most direct and usually traveled route.

(b) In the event of a breakdown that would cause a delay of the arrival of the livestock at their destination for more than one hour, the owner of such livestock shall be notified as soon as possible of such breakdown.

*(Acts 1967, No. 214, p. 578, §2.)*

### **Section 2-15-112**

#### **Construction of conveyances used for transporting of livestock.**

All such trucks, vans or other conveyances used for the transporting of the animals described in this article shall be so constructed that the roof of any deck of the conveyance will not touch the highest point of the back of any animal loaded thereon. Any such conveyance which is propelled or drawn by the use of diesel fuel shall have the exhaust so placed that the fumes will not blow directly into the area in which the animals are loaded either when the conveyance is in motion or when it is motionless.

*(Acts 1967, No. 214, p. 578, §3.)*

### **Section 2-15-113**

#### **Use of sticks, whips, chains, etc., in livestock markets; promulgation of rules and regulations by commissioner as to treatment of livestock in markets; inspections of markets for enforcement of section.**

In addition to the authority granted to the Commissioner of the Department of Agriculture and Industries pursuant to Division 1 of Article 4 of this chapter, the said commissioner, with the approval of the State Board of Agriculture and Industries, shall be authorized to promulgate reasonable rules and regulations for the humane treatment of animals held in livestock markets and while being sold or offered for sale in such markets, including the number, kind and size of animals that may be held in pens or areas of stipulated dimensions, regulations for the feeding and care of such animals and for the maintenance of sanitary conditions of the premises.

Sticks, canes or whips shall not be used in such a manner so as to injure an animal. The use of chains, spikes, clubs or other injurious devices are hereby prohibited except under extreme circumstances where it is necessary to prevent injury to persons or other animals; and flappers, other noisemaking devices, electric prods of not more than six volts in strength and other contrivances which have been found to be equally effective shall be used wherever possible for such purposes.

The Commissioner of Agriculture and Industries shall provide for the regular inspection of such livestock markets for the purpose of enforcing the requirements of this section.

*(Acts 1967, No. 214, p. 578, §4.)*

#### **Section 2-15-114**

**Penalties for violations of provisions of article, rules or regulations promulgated thereunder, etc.; liability of managers, etc., of transportation agencies or livestock markets permitting violations of article by employees, agents, etc.**

(a) Any person who shall violate any of the provisions or requirements of this article, or who fails to perform any duty imposed by the provisions of this article or who violates any rule or regulation duly promulgated under this article shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$10.00 nor more than \$100.00 and, within the discretion of the court, may also be imprisoned for not more than six months.

(b) The manager, executive officer, owner or other person in charge of any transportation agency or livestock market who knowingly allows any employee, agent or servant to violate any of the provisions or requirements of this article or who knows that any employee, agent or servant is violating any provisions of this article and who does not take immediate steps to correct such violations shall be guilty of a misdemeanor and upon conviction shall be punished as provided in subsection (a) of this section.

*(Acts 1967, No. 214, p. 578, §5.)*

#### **Section 2-15-157**

**Cleaning and disinfecting of vehicles used in transporting animals.**

All vehicles in which animals are transported in Alabama shall be cleaned and disinfected at the expense of the operator thereof after each time of use or before the vehicles are used to transport other animals.

*(Acts 1947, No. 694, p. 528, §15.)*

**Section 2-15-158**

**Right of entry of State Veterinarian, livestock inspectors, etc.; interference with execution of duties, etc., by State Veterinarian, livestock inspectors, etc.**

The State Veterinarian, the assistant state veterinarian and the state livestock inspectors may enter upon the premises or into any barns or other buildings where livestock are kept or found in the State of Alabama in the discharge of the duties prescribed in this article.

Any person or persons who shall assault, resist, oppose, prevent, impede or interfere with the State Veterinarian, an assistant state veterinarian or a state livestock inspector in the execution of his or their duties or on account of the execution of his or their duties shall be guilty of a misdemeanor.

*(Acts 1947, No. 694, p. 528, §12.)*

**Section 28-4-285**

**Conveyances, vehicles of transportation or animals used for illegal conveyance of prohibited liquors and beverages declared contraband and forfeited to state; seizure of said conveyances, etc., and reporting thereof by sheriffs, etc., finding same; confiscation and condemnation generally.**

All conveyances and vehicles of transportation of any kind, whether on the waters of the state, under the waters, on land or in the air, including any animals that may be used in such transportation, whether hitched or not hitched to any vehicle so illegally used, together with all harness and other accessories employed in such illegal transportation, which have been or are used for the illegal conveying of any prohibited liquors or beverages into this state or from one point in the state to another point within the state shall be contraband and shall be forfeited to the State of Alabama, and shall be seized by any sheriff or any other person acting under authority of law in the enforcement of the prohibition laws of the state who becomes cognizant of the facts or who finds liquor being illegally transported as aforesaid in such vehicles or conveyances or on any such animal, and such officer or person shall report the seizure and the facts connected therewith to the district attorney in the county where seizure is made or, in default thereof, to the Attorney General of the state.

In order to condemn and confiscate any of the above-mentioned conveyances or vehicles or animals, it shall not be necessary for the state to show any actual movement of said conveyances, vehicles or animals while loaded with any of said prohibited liquors or beverages; provided, that if said prohibited liquors or beverages shall have been

purchased through the state liquor stores or shall bear the stamp of the Alabama Alcoholic Beverage Control Board, no such conveyance, vehicle or animal shall be confiscated or forfeited unless the court shall be convinced from the evidence that said prohibited liquors or beverages were being transported for the purpose of resale contrary to law, and the fact that the owner or operator of said conveyance or vehicle or animal has a reputation of being a seller of prohibited liquors shall be prima facie evidence that such liquors or beverages were being transported for resale.

*(Acts 1919, No. 7, p. 6; Code 1923, §4778; Acts 1927, No. 624, p. 715; Code 1940, T. 29, §247; Acts 1947, No. 129, p. 39.)*

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#### **Section 28-4-288**

#### **Execution of bond by defendant or claimant for recovery of seized vehicle, etc., pending appeal; proceedings upon failure of bondsmen to deliver said vehicle, etc., upon affirmance of judgment upon appeal, etc.**

Whenever a conveyance, vehicle of any kind or animal used in drawing the same is seized by an officer of the state under the prohibition laws of this state and has been condemned by the circuit court that tried the action, the defendant in the proceedings or the claimant of the property, pending an appeal to the Supreme Court or Court of Civil Appeals, may, upon motion, have the court immediately appraise the value of said property and of the several items separately and shall have the right to execute a bond with two good sureties in double the appraised value of such property or of any item or items thereof, to be approved by the clerk or register of the circuit court, conditioned, in the event the appeal is affirmed or reversed and the conveyance, vehicle, animal or harness is subsequently condemned on another trial, to deliver the property for which a bond is given to the sheriff within 30 days from the date of such affirmance or reversal and subsequent condemnation on another trial, to be disposed of according to law and to pay any difference between any value thereof at the time of the original appraisal and at the time of the delivery to the sheriff, the difference in value to be determined by the circuit court. On the execution of such bond the sheriff shall deliver said property to the defendant or claimant executing such bond.

Upon the failure of the bondsmen to deliver the said property condemned within 30 days after the appeal has been affirmed or within 30 days after condemnation on another trial if the judgment is reversed, the bond shall be returned by the sheriff forfeited, and execution may issue thereon against the principal and sureties for the amount of the value of the property or, in case of the return of the property, for the difference between the value fixed by the court on the original appraisal and the final appraisal when it is returned after the appeal is affirmed.

*(Acts 1919, No. 683, p. 984; Code 1923, §§4786, 4787; Code 1940, T. 29, §§255, 256.)*

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## **Feeding of garbage to Swine**

### **Section 2-15-211**

#### **Feeding of garbage to swine.**

(a) It shall be unlawful for any person, municipality, county, political subdivision, governmental agency or department, institution, individual, partnership, corporation, association, other entity or organization to feed garbage to swine.

(b) For the purposes of this section, "garbage" means putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods including animal and fowl carcasses or parts thereof; provided, that citrus pulps, pea vines, bakery waste, candy kitchen waste and dairy products waste from milk processing plants shall not be included in this definition when such waste has not been mixed with or in contact with other animal or vegetable waste.

(c) This section shall not apply to any person who feeds only his own household garbage to swine.

(d) Whoever violates this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500.00 and, within the discretion of the court, may also be imprisoned for a period not to exceed six months.

(e) The provisions of this section shall be enforced by the Department of Agriculture and Industries.

*(Acts 1969, No. 613, p. 1119, §§1-4.)*

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## **Importation of certain wildlife**

### **Section 9-2-13**

#### **Commissioner of Conservation and Natural Resources - Authority to prohibit importation of birds, animals, fish, etc.**

(a) The Commissioner of Conservation and Natural Resources may prohibit by duly promulgated regulation the importation of any bird, animal, reptile, amphibian, or fish when the importation of the animal, bird, reptile, amphibian, or fish would not be in the best interest of the state.

(b) This section does not apply to birds, animals, reptiles, amphibians, and fish used for display purposes for carnivals, zoos, circuses, and other like shows and exhibits where ample provision is made so the birds, animals, reptiles, amphibians, and fish will not escape or be released in this state.

(c) Any person, firm, corporation, partnership, or association who or which imports, brings, or causes to be brought or imported into the State of Alabama any bird, animal, reptile, amphibian, or fish, the importation of which has been forbidden by duly promulgated regulation of the commissioner, shall be in violation of this section and upon conviction thereof shall be guilty of a Class C misdemeanor, except that the punishment for each offense shall be a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) or imprisonment in the county jail for not more than 30 days, or both.

*(Acts 1969, No. 414, p. 813, §§1-3; Act 2002-510, p. 1314, §1.)*

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### **Limitations on Hunting with Traps**

#### **Section 9-11-245**

##### **Unlawful methods of hunting birds or animals protected by law or regulation.**

No person shall at any time make use of any pitfall, deadfall, baited field, cage, trap, net, pen, baited hook, snare, poison, explosive, or chemical for the purpose of injuring, capturing, or killing birds or animals protected by law or regulation of this state. This section shall not prevent the trapping of animals classified as fur-bearing animals by a duly licensed fur catcher. It shall be legal to use a scaffold for gun hunting of all legal game species except wild turkey and to use a scaffold for bow hunting of all legal game species.

*(Acts 1951, No. 1001, p. 1672, §2; Acts 1975, No. 195, p. 681, §1; Acts 1995, No. 95-563, p. 1174, §1.)*

#### **Section 9-11-264**

##### **Liability for injury or damage to persons or domestic animals of persons using traps, etc., to take, capture, etc., fur-bearing animals; exemption of Lawrence County.**

Any person shall be strictly liable for civil damages who causes the injury or damage to any person or domestic animal as a result of using any trap or similar device to take, capture or kill any of the fur-bearing animals protected by the laws or regulations of this state.

Any person who suffers injury or damage to his person or domestic animal as a result of such activity shall have an action for civil damages and such aggrieved person need not prove negligence.

The provisions of this section shall not apply to Lawrence County.

*(Acts 1977, No. 801, p. 1381, &sect;2; Acts 1979, No. 79-123, p. 154, § 1.)*

**Section 9-11-265.1**

**Sections 9-11-264 and 9-11-265 inapplicable in Limestone County.**

The provisions of Sections 9-11-264 and 9-11-265 shall not apply to Limestone County.

*(Acts 1978, No. 432, p. 440, § 1.)*

**Dogs in Wildlife Management Areas**

**Section 9-11-305**

**When dogs permitted in areas; liability of owners of dogs at large in areas.**

No dog shall be permitted except on leash within any wildlife management area except in accordance with the rules and regulations promulgated by the Commissioner of Conservation and Natural Resources, and whoever shall be the owner of any dog at large within any wildlife management area shall be guilty of a misdemeanor.

*(Acts 1939, No. 668, p. 1061, &sect;6; Code 1940, T. 8, &sect;110(6).)*

**Section 9-11-306**

**Impoundment of dogs; redemption or destruction of impounded dogs.**

The Commissioner of Conservation and Natural Resources shall cause to be constructed within each wildlife management area a building or enclosure suitable for the impoundment of dogs found upon said wildlife management area in violation of Section 9-11-305. Whenever a dog is found upon said wildlife management area in violation of Section 9-11-305, it shall be impounded in said building or enclosure until such time as it is redeemed by its owner or is destroyed in accordance with the provisions of this section. Promptly after the impoundment of any such dog, the Commissioner of Conservation and Natural Resources shall cause to be published in at least one paper of general circulation in the county or counties within which said wildlife management area is located a notice wherein said dog is described, the circumstances attending its impoundment are set forth and notice is given that the dog may be redeemed prior to a date which shall not be less than 21 days after said notification in writing or first publication of said notice by furnishing proof of ownership, payment of any fine imposed by the court of local jurisdiction for violation of Section 9-11-305 and the payment of an impoundment charge of \$5.00 to the Department of Conservation and Natural Resources to cover the cost of impounding and advertising said dog and that, unless redeemed by such date, said dog will be destroyed. The above described published notice shall appear in at least two issues of each paper in which it is published, the second appearance to follow the first by

not less than six nor more than 15 days. In addition to such published notice, the Commissioner of Conservation and Natural Resources shall, if the owner of said dog is known, cause a similar written notice to be delivered to said owner promptly after the impoundment of said dog. If, prior to the date set forth in the above described published notice, said dog is redeemed as provided for in said published notice, the Commissioner of Conservation and Natural Resources shall cause said dog to be released and removed from the wildlife management area; but, if said dog be not so redeemed, the Commissioner of Conservation and Natural Resources shall cause said dog to be destroyed.

*(Acts 1939, No. 668, p. 1061, &sect;7; Code 1940, T. 8, &sect;110(7).)*

#### **Section 9-11-307**

#### **Penalties for violations of provisions of article, etc.**

Any person violating any of the provisions of this article or any rule or regulation promulgated by the Commissioner of Conservation and Natural Resources under the authority of this article shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$25.00 nor more than \$100.00 or imprisoned for not less than 30 days nor more than 12 months, or both.

*(Acts 1939, No. 668, p. 1061, &sect;8; Code 1940, T. 8, &sect;110(8).)*

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### **Wildlife in Captivity**

#### **Section 9-11-320**

#### **Definitions.**

For the purpose of this article, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) WILDLIFE. Any wild mammal, wild bird, reptile or amphibian; and

(2) PERSON. Such term includes an individual, firm, corporation, association or partnership.

*(Acts 1971, No. 2246, p. 3602, &sect;1.)*

#### **Section 9-11-321**

#### **Possession of wildlife in captivity for public exhibition purposes.**

No person shall possess any wildlife in captivity for public exhibition purposes, except as provided in this article or any rule or regulation promulgated by the commissioner.

*(Acts 1971, No. 2246, p. 3602, §2.)*

**Section 9-11-322**

**Appointment of committee to study and recommend standards for care and treatment of captive wildlife.**

The Commissioner of Conservation and Natural Resources shall appoint a committee, not to exceed five in number, of recognized experts in the exhibition, conservation, preservation and humane care of public wildlife to study and recommend to him reasonable standards for the care and treatment of captive wildlife for public display purposes, including standards of sanitation.

*(Acts 1971, No. 2246, p. 3602, &sect;2.)*

**Section 9-11-323**

**Promulgation of regulations prescribing standards for care and treatment of captive wildlife.**

The Commissioner of Conservation and Natural Resources shall give due consideration to the recommendations of the committee appointed under Section 9-11-322 and shall issue regulations prescribing reasonable standards for the care and treatment of captive wildlife for public display purposes, including standards of sanitation.

*(Acts 1971, No. 2246, p. 3602, &sect;3.)*

**Section 9-11-324**

**Permits to possess wildlife for public exhibition purposes; contents of applications for permits.**

(a) The Commissioner of Conservation and Natural Resources, upon application of any person qualified by education or experience in the care and treatment of wildlife, may issue an annual permit to such person at a cost of \$25.00, under such terms and conditions as he prescribes, to possess wildlife for public exhibition purposes in accordance with this article and regulations adopted pursuant thereto.

(b) Each application for a permit shall include:

(1) A statement regarding such person's education or experience in the care and treatment of wildlife and that of any individual employed by such person for such purpose;

(2) A description of the facilities used to keep the wildlife in captivity;

(3) A statement of the number of species or subspecies of wildlife to be covered by the permit and a statement relative to where or from whom such wildlife was acquired;

(4) A signed agreement that recommended standards for wildlife exhibitors as promulgated by the Commissioner of Conservation and Natural Resources will be adopted and adhered to; and

(5) Such other information as the Commissioner of Conservation and Natural Resources deems appropriate.

*(Acts 1971, No. 2246, p. 3602, &sect;4.)*

#### **Section 9-11-325**

#### **Condition in permits to allow inspections; notice of and abatement of violations.**

Each permit issued under this article shall include a condition authorizing anyone designated by the Commissioner of Conservation and Natural Resources to enforce this article to enter upon and inspect the facilities where the wildlife covered by such permit is held in captivity. If the Commissioner of Conservation and Natural Resources or his designee uncovers a violation, the Commissioner of Conservation and Natural Resources shall give reasonable time and adequate notice, as he so determines, to the permittee to allow him to abate the violation. If, upon the expiration of such time, the violation has not been abated, the Commissioner of Conservation and Natural Resources may cause an action to be brought in the appropriate court to abate such violation.

*(Acts 1971, No. 2246, p. 3602, &sect;5.)*

#### **Section 9-11-326**

#### **Enforcement of article, standards and provisions of permits.**

Anyone authorized by the Commissioner of Conservation and Natural Resources to enforce this article may, with or without a warrant, arrest any person who violates such provisions or standards in his presence or view and may execute any warrant or other process issued by any officer or court of competent jurisdiction and may, with a search warrant or as incident to a lawful arrest, search for and seize any wildlife possessed in violation of this article or the standards issued thereunder or the provisions of any permit.

*(Acts 1971, No. 2246, p. 3602, &sect;6.)*

#### **Section 9-11-327**

#### **Penalties for violations of article, standards or provisions of permits.**

Anyone who knowingly violates any provision of this article or the standards adopted thereunder or the provisions of any permit shall, upon conviction, be fined not more than \$500.00 or imprisoned for not more than three months, or both.

*(Acts 1971, No. 2246, p. 3602, &sect;6.)*

#### **Section 9-11-328**

#### **Applicability of provisions of article.**

The provisions of the article shall not apply to any municipal, county, state or other publicly owned zoo or wildlife exhibit, privately owned traveling zoo or circus or pet shop.

*(Acts 1971, No. 2246, p. 3602, §7.)*

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### **Hunting Prohibitions**

#### **Section 9-11-500**

**Definitions. THIS SECTION WAS ASSIGNED BY THE CODE COMMISSIONER. IT HAS NOT BEEN CODIFIED BY THE LEGISLATURE.**

For purposes of this article, the following words have the following meanings:

(1) GAME ANIMAL. A species of animal designated by the Commissioner of Conservation and Natural Resources pursuant to Section 9-2-7, as a game or fur-bearing animal, any game or fur-bearing animal that exists historically and naturally in the wild within this state, or any game animal of the species of the family Cervidae (deer) that exists within this state in the wild as a result of the natural expansion of its range prior to May 1, 2006, which are white-tailed deer, fallow deer, and elk.

(2) NONINDIGENOUS ANIMAL. A species of animal, other than birds, that does not exist historically and naturally in the wild within the state or does not exist within the state as a result of the natural expansion of its range.

(3) TAME GAME ANIMAL. An animal that has been held captive as a zoological attraction or exhibit, or any animal, at the time of hunting, not exhibiting the flight characteristics or wariness for the species.

*(Act 2006-109, §1.)*

#### **Section 9-11-501**

**Hunting of native game animals under certain conditions prohibited.**

It shall be unlawful for any person to hunt or kill, attempt to hunt or kill, or offer the opportunity to hunt or kill native game animals or any other animal legally permissible to hunt for a fee or other valuable consideration or for recreation under conditions in which the animal hunted does not have a reasonable opportunity to evade the hunter, including, but not limited to, hunting animals that are tied, staked, hobbled, or caged; animals that have been released from confinement less than 10 days; or animals that are taken by aid of any remote controlled or computer aided device. Hunting of native game animals or any other animal legally permissible to hunt within the confines of an enclosure does not in and of itself constitute a violation provided adequate space and escape cover for the species exist to provide the animals with a reasonable opportunity to evade the hunter.

*(Act 2006-109, §2.)*

**Section 9-11-502**

**Hunting of tame game animals prohibited. THIS SECTION WAS ASSIGNED BY THE CODE COMMISSIONER. IT HAS NOT BEEN CODIFIED BY THE LEGISLATURE.**

It shall be unlawful for any person to hunt or kill, attempt to hunt or kill, or offer the opportunity to hunt or kill any tame game animal for a fee or other valuable consideration or recreation. The promise or guarantee of, or contract for, killing an individual tame game animal, shall be prima facie evidence of a violation of this article.

*(Act 2006-109, §3.)*

**Section 9-11-503**

**Hunting of nonindigenous animals prohibited. THIS SECTION WAS ASSIGNED BY THE CODE COMMISSIONER. IT HAS NOT BEEN CODIFIED BY THE LEGISLATURE.**

(a) It shall be unlawful for any person to hunt or kill, attempt to hunt or kill, or offer the opportunity to hunt or kill any species of animal nonindigenous to the state including, but not limited to, any species of African or Asian lion, tiger, or elephant for a fee or other valuable consideration or for recreation.

(b) This section does not apply to feral swine or to any species of animal deemed a nuisance by the Commissioner of Conservation and Natural Resources, nor to any nonindigenous animal lawfully brought into this state prior to May 1, 2006, or their offspring; provided the owner of the nonindigenous animal provides written notice to the commissioner of the ownership and location of the species.

*(Act 2006-109, §4.)*

**Section 9-11-504**

**Hunting of pen-raised birds. THIS SECTION WAS ASSIGNED BY THE CODE COMMISSIONER. IT HAS NOT BEEN CODIFIED BY THE LEGISLATURE.**

Nothing in this article shall prohibit the hunting of pen-raised birds by properly licensed hunters or by properly licensed persons engaged in the training of bird dogs, or by persons engaged in bird dog field trials as provided by law or rules promulgated by the Commissioner of Conservation and Natural Resources.

*(Act 2006-109, §5.)*

**Section 9-11-505**

**Penalties. THIS SECTION WAS ASSIGNED BY THE CODE COMMISSIONER. IT HAS NOT BEEN CODIFIED BY THE LEGISLATURE.**

Any person, firm, corporation, or association that violates Sections 9-11-500 to 9-11-504, inclusive, of this article shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than two thousand dollars (\$2,000) nor more than five thousand dollars (\$5,000), and may be imprisoned in the county jail for a period of not more than 30 days for each offense. A second and subsequent offense shall be punishable by a fine of not less than five thousand dollars (\$5,000), and by imprisonment in the county jail for not less than 10 nor more than 30 days.

*(Act 2006-109, §6.)*

**Section 11-45-9.1**

**Issuance of summons and complaint in lieu of arrest for violation of certain ordinances; procedure; schedule of fines; additional penalty for failure to appear; disposition of fines.**

(a) By ordinance, the governing body of any municipality may authorize any law enforcement officer of a municipality or any law enforcement officer of the state, in lieu of placing persons under custodial arrest, to issue a summons and complaint to any person charged with violating any municipal littering ordinance; municipal ordinance which prohibits animals from running at large, which shall include leash laws and rabies control laws; or any Class C misdemeanor or violation not involving violence, threat of violence or alcohol or drugs.

(b) Such summons and complaint shall be on a form approved by the governing body of the municipality and shall contain the name of the court; the name of the defendant; a description of the offense, including the municipal ordinance number; the date and time of the offense; the place of the offense; signature of the officer issuing the citation; the scheduled court date and time; an explanation to the person cited of the ways in which he may settle his case; and a signature block for the magistrate to sign upon the officer's oath and affirmation given prior to trial.

(c) Whenever any person is arrested for a violation of any of the enumerated offenses, the arresting officer shall take the name and address of such person and any other identifying information and issue a summons and complaint to the person charged. Such officer shall release the person from custody upon his written promise to appear in court at the designated time and place as evidenced by his signature on the summons and complaint, without any condition relating to the deposit of security.

(d) If any person refuses to give a written recognizance to appear by placing his signature on the summons and complaint, the officer shall take that person into custody and bring him before any officer or official who is authorized to approve bond.

(e) Before implementation of the summons and complaint procedure, the governing body shall adopt a schedule of fines for first, second and subsequent offenders of the alleged violation of such ordinances, which shall be posted in a place conspicuous to the public within the court clerk's office and the police department.

(f)(1) When a person is charged with one of the enumerated ordinance violations, he may elect to appear before the municipal court magistrate, or where the municipal court has been abolished, the district court magistrate, within the time specified in the summons and complaint, and upon entering a plea of guilty, pay the fine and court costs. A plea of guilty shall only be accepted by the magistrate after the defendant has executed a notice and waiver of rights form.

(2) In the alternative, the defendant shall have the option of depositing the required bail, and upon a plea of not guilty, shall be entitled to a trial as authorized by law.

(g) The court clerk or magistrate shall receive and issue receipts for cash bail from persons who wish to be heard in court; enter the time of their appearance on the court docket; and notify the arresting officer and witnesses, if any, to be present.

(h) If the defendant fails to appear as specified in the summons and complaint, the judge or magistrate having jurisdiction of the offense may issue a warrant for his arrest commanding that he be brought before the court to answer the charge contained on the summons and complaint. In addition, any person who willfully violates his written promise or bond to appear, given in accordance with this section, shall be guilty of the separate offense of failing to appear, a misdemeanor, regardless of the disposition of the charge upon which he was originally arrested.

(i) All fines and forfeitures collected upon a conviction or upon the forfeiture of bail of any person charged with a violation of such ordinances, shall be remitted to the general fund of the municipality; provided, however, fines, forfeitures and court costs assessed and collected in district court shall be distributed as now provided by law.

*(Acts 1989, No. 89-954, §§1-9; Acts 1992, No. 92-588, p. 1212, §1.)*

**Section 23-1-387**

**Use of aircraft for hunting, prohibited.**

A person may not hunt, pursue, harass, wound, kill, or otherwise harm any wild waterfowl or other birds or animals by any means whatever during the time the person is on any kind of aircraft. Violation of this section is a Class C misdemeanor.

*(Act 2000-220, p. 328, §40.)*

**Penalties for Killing a Police Dog**

**Section 13A-11-15**

**Killing a dog used by a peace officer; penalty; exception.**

No person shall intentionally, knowingly, recklessly or with criminal negligence kill a dog used by a peace officer to perform tasks within the line and scope of said officer's duties. For the purposes of this section the term "peace officer" shall have the meaning prescribed in Section 36-30-1. Any person who violates the provisions of this section shall, upon conviction, be guilty of a Class C felony as defined by this Code. The provisions of this section shall not apply to any person who violates the provisions of this section during the course of an orderly demonstration or activity in pursuit of one's civil rights.

*(Acts 1989, No. 89-939, p. 1847, §1.)*

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**Cruelty to Animals**

**Section 13A-11-14**

**Cruelty to animals.**

(a) A person commits the crime of cruelty to animals if, except as otherwise authorized by law, he intentionally or recklessly:

- (1) Subjects any animal to cruel mistreatment; or
- (2) Subjects any animal in his custody to cruel neglect; or
- (3) Kills or injures without good cause any animal belonging to another.

(b) Cruelty to animals is a Class B misdemeanor.

*(Acts 1977, No. 607, p. 812, §5565.)*

**Section 13A-11-240**

**Definitions.**

(a) The word "torture" as used in this article 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.

(b) The word "cruel" as used in this article shall mean: Every act, omission, or neglect, including abandonment, where unnecessary or unjustifiable pain or suffering, including abandonment, is caused or where unnecessary pain or suffering is allowed to continue.

(c) The words "dog or cat" as used in this article shall mean any domesticated member of the dog or cat family.

*(Act 2000-615, &sect; 1.)*

**Section 13A-11-241**

**Cruelty in first and second degrees.**

(a) A person commits the crime of cruelty to a dog or cat in the first degree if he or she intentionally tortures any dog or cat or skins a domestic dog or cat or offers for sale or exchange or offers to buy or exchange the fur, hide, or pelt of a domestic dog or cat. Cruelty to a dog or cat in the first degree is a Class C felony. A conviction for a felony pursuant to this section shall not be considered a felony for purposes of the Habitual Felony Offender Act, Section 13A-5-9 to 13A-5-10.1, inclusive.

(b) A person commits the crime of cruelty to a dog or cat in the second degree if he or she, in a cruel manner, overloads, overdrives, deprives of necessary sustenance or shelter, unnecessarily or cruelly beats, injures, mutilates, or causes the same to be done. Cruelty to a dog or cat in the second degree is a Class A misdemeanor.

*(Act 2000-615, p. 1252, §2.)*

**Section 13A-11-242**

**Appointment of agents.**

Any county or municipality may appoint one or more trained agents to inspect alleged violations of this article, to protect dogs or cats from any cruelty charged, and to prevent any cruelty to any dog or cat. Any appointment made pursuant to this section shall be made at a meeting of the local governing body duly called with notice.

*(Act 2000-615, p. 1252, §3.)*

**Section 13A-11-243**

**Powers if agents, officers; liability.**

(a) Any law enforcement officer and any agent of the county or the municipality appointed pursuant to Section 13A-11-242, having reasonable belief, evidence of, or having found a dog or cat to be neglected or cruelly treated may perform either of the following:

(1) Remove the dog or cat from its present location.

(2) Order the owner of the dog or cat to provide certain care to the dog or cat at the owner's expense without the removal of the dog or cat from its present location.

(b) Neither the county or municipality, nor any employee or agent of the county or municipality, acting in good faith, shall be liable for any actions taken under this section, regardless of whether or not the dog or cat is returned to its owner after impoundment.

*(Act 2000-615, p. 1252, §4.)*

**Section 13A-11-244**

**Hearing.**

(a) The law enforcement officer or any agent of the county or of the municipality, without the requirement of any fee or charge for court costs, shall immediately petition the municipal court if the violation involves a municipal ordinance or the district court in the county in which the dog or cat is found for a hearing to be set within 20 days of seizure of the dog or cat or issuance of the order to provide care. The hearing shall be held not more than 10 days after the setting of the date to determine whether the owner, if known, is able to provide adequately and protectively for the dog or cat and is fit to have custody of the dog or cat. The hearing shall be concluded and the court order entered within 30 days after the date the hearing is commenced.

(b) The owner, at least five days prior to holding such a hearing, shall be notified of the date of the hearing to determine if the owner is able to provide adequately and protectively for the dog or cat and is fit to have custody of the dog or cat.

*(Act 2000-615, p. 1252, §5.)*

**Section 13A-11-245**

**Disposition of animal.**

(a) The law enforcement officer or agent of the county or municipality may provide for the dog or cat until either the dog or cat is returned to the owner by the court, or the court refuses to return the dog or cat to the owner and implements one of the procedures pursuant to subsection (c).

(b) If the owner is adjudged by the court, with certification from a licensed veterinarian, to be able to provide adequately for and have custody of the dog or cat, the dog or cat shall be returned to the owner.

(c) If the court determines that the owner of the dog or cat is unable, unwilling, or unfit to adequately provide for, protect, and have custody of the dog or cat, the court may implement the following by court order:

(1) Upon the testimony of the person taking custody, a licensed veterinarian, or another qualified witness that the dog or cat requires destruction or other disposition for humane reasons or is of no commercial value, order the dog or cat destroyed or remanded directly to the custody of the dog or cat control, humane shelter, or similar facility designated by the county or the municipality or other appropriate person to be disposed of by the facility or person in a humane manner.

(2) Upon proof of the costs incurred by the agent or agency having custody of the dog or cat, order that the owner pay any costs incurred for the care of the dog or cat and for any costs incurred in destroying the dog or cat. A separate hearing may be held by the judge of the district court on the assessment of costs, which assessment shall include all costs of notice and hearing. In the event the court finds the owner innocent of charges, the owner shall not be charged with costs of the care of the dog or cat in custody.

(d) If the court determines that the owner is unable, unwilling, or unfit to adequately provide for and protect any other dog or cat in the custody of the owner that was not originally seized by the agency, agent, or other person when the dog or cat in custody was seized, the court may enjoin the owner of further possession or custody of the unseized dog or cat.

*(Act 2000-615, p. 1252, §6.)*

#### **Section 13A-11-246**

#### **Applicability.**

This article shall not apply to any of the following persons or institutions:

(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.

(5) A person who uses a training device, anti-bark collar, or an invisible fence on his or her own dog or cat or with permission of the owner.

*(Act 2000-615, p. 1252, §7.)*

#### **Section 13A-11-247**

#### **Construction.**

This article shall not be construed to repeal other criminal laws. Whenever conduct prescribed by any provision of this article is also prescribed by any other provision of law, the provision which carries the more serious penalty shall be applied.

*(Act 2000-615, p. 1252, §8.)*

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#### **Cockfighting**

#### **Section 13A-12-4**

#### **Keeping cockpit; cockfighting.**

Any person who keeps a cockpit or who in any public place fights cocks shall, on conviction, be fined not less than \$20.00 nor more than \$50.00.

*(Code 1896, §4425; Code 1907, §6467; Code 1923, §3568; Code 1940, T. 14, §96; Code 1975, §13-6-13.)*

#### **Unlawful Bear Exploitation**

#### **Section 13A-12-5**

#### **Unlawful bear exploitation; penalties.**

(a) A person commits the offense of unlawful bear exploitation if he or she knowingly does any one of the following:

(1) Promotes, engages in, or is employed at a bear wrestling match.

(2) Receives money for the admission of another person to a place kept for bear wrestling.

(3) Sells, purchases, possesses, or trains a bear for bear wrestling.

(4) For purposes of exploitation, subjects a bear to surgical alteration in any form, including, but not limited to, declawing, tooth removal, and severing tendons.

(b) Unlawful bear exploitation is a Class B felony and is punishable as provided by law.

(c) Upon the arrest of any person for violating this section, the arresting law enforcement officer, conservation officer, or animal control officer shall have authority to seize and take custody of any bear in the possession of the arrested person.

(d) Upon the conviction of any person for violating the provisions of this section, any court of competent jurisdiction shall have authority to order the forfeiture by the convicted person of any bear, the use of which was the basis of the conviction. Any bears ordered forfeited under this section shall be placed in the custody of a humane shelter, a society that is incorporated for the prevention of cruelty to animals, or the state Department of Conservation and Natural Resources.

(e) In addition to the fines, penalties, and forfeitures imposed under this section, the court may require the defendant to make restitution to the state, any of its political subdivisions, or a humane shelter or a society that is incorporated for the prevention of cruelty to animals for housing, feeding, or providing medical treatment to bears used for unlawful wrestling.

*(Acts 1996, No. 96-468, p. 581, §1.)*

## **Hog-Dog Fighting**

### **Section 13A-12-6**

**Hog and canine fighting. THIS SECTION WAS ASSIGNED BY THE CODE COMMISSIONER. IT HAS NOT BEEN CODIFIED BY THE LEGISLATURE.**

(a) As used in this section, the term "hog" shall mean a pig, swine, or boar.

(b) The crime of hog and canine fighting occurs when a person organizes or conducts any commercial or private event, commonly referred to as a "catch," wherein there is a display of combat or fighting between one or more domestic or feral canines and feral or domestic hogs and in which it is intended or reasonably foreseeable that the canines or hogs would be injured, maimed, mutilated, or killed.

(c) The crime of hog and canine fighting occurs when a person intentionally does any of the following for the purpose of organizing, conducting, or financially or materially supporting any event as provided in subsection (b):

(1) Finance, commercially advertise, sell admission tickets, or employ persons.

(2) Own, manage, or operate any facility or property.

(3) Supply, breed, train, or keep canines or hogs.

(4) Knowingly purchase tickets of admission.

(d) This section shall not apply to the lawful hunting of hogs with canines or the use of canines for the management, farming, or herding of hogs which are livestock or the private training of canines for the purposes enumerated in this subsection provided that such training is conducted in the field and is not in violation of this section.

(e) A violation of this section is a Class A misdemeanor upon conviction for a first offense. A second or subsequent violation is a Class C felony. After a first violation, a judge shall inform the defendant of the enhanced penalty upon a second or subsequent violation.

*(Act 2006-353, §1.)*

## **Animals in Pornography**

### **Section 13A-12-200.1**

#### **Definitions.**

As used in this division, the following terms shall have the meanings respectively ascribed to them by this section:

(1) **ADULT BOOKSTORES and ADULT VIDEO STORES.** A commercial establishment in which is offered for sale or rent any book, video, film, or other medium which in the aggregate constitute substantially all of its stock or inventory which depicts sexual conduct as defined herein.

(2) **ADULT MOVIE HOUSE.** A place where obscene "adult films" depicting sexual conduct are shown.

(3) **ADULT-ONLY ENTERTAINMENT.** Any commercial establishment or private club where entertainers, employees, dancers, or waiters appear nude or semi-nude.

(4) **BREAST NUDITY.** The showing of the post-pubertal human female breasts below a point immediately above the top of the areola.

(5) **DISPLAY FOR SALE.** To expose, place, exhibit, show, or in any fashion display any material for the purpose of the sale of such material to any person in a manner that a minor can physically examine or see the material.

(6) **DISSEMINATE PUBLICLY.** To expose, place, perform, exhibit, show or in any fashion display, in any location, public or private, any material in a manner that the material can either be readily seen and its content or character distinguished by normal unaided vision or be physically examined, by viewing or examining the material from any public place or any place to which members of the general public are invited.

(7) **DISTRIBUTE.** To import, export, sell, rent, lend, transfer possession of or title to, display, exhibit, show, present, provide, broadcast, transmit, retransmit, communicate by telephone, play, orally communicate or perform.

(8) **EXPORT.** To send or cause to be sent outside of the State of Alabama from inside the state.

(9) **FOR ANY THING OF PECUNIARY VALUE.** In exchange for, in return for, or for any consideration consisting of, whether wholly or partly:

a. Any money, negotiable instrument, debt, credit, chose in action, interest in wealth, or any other property whether real or personal, tangible or intangible; or

b. Any offer or agreement to pay, furnish or provide any money, negotiable instrument, debt, credit, chose in action, interest in wealth, or any other property whether real or personal, tangible or intangible.

(10) **GENITAL NUDITY.** The showing of the human male or female genitals or pubic area.

(11) **HARMFUL TO MINORS.** The term means:

a. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest of minors; and

b. The material depicts or describes sexual conduct, breast nudity or genital nudity, in a way which is patently offensive to prevailing standards in the adult community with respect to what is suitable for minors; and

c. A reasonable person would find that the material, taken as a whole, lacks serious literary, artistic, political or scientific value for minors.

(12) **IMPORT.** To bring or cause to be brought into the State of Alabama from outside of the state.

(13) **KNOWINGLY.** The term means knowingly, as defined by Section 13A-2-2(2), doing an act involving a material when the person knows the nature of the material.

(14) **KNOWS THE NATURE OF THE MATERIAL.**

A person knows the nature of the material when any one of the following exists:

- a. The person knows the nature of the material;
- b. The person has reason to know the nature of the material;
- c. The person has a belief or reasonable ground for belief as to the nature of the material which warrants further inspection or inquiry of the character and content of the material.

(15) **MATERIAL.** Any book, magazine, newspaper, printed or written matter, writing, description, picture, drawing, animation, photograph, motion picture, film, video tape, pictorial representation, depiction, image, electrical or electronic reproduction, broadcast, transmission, telephone communication, sound recording, article, device, equipment, matter, oral communication, live performance, or dance.

(16) **MINOR.** Any unmarried person under the age of 18 years.

(17) **OBSCENE.** The term means that:

- a. The average person, applying contemporary community standards, would find that the material, taken as a whole, appeals to the prurient interest; and
- b. The material depicts or describes, in a patently offensive way, sexual conduct, actual or simulated, normal or perverted; and
- c. A reasonable person would find that the material, taken as a whole, lacks serious literary, artistic, political or scientific value.

(18) **PERSON.** Any individual and, except where inappropriate, any partnership, firm, association, corporation or other legal entity.

(19) **PRODUCE.** Create, make, write, film, produce, reproduce, direct, or stage.

(20) **RECKLESSLY.** The term means recklessly, as defined by Section 13A-2-2(3), doing an act involving a material when the person knows the nature of the material.

(21) **SADO-MASOCHISTIC ABUSE.** The term means:

a. Flagellation or torture, in an act of sexual stimulation, by or upon a person who is nude or clad in undergarments or in a revealing or bizarre costume; or

b. The binding or physical restraining of a person who is nude or clad in undergarments or in a revealing or bizarre costume in an act of sexual stimulation.

(22) SEXUAL CONDUCT. The term means:

a. Any act of sexual intercourse, masturbation, urination, defecation, lewd exhibition of the genitals, sado-masochistic abuse, bestiality, or the fondling of the sex organs of animals; or

b. Any other physical contact with a person's unclothed genitals, pubic area, buttocks, or the breast or breasts of a female, whether alone or between members of the same or opposite sex or between a human and an animal, in an act of sexual stimulation, gratification or perversion.

(23) SEXUAL INTERCOURSE. Intercourse, whether genital-genital, oral-genital, anal-genital, or oral-anal, and whether between persons of the same or opposite sex or between a human and an animal.

(24) WHOLESALER. A person who distributes material for the purpose of resale or commercial distribution at retail.

*(Acts 1989, No. 89-402, p. 791, §3; Act 98-467, p. 893, §6.)*

## **Animal Theft**

### **Section 15-8-34**

#### **Description of animal in indictment for offense concerning same.**

In an indictment for the larceny of any animal or for any other public offense committed in reference to any animal, it is sufficient to describe the animal by such name as, in common understanding, embraces it, without designating its sex.

*(Code 1852, §588; Code 1867, §4138; Code 1876, §4812; Code 1886, §4382; Code 1896, §4910; Code 1907, §7148; Code 1923, §4543; Code 1940, T. 15, §246.)*

## **Animals in Trusts**

### **Section 19-3B-408**

**Trust for care of animal. THIS SECTION WAS ASSIGNED BY THE CODE COMMISSIONER. IT HAS NOT BEEN CODIFIED BY THE LEGISLATURE.**

(a) A trust may be created to provide for the care of an animal alive during the settlor's lifetime. The trust terminates upon the death of the animal or, if the trust was created to provide for the care of more than one animal alive during the settlor's lifetime, upon the death of the last surviving animal.

(b) A trust authorized by this section may be enforced by a person appointed in the terms of the trust or, if no person is so appointed, by a person appointed by the court. A person having an interest in the welfare of the animal may request the court to appoint a person to enforce the trust or to remove a person appointed.

(c) Property of a trust authorized by this section may be applied only to its intended use, except to the extent the court determines that the value of the trust property exceeds the amount required for the intended use. Except as otherwise provided in the terms of the trust, property not required for the intended use must be distributed to the settlor, if then living, otherwise to the settlor's successors in interest.

*(Act 2006-216, §1.)*

## **Guide Dogs**

### **Section 3-1-7**

#### **Refusal to permit dog guide to accompany blind person into place of public accommodation, etc.**

No owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation, amusement or recreation, including, but not limited to, any inn, hotel, restaurant, eating establishment, barbershop, billiard parlor, store, public conveyance, theater, motion-picture house, public educational institution, or elevator shall refuse to permit a guide dog to accompany a blind person entering the place or making use of the accommodations available when the blind person is being led by the guide dog; if the guide dog is wearing a harness; and the blind person presents for inspection credentials issued by an accredited school for training guide dogs or the dog is being trained by a person employed by an accredited school for training guide dogs. Any person who violates this section shall be guilty of a misdemeanor and, upon conviction shall be fined an amount not to exceed fifty dollars (\$50).

*(Acts 1967, No. 518, p. 1242; Act 99-698, 2nd. Sp. Sess., p. 207, §1.)*

### **Section 21-7-4**

**Right of blind or partially blind persons or hearing-impaired persons to be accompanied by guide or hearing dog.**

Every totally or partially blind person shall have the right to be accompanied by a guide dog, especially trained for the purpose, and every hearing-impaired person shall have the right to be accompanied by a hearing dog, especially trained for the purpose, and every person employed by an accredited school for training guide dogs shall have the right to be accompanied by a guide dog in training in any of the places listed in Section 21-7-3 without being required to pay an extra charge for the dog however, the person shall be liable for any damages done to the premises or facilities by the dog.

*(Acts 1975, No. 869, p. 1711, §2; Acts 1982, No. 82-527, p. 877, § 1; Act 99-698, 2nd Sp. Sess., p. 298, §1; Act 2001-344, p. 446, §1.)*

**Section 21-7-5**

**Penalty for denial of or interference with enumerated rights.**

Any person, firm or corporation, or the agent of any person, firm or corporation, who denies or interferes with admittance to or enjoyment of the public facilities enumerated in Sections 21-7-2 and 21-7-3 or otherwise interferes with the rights of a totally or partially blind or otherwise disabled person under Sections 21-7-2 through 21-7-4 shall be guilty of a misdemeanor.

*(Acts 1975, No. 869, p. 1711, §4.)*

**Section 21-7-6**

**Duty of drivers to pedestrians carrying cane or accompanied by guide dog.**

The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white or metallic in color, with or without a red tip, or using a guide dog, or a person employed by an accredited school for training guide dogs who provides notice through a sign or other method that he or she is training a dog as a guide dog shall take all necessary precautions prescribed by law to avoid injury to the blind pedestrian, and the dog trainer. Any driver who fails to take all necessary precautions shall be liable in damages for any injury caused the pedestrian, or the guide dog trainer.

*(Acts 1975, No. 869, p. 1711, §3; Act 99-698, 2nd Sp. Sess., p. 298, §1.)*

**Section 21-7-7**

**Rights of blind persons not using cane or guide dog; failure to use cane or guide dog not evidence of contributory negligence.**

A totally or partially blind pedestrian not carrying a cane as described in Section 21-7-6 or any totally or partially blind person not using a guide dog in any of the places, accommodations or conveyances listed in Sections 21-7-2 and 21-7-3 shall have all of the rights and privileges conferred by law upon other persons, and the failure of a totally or partially blind pedestrian to carry such a cane or of a totally or partially blind person to use a guide dog in any such places, accommodations or conveyances shall not be held to constitute nor be evidence of contributory negligence.

*(Acts 1975, No. 869, p. 1711, §3.)*

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## **Destruction and Disposal of Animals**

### **Section 22-10-3**

#### **Summary destruction of property without compensation.**

When such nuisance consists of one or more of the diseased animals mentioned in this chapter, or of insanitary clothing or bedding, furniture, vehicles, containers, receptacles or appliances, or of unwholesome or decayed or infected meats, fish, fruits or other foods or foodstuffs, medicines, drugs or beverages or consists of personal property of small value and which nuisance, in the opinion of the county board of health, should be abated by destroying rather than curing, cleansing or disinfecting the animal or animals or thing or material involved; or consists of equipment which by reason of its nature cannot be used without being such a nuisance; or consists of a privy of an insanitary or improper type, the county board of health shall, if after a careful investigation of the facts it considers such a course necessary for the protection of the public health, adjudicate such animal or animals, or things or material involved or such privy, as the case may be, to be such nuisance and order its summary destruction without compensation to the owner thereof; and thereupon, the county health officer shall proceed with such destruction in such manner as reasonably to avoid danger of infection.

*(Acts 1919, No. 658, p. 909; Code 1923, §1138; Code 1940, T. 22, §77.)*

### **Section 22-20-8**

#### **Depositing dead animals or nauseous substances in water supplies.**

It shall be unlawful for any person to knowingly deposit any dead animal or nauseous substance in any source, standpipe or reservoir from which water is supplied to any city or town of this state or in any private well, spring, reservoir, tank, vessel or receptacle. Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding \$500.00 and may be sentenced to hard labor for the county not exceeding one year.

*(Code 1896, §5331; Code 1907, §7875; Code 1923, §5610; Code 1940, T. 22, §133.)*

#### Section 22-20-9

##### **Depositing dead animals or fowl in running streams.**

Any person who deposits the body of a dead animal or fowl in any running stream must, on conviction, be fined \$10.00, and one half of the fine must go to the informer.

*(Code 1867, §4435; Code 1876, §1728; Code 1886, §1464; Code 1896, §5330; Code 1907, §7874; Code 1923, §5609; Code 1940, T. 22, §132.)*

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#### **Animals and Airports**

##### Section 23-1-385

##### **Domestic animals or fowl on airports.**

An owner or keeper of any domestic animal or fowl may not allow a domestic animal or fowl to run at-large and enter or be upon any premises constituting an airport, restricted landing area, or other aeronautical facility. Violation of this section is a Class C misdemeanor.

*(Act 2000-220, p. 328, §38.)*

#### **Underground Stables**

##### Section 25-9-153

##### **Underground stables.**

No underground stables shall be constructed or used in coal mines after August 12, 1949, and straw for bedding or hay for feeding animals shall not be sent into coal mines. This does not apply to mines stabling animals underground on August 12, 1949. Rules for preventing fires and for maintenance of such stables and for handling straw and hay shall be prescribed in writing by the chief. Failure to comply with these rules shall constitute a violation of this chapter.

*(Acts 1949, No. 207, p. 242, §36.)*

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#### **Riding of Animals on Roadways**

##### Section 32-5-249

### **Reflective devices for slow-moving vehicles - Bicycles or ridden animals.**

The provisions of Sections 32-5-246 through 32-5-251 shall not apply to bicycles or to ridden animals.

*(Acts 1971, No. 1186, p. 2048, §4.)*

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### **Section 32-5A-5**

### **Persons riding animals or driving animal-drawn vehicles.**

Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions of this chapter, which by their very nature can have no application.

*(Acts 1980, No. 80-434, p. 604, §1-104.)*

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### **Veterinarian Rights in Regards to Client Animals**

### **Section 35-11-390**

### **Lien declared.**

Every veterinarian duly licensed to practice veterinary medicine and surgery in the state of Alabama who holds a certificate of qualification as provided by chapter 29 of Title 34 shall have a lien on every animal kept, fed, treated or surgically treated or operated on by him while in his custody and under contract with the owner of such animal, for payment of his charges for keeping, feeding, treating or surgically treating or operating on such animal, and he shall have the right to retain such animal until said charges are paid.

*(Acts 1961, No. 718, p. 1026, §1.)*

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### **Section 34-29-86**

### **Disposition of abandoned animals; notice to owner or agent; financial liability of owner or agent.**

(a) Any animal placed in the custody of a licensed veterinarian for the treatment, boarding, or other care which shall be unclaimed by its owner or his or her agent for a period of more than 10 days after written notice by registered or certified mail, return receipt requested, to the owner or his or her agent at his or her last known address shall

be deemed to be abandoned and may be turned over to the nearest humane society or dog pound or sold to collect the lien pursuant to Sections 35-11-390 and 35-11-391.

(b) The giving of notice to the owner or the agent of the owner of the animal by the licensed veterinarian as provided in subsection (a) shall relieve the licensed veterinarian and custodian to whom the animal may be given of any further liability for disposal.

(c) For the purpose of this article, the term abandoned shall mean to forsake entirely, to neglect, or refuse to provide or perform the legal obligations for care and support of an animal by its owner or his or her agent. The abandonment shall constitute the relinquishment of all his or her rights and claims by the owner to the animal.

(d) The disposal of an abandoned animal shall not relieve the owner or agent thereof of any financial obligation incurred for treatment, boarding, or care by the veterinarian.

*(Acts 1986, No. 86-500, p. 956, §27; Acts 1997, No. 97-249, p. 431, §1.)*

## **Euthanasia of Animals**

### **Section 3-1-8**

#### **Destruction of certain abandoned animals by members, etc., of societies for prevention of cruelty to animals.**

Any agent, officer or member of a duly incorporated society for the prevention of cruelty to animals may lawfully destroy or cause to be destroyed any animal found abandoned and not properly cared for which may appear, in the judgment of two reputable citizens called by him to view the same in his presence, to be superannuated, infirm, glandered, injured or diseased past recovery for any useful purpose.

*(Code 1896, §422; Code 1907, §2833; Code 1923, §6074; Code 1940, T. 3, §7.)*

### **Section 13A-11-16**

#### **Greyhounds used for racing to be put to death by lethal injection.**

(a) It is the intent of the Legislature that animals that participate in greyhound racing on which pari-mutual wagering is conducted and animals that are bred and trained for greyhound racing be treated humanely, both on and off the racetrack, throughout the lives of the animals.

(b) A greyhound bred, trained, or used for greyhound racing may not be put to death by any means other than lethal injection. A greyhound may not be removed from this state for the purpose of being destroyed.

(c)(1) Any person who violates this section on the first offense shall be guilty of a Class C misdemeanor.

(2) A person who violates this section on a second or subsequent offense shall be guilty of a Class A misdemeanor.

*(Act 2003-340, p. 849, §§1-3.)*

**Section 34-29-130**

**Permit to purchase, possess, and use certain agents for euthanizing animals.**

(a) The State Board of Veterinary Medical Examiners, hereinafter called the board, shall adopt rules providing for the issuance of permits authorizing the purchase, possession, and use of sodium pentobarbital, sodium pentobarbital with lidocaine, or other similar agents at facilities approved by the board that are operated for the collection and care of stray, neglected, abandoned, or unwanted dogs and cats, or federally licensed wildlife rehabilitation centers, for the purpose of euthanizing injured, sick, or abandoned animals which are in their lawful possession. The rules shall set forth guidelines for the proper storage and handling of the substances and other provisions as may be necessary to ensure that these drugs are used solely for the purpose set forth in this section. The rules shall also provide for an application or inspection fee and an annual renewal fee.

(b) Any facility approved by the board that operates for the collection and care of stray, neglected, abandoned, or unwanted dogs and cats, or a federally licensed wildlife rehabilitation center may apply to the board for a permit to purchase, possess, and use sodium pentobarbital and sodium pentobarbital with lidocaine pursuant to subsection (a). Upon certification by the board that the applicant meets the qualifications set forth in the rules, a permit shall be issued.

(c) The board may revoke or suspend the permit upon a determination that the permittee is using the scheduled substances for any purpose other than that set forth in this section or if the permittee fails to follow the rules of the board regarding proper storage and handling of the substance.

*(Act 2004-523, §1.)*

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**Section 34-29-131**

**Injectable agents; inhalant agents; who may perform euthanasia.**

(a) The board may provide by rule that sodium pentobarbital, a sodium pentobarbital derivative, or other agent that acts on the central nervous system shall be the only injectable agents for euthanasia of dogs and cats at facilities approved by the board that

are operated for the collection and care of stray, neglected, abandoned, or unwanted dogs and cats.

(b) The board shall promulgate rules providing for the use of carbon monoxide, CO, and inhalant anesthetics as an acceptable alternative to the injectable agents for individual animals or mass euthanasia in small animals. Rules shall include provisions for the type of chamber and gas used, training and inspection requirements, humane comfort of animals, and safety precautions for personnel.

(c) Euthanasia shall be performed only by a licensed veterinarian or an employee or agent of a facility approved by the board that is operated for the collection and care of stray, neglected, abandoned, or unwanted animals, provided the employee or agent has successfully completed a euthanasia technician certification course. The curriculum for the course shall be approved by the board and shall include, at a minimum, all of the following:

- (1) The pharmacology, proper administration, and storage of euthanasia solutions.
- (2) Federal and state laws regulating the storage and accountability of scheduled drugs.
- (3) OSHA Safety and Material Safety Data Sheet Regulations.
- (4) Euthanasia stress management.
- (5) Proper disposal of euthanized animals.

(d) Notwithstanding the foregoing, a licensed veterinary technician, in accordance with Section 34-29-94, and regulations adopted pursuant thereto, who is an employee or agent of a licensed veterinarian or animal shelter as defined in Section 34-29-130, may perform euthanasia without completing the certification course required by subsection (c).

*(Act 2004-523, §2.)*

#### **Section 34-29-132**

##### **Euthanasia in emergency situation.**

Whenever an emergency situation exists which requires the immediate euthanasia of an injured, diseased, or dangerous animal, a law enforcement officer, a veterinarian, or an agent or designee of a local animal control unit may humanely destroy the animal, as provided herein.

(1) Whenever any domestic animal is so injured or diseased as to appear useless and is in a suffering condition, and it reasonably appears to any officer that the animal is imminently near death and cannot be cured or rendered fit for service, and the officer has made a reasonable and concerted, but unsuccessful, effort to locate the owner, the owner's agent, or a veterinarian, then the officer, acting in good faith and upon reasonable belief,

may immediately destroy the animal by shooting the animal or injecting the animal with a barbiturate drug. If the officer locates the owner or the owner's agent, the officer shall notify the owner or the owner's agent of the animal's location and condition. If the officer locates only a veterinarian, the officer shall destroy the animal only upon the advice and recommendation of the veterinarian.

(2) In the absence of negligence, wantonness, or willful conduct, no officer or veterinarian acting in good faith and with due care pursuant to this article may be held liable either criminally or civilly for euthanizing an animal, nor shall any civil or criminal liability attach to the employer of the officer or veterinarian.

(3) A court order shall not be necessary to carry out the provisions of this section.

*(Act 2004-523, §3.)*

#### **Section 34-29-133**

#### **Animals not to be left unattended until death; disposal of body upon confirmation of death.**

No animal may be left unattended between the time euthanasia procedures are first begun and the time that death occurs, nor may the body of the animal be disposed of until death has been confirmed by a euthanasia technician or other qualified person as defined by this chapter.

*(Act 2004-523, §4.)*

#### **Section 34-29-134**

#### **Violations of article.**

(a) The Attorney General may bring action to enjoin any violation of this article.

(b) Any person who violates this article shall be guilty of a Class B misdemeanor and upon conviction shall be punished as provided by law.

*(Act 2004-523, §§5, 6.)*

#### **Section 34-29-135**

#### **Relation to Section 34-29-94.**

Notwithstanding the provisions of Section 34-29-94, this article shall prevail in all cases in which there is a direct conflict.

*(Act 2004-523, §9.)*

## **Liens on Boarding Animals**

### **Section 35-11-71**

#### **Lien on birds or animals for feeding, boarding or training.**

The owner, keeper or proprietor of any premises kept for grazing, feeding, boarding, training or confining birds or animals for another shall have a lien on all such birds or animals so kept, fed, boarded or trained, located or confined for the payment of his charges, and shall have the right to retain the same and enforce his lien in the manner prescribed by section 35-11-70 for enforcement of liens on stock.

*(Acts 1961, Ex. Sess., No. 237, p. 2250.)*

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## **Common Law of England**

### **Section 1-3-1**

#### **Common law of England adopted.**

The common law of England, so far as it is not inconsistent with the Constitution, laws and institutions of this state, shall, together with such institutions and laws, be the rule of decisions, and shall continue in force, except as from time to time it may be altered or repealed by the Legislature.

*(Code 1907, §12; Code 1923, §14; Code 1940, T. 1, §3.)*