



2012 U.S. Animal Protection Laws Rankings™

Comparing Overall Strength & Comprehensiveness

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2012 U.S. ANIMAL PROTECTION LAWS RANKINGS™

Animal Legal Defense Fund Annual Study Ranks Laws Across the Country



New Category for “Ag Gag” Laws, Idaho Most-Improved

December 2012

The Animal Legal Defense Fund (ALDF) announces the publication of the 2012 U.S. ANIMAL PROTECTION LAWS RANKINGS REPORT, ALDF’s seventh annual report that comprehensively surveys animal protection laws of all U.S. states and territories. The longest-running and most authoritative report of its kind, the RANKINGS REPORT assesses the strength of each jurisdiction’s animal protection laws by examining over 4,000 pages of statutes.¹ Each jurisdiction receives a raw score based on fifteen different categories of animal protection; the REPORT then ranks all 56 jurisdictions by comparing their raw scores. The REPORT also highlights the top, middle and bottom tiers of jurisdictions and notes the “Best Five” and “Worst Five” states overall.

The “Best Five” states remained the same in 2012, for the fifth consecutive year, with Illinois holding strong as the top jurisdiction for animal protection. California rose from fifth to third position, in part, by strengthening its forfeiture and seizure laws this year, ensuring that fewer animals unnecessarily languish in cages during the disposition of criminal cases—at shelter expense—and do not return to their abusers. Idaho was the most-improved jurisdiction in 2012, jumping eight places in rank and elevating out of the notorious “Worst Five” tier, in part, by enacting its first felony provisions for cruelty, neglect, abandonment and cockfighting. (Mississippi received a similar boost in rank in 2011 for passing its first felony laws.) North and South Dakota now remain the only jurisdictions without felony penalties for animal abusers, contributing to these states’ longtime positions in the “Worst Five” tier. For the sixth year in a row, Kentucky ranked the weakest state for animal protection.

The RANKINGS REPORT added a brand-new category of assessment this year to account for the passage of “ag gag” laws. These laws—propagated by the corporate agriculture lobby—aim to conceal animal abuse, food safety risks, and illegal working conditions from consumers by making it illegal to video record or photograph at agricultural facilities. Iowa and Utah both enacted “ag gag” legislation in 2012, contributing to their respective drops in rank this year. They join Kansas, Montana and North Dakota for a total of five states that now have “ag gag” laws on the books.

¹ See page 19 of the report for a summary of the methodology used.

“‘Ag gag’ legislation is a huge step backwards for animals, attempting to stifle whistleblowers of animal abuse,” says Lora Dunn, RANKINGS REPORT Editor. “While many jurisdictions strengthened their animal protection laws this year, it was important that the 2012 RANKINGS assessment evolved to include this new ‘ag gag’ category, to reflect a more complete picture of current animal protection.”

In reviewing the results from ALDF’s RANKINGS REPORTS over the past five years, more than three quarters of all states and territories experienced a significant improvement in their animal protection laws:

- ✓ **25%** of jurisdictions improved 2-10%
- ✓ **55%** of jurisdictions improved 11-50%
- ✓ **11%** of jurisdictions improved by greater than 50%:

Arizona: 52%

Arkansas: 139%

District of Columbia: 64%

Guam: 84%

Indiana: 74%

Mississippi: 78%

These improvements included, among others:

- Expanding the range of protections for animals
- Providing stiffer penalties for offenders
- Strengthening standards of care for animals
- Reporting of animal cruelty cases by veterinarians and other professionals
- Mitigating and recovering costs associated with the care of mistreated animals
- Requiring mental health evaluations and counseling for offenders
- Banning ownership of animals following convictions
- Including animals in domestic violence protective orders
- Prohibiting convicted abusers from gaining employment involving animal contact
- Strengthening provisions on the sale and possession of exotic animals
- Expanding humane officers’ powers to be the same as other peace officers

One of the frequently used measures for gauging the state of animal protection laws in the U.S. has been the presence or absence of felony-level penalties for the most egregious types of abuse. Since ALDF released its first U.S. rankings report in 2006, there has been noticeable progress in this indicator:

- **Seven jurisdictions** added—for the first time—felony penalties for cases involving extreme animal cruelty or torture: *Alaska, Arkansas, Guam, Hawaii, Idaho**, *Mississippi and Utah*.
- **Six jurisdictions** strengthened their existing felony animal cruelty laws: *Kentucky, Louisiana, Michigan, Nebraska, Nevada and Puerto Rico*.
- **Nine jurisdictions** added felonies for repeated or aggravated animal neglect: *Alaska, Arkansas, Connecticut**, *Indiana, Louisiana, Michigan, Nebraska, North Carolina, Puerto Rico, and Tennessee.**
- **Seven jurisdictions** made repeated abandonment, or abandonment that results in the death or serious injury of an animal, a felony: *Arkansas, Idaho**, *Louisiana, Indiana, Michigan, Nebraska and Puerto Rico*.
- **Three jurisdictions** added felonies for the sexual assault of an animal: *Alaska, Puerto Rico and Tennessee*.

Despite these gains, there still remains room for improvement in every jurisdiction. ALDF’s Criminal Justice Program Director, Scott Heiser, notes that, “as a former elected prosecutor who works with law enforcement daily in jurisdictions all over the country, I continue to be amazed at how grossly inadequate many state animal cruelty codes are. However, as constituents and policy makers learn more and more about the cognitive capacities of animals and the direct correlation between animal abuse and other crimes, we are hopeful that these shortcomings will get fixed.”

Sizable majorities of all households now include at least one animal, and polls continue to show that the public cares deeply about animal welfare. ALDF’s goals in these ongoing reviews are to continue to shed light on the important issue of animal protection, to compare and contrast the differences and similarities in the provinces and territories, and to garner support for strengthening and enforcing animal protection laws throughout the country.

ALDF encourages those who care about the welfare and protection of animals to contact their elected officials about the importance of having strong, comprehensive laws in this field, and to alert law enforcement should they ever witness animal abuse or neglect.

* *Denotes new changes in 2012.*

2012 U.S. Animal Protection Laws Rankings™

Comparing Overall Strength & Comprehensiveness



BEST FIVE FOR ANIMALS	WORST FIVE FOR ANIMALS
<ul style="list-style-type: none"> 1. Illinois 2. Maine 3. California 4. Michigan 5. Oregon 	<ul style="list-style-type: none"> 46. New Mexico 47. South Dakota 48. Iowa 49. North Dakota 50. Kentucky

Top Tier	2012 Rank	JURISDICTION
	1	Illinois
	2	Maine
	3	California
	4	Michigan
	5	Oregon
	6	Washington
	7	West Virginia
	8	Indiana
	9	Rhode Island
	10	Colorado
	11	Virginia
	12	Tennessee
	13	Kansas
	14	Minnesota
	15	Massachusetts
	16	<i>District of Columbia</i>
	17	Nebraska
	18	Delaware
	19	Florida

	2012 Rank	JURISDICTION
Middle Tier	20	Vermont
	21	Arkansas
	22	Arizona
	23	Louisiana
	24	Nevada
	25	<i>Puerto Rico</i>
	26	North Carolina
	27	New Hampshire
	28	<i>Guam</i>
	29	<i>Virgin Islands</i>
	30	Oklahoma
	31	Wisconsin
	32	Mississippi
	33	Texas
	34	Ohio
	35	Montana
	36	Georgia
	37	South Carolina
38	Pennsylvania	

Bottom Tier	2012 Rank	JURISDICTION
	39	Maryland
	40	Missouri
	41	New York
	42	Connecticut
	43	Alabama
	44	Idaho
	45	Alaska
	46	Utah
	47	Hawaii
	48	New Jersey
	49	Wyoming
	50	New Mexico
	51	South Dakota
	52	Iowa
	53	North Dakota
	54	Kentucky
55	<i>Northern Mariana Islands</i>	
56	<i>American Samoa</i>	

EDITOR'S NOTE: The District of Columbia and U.S. territories are included in this report and are *italicized*. The "Best Five" and "Worst Five" lists are limited to states.

Table: “Best Five” States

Select Provisions	1. Illinois	2. Maine	3. California	4. Michigan	5. Oregon
<ul style="list-style-type: none"> Felony penalties available: Cruelty (C), Neglect (N), Fighting (F), Abandonment (A), Sexual Assault (S) 	C, N, F, A, S	C, N, F, A, S	C, N, F*	C, N, F, A, S	C, F
<ul style="list-style-type: none"> Adequate definitions/ standards of basic care 	✓	✓	--	✓	✓
<ul style="list-style-type: none"> Full range of statutory protections (cruelty, neglect, abandonment, sexual assault, fighting) 	✓	✓	✓	✓	✓
<ul style="list-style-type: none"> Increased penalties for repeat abusers and/or animal hoarders 	✓	✓	✓	✓	✓
<ul style="list-style-type: none"> Increased penalties when abuse is committed in the presence of a minor 	✓	--	--	--	✓
<ul style="list-style-type: none"> Courts may order forfeiture of abused animals 	✓	✓	✓	✓	✓
<ul style="list-style-type: none"> Mandatory forfeiture of animals upon conviction 	--	--	✓	--	--
<ul style="list-style-type: none"> Mandatory reporting of suspected cruelty by veterinarians and/or select non-animal-related agencies/professionals 	✓	✓	✓	--	✓
<ul style="list-style-type: none"> Police officers have an affirmative duty to enforce animal protection laws 	--	✓	✓	✓	✓
<ul style="list-style-type: none"> Humane officers have broad law enforcement authority 	--	--	✓	✓	✓
<ul style="list-style-type: none"> Broad measures to mitigate and recover costs of care for abused pets seized by animal welfare agencies 	✓	✓	✓	✓	✓
<ul style="list-style-type: none"> Court may restrict ownership of animals after a conviction 	✓	✓	✓	✓	✓
<ul style="list-style-type: none"> Mental health evaluations and/or counseling for offenders 	✓	✓	✓	✓	✓
<ul style="list-style-type: none"> Animals may be included in domestic violence protective orders 	✓	✓	✓	--	✓

* Limited to select species.

Table: “Worst Five” States

Select Provisions	46. New Mexico	47. South Dakota	48. Iowa**	49. North Dakota**	50. Kentucky
<ul style="list-style-type: none"> Felony penalties available: Cruelty (C), Neglect (N), Fighting (F), Abandonment (A), Sexual Assault (S) 	C, F*	F*, S	C*, F	F	C*, F*
<ul style="list-style-type: none"> Adequate definitions/ standards of basic care 	--	--	--	--	--
<ul style="list-style-type: none"> Full range of statutory protections (cruelty, neglect, abandonment, sexual assault, fighting) 	--	✓	✓	✓	--
<ul style="list-style-type: none"> Increased penalties for repeat abusers and/or animal hoarders 	✓	--	✓	--	✓
<ul style="list-style-type: none"> Increased penalties when abuse is committed in the presence of a minor 	--	--	--	--	--
<ul style="list-style-type: none"> Courts may order forfeiture of abused animals 	✓	✓	✓	✓	--
<ul style="list-style-type: none"> Mandatory forfeiture of animals upon conviction 	✓	--	--	--	--
<ul style="list-style-type: none"> Mandatory reporting of suspected cruelty by veterinarians and/or select non-animal-related agencies/professionals 	--	--	--	--	†
<ul style="list-style-type: none"> Police officers have an affirmative duty to enforce animal protection laws 	--	--	--	--	--
<ul style="list-style-type: none"> Humane officers have broad law enforcement authority 	--	--	--	--	--
<ul style="list-style-type: none"> Broad measures to mitigate and recover costs of care for abused pets seized by animal welfare agencies 	--	--	--	--	--
<ul style="list-style-type: none"> Court may restrict ownership of animals after a conviction 	--	--	--	--	--
<ul style="list-style-type: none"> Mental health evaluations and/or counseling for offenders 	✓	--	✓	--	--
<ul style="list-style-type: none"> Animals may be included in domestic violence protective orders 	--	--	--	--	--

* Limited to select species.

** Ag gag state.

† Veterinarians are prohibited from reporting suspected cruelty or fighting.

Overview: Why These States Made the “Best Five” List

STATE	Existing Strengths	Potential Improvements
1. Illinois	Felony penalties for cruelty, neglect, fighting, abandonment and sexual assault	More comprehensive definitions/standards of basic care
	Principal protections apply to most animals	Stronger felony provisions for neglect and abandonment
	Adequate definitions/standards of basic care	Increased penalties for offenders with prior domestic violence offenses
	Full range of statutory protections	Broader cost mitigation & recovery measures
	Increased penalties for repeat animal abusers and animal hoarders	Broader law enforcement powers for humane agents and duty on peace officers to enforce animal protection laws
	Increased penalties when abuse is committed in the presence of a minor	Mandatory forfeiture of any type of animal upon conviction
	Pre-conviction forfeiture allowed	Mandatory restrictions on future ownership or possession of animals following a conviction
	Court may order forfeiture of select animals on conviction	Court-calendar priority when animals are in custody
	Mandatory reporting of suspected animal cruelty by select non-animal-related agencies and veterinarians	Animal fighting as RICO predicate offense
	Humane agents have some law enforcement authority	Animal abuser registry
	Some mandatory cost-recovery measures for impounded animals	
	Court may order restrictions on future ownership or possession of animals upon conviction	
	Mental health evaluations prior to sentencing	
	Mandatory counseling / anger management for certain offenders	
Protective orders may include animals		
2. Maine	Felony penalties for cruelty, neglect, fighting, abandonment and sexual assault	Stronger felony provisions for neglect
	Principal protections apply to most animals	Increased penalties for crimes involving multiple animals
	Adequate definitions/standards of basic care	Increased penalties for offenders with prior domestic violence offenses

Maine (continued)	Full range of statutory protections	Increased penalties when abuse is committed in the presence of a minor
	Increased penalties for repeat animal abusers	Mandatory restitution
	Pre-conviction forfeiture allowed	Mandatory cost mitigation & recovery measures for impounded animals
	Court may order forfeiture on conviction	Mandatory forfeiture of an animal upon conviction
	Permissive reporting of animal cruelty by select non-animal related agencies	Mandatory restrictions on future ownership or possession of animals following a conviction
	Mandatory reporting of suspected aggravated animal cruelty by veterinarians	Mandatory reporting of suspected animal cruelty by select non-animal-related agencies
	Peace officers have an affirmative duty to investigate animal protection law violations	Mandatory reporting of all suspected animal cruelty by veterinarians
	Humane agents have some law enforcement authority	Broader law enforcement powers for humane agents
	Court may order cost recovery measures on conviction	Court-calendar priority when animals are in custody
	Court may order restrictions on future ownership or possession of animals upon conviction	Felony penalty on first offense sexual assault
	Permissive court order for counseling / anger management	Stronger animal fighting provisions
	Limited pre-sentence mental health evaluations	Animal fighting as RICO predicate offense
	Protective orders may include animals	Animal abuser registry
3. California	Felony penalties for cruelty, neglect and fighting	Felony penalties for abandonment and sexual assault
	Principal protections apply to most animals	Better statutory definitions/standards of basic care
	Full range of statutory protections	Increased penalties for cases involving multiple animals
	Increased penalties for repeat animal abusers	Increased penalties when abuse committed in the presence of a minor
	Pre-conviction forfeiture allowed	Increased penalties for offenders with prior domestic violence offenses
	Mandatory forfeiture of animals on conviction	Mandatory terms of incarceration for certain offenders
	Mandatory reporting of animal cruelty by veterinarians	Mandatory reporting of suspected animal cruelty by select non-animal-related agencies
	Peace officers have an affirmative duty to enforce animal protection laws	Mandatory post-conviction ownership and possession ban
	Humane agents have broad law enforcement authority	Stronger animal fighting provisions
	Mandatory cost mitigation & recovery measures for impounded animals	Pre-sentence mental health evaluations

California (continued)	Select non-animal-related agencies may report suspected animal cruelty	Court-calendar priority when animals are in custody
	Court may order restitution	Mandatory restitution
	Mandatory seizure of mistreated animals	Animal fighting as RICO predicate offense
	Permissive post-conviction ownership and possession ban	Animal abuser registry
	Permissive court order for counseling / anger management	
	Protective orders may include animals	
4. Michigan	Felony penalties for cruelty, neglect, fighting, abandonment and sexual assault	Increased penalties for offenders with prior domestic violence offenses
	Adequate definitions/standards of basic care	Increased penalties when abuse committed in the presence of a minor
	Principal protections apply to most animals	Mandatory terms of incarceration for certain offenders
	Full range of statutory protections	Mandatory restitution
	Increased penalties for repeat animal abusers	Mandatory cost mitigation measures for impounded animals
	Increased penalties for cases involving multiple animals	Mandatory forfeiture of animals on conviction
	Pre-conviction forfeiture allowed	Mandatory restrictions on future ownership or possession of animals following a conviction
	Court may order forfeiture on conviction	Mandatory reporting of suspected animal cruelty by select non-animal-related agencies and veterinarians
	Peace officers have an affirmative duty to enforce animal protection laws	Protective orders to include animals
	Humane agents have broad law enforcement authority	Court-calendar priority when animals are in custody
	Permissive cost mitigation measures for impounded animals	Animal fighting as RICO predicate offense
	Court may order restrictions on future ownership or possession of animals upon conviction	Animal abuser registry
	Pre-sentence mental health evaluations	
	Permissive court order for counseling / anger management	
	Strong animal fighting provisions	

5. Oregon	Felony penalty for cruelty and fighting	Felony penalties for neglect, abandonment and sexual assault
	Adequate definitions/standards of basic care	Increased penalties for cases involving multiple animals
	Principal protections apply to most animals	Mandatory terms of incarceration for certain offenders
	Full range of statutory protections	Broader pre-sentence mental health evaluations
	Increased penalties for repeat animal abusers	Mandatory restitution
	Increased penalties for repeat domestic violence offenders	Mandatory cost mitigation & recovery measures for impounded animals
	Increased penalties when abuse committed in the presence of a minor	Mandatory forfeiture on conviction
	Pre-conviction forfeiture allowed	Mandatory reporting of suspected animal cruelty by select non-animal-related agencies
	Court may order restrictions on future ownership or possession of animals upon conviction	Mandatory reporting of all suspected animal cruelty by veterinarians
	Mandatory reporting of suspected aggravated animal cruelty by veterinarians	Court-calendar priority when animals are in custody
	Peace officers have an affirmative duty to enforce animal protection laws	Animal abuser registry
	Humane agents have broad law enforcement authority	
	Court may order cost mitigation & recovery measures for impounded animals	
	Mandatory post-conviction ownership and possession ban	
	Limited pre-sentence mental health evaluations	
	Permissive court order for counseling / anger management	
	Protective orders may include animals	
Animal fighting is a predicate offense under state RICO laws		
Strong animal fighting provisions		

Overview: Why These States Made the “Worst Five” List

STATE	Major Areas Needing Improvement
46. New Mexico	Felony provisions available only for cruelty and fighting against select animals
	Inadequate felony provisions for neglect; none for abandonment
	No provisions for sexual assault
	Inadequate definitions/standards of basic care
	No increased penalties when abuse is committed in the presence of a minor or involves multiple animals
	No provisions for veterinarians or other select non-animal-related agencies/professionals to report suspected animal abuse
	No duty for peace officers to enforce animal protection laws
	Humane officers lack broad law enforcement authority
	Inadequate cost mitigation & recovery provisions for impounded animals
	No restrictions on future ownership or possession of animals following a conviction
	No statutory authority to allow protective orders to include animals
	Inadequate animal fighting provisions
47. South Dakota	No felony animal cruelty, neglect or abandonment provisions
	Inadequate definitions/standards of basic care
	No increased penalties for repeat animal abusers
	No increased penalties when abuse is committed in the presence of a minor or involves multiple animals
	No mandatory forfeiture of animals upon conviction
	No provisions for veterinarians or other select non-animal-related agencies/professionals to report suspected animal abuse
	No duty for peace officers to enforce animal protection laws
	Humane officers lack broad law enforcement authority
	Inadequate cost mitigation & recovery provisions for impounded animals
	No restrictions on future ownership or possession of animals following a conviction
	No mental health evaluations or counseling for offenders
	No statutory authority to allow protective orders to include animals
Inadequate animal fighting provisions	

48. Iowa	Ag gag law
	Felony provisions available only for cruelty against select animals and fighting
	Inadequate definitions/standards of basic care
	No increased penalties for repeat animal abusers
	No increased penalties when abuse is committed in the presence of a minor or involves multiple animals
	No mandatory forfeiture of animals upon conviction
	No provisions for veterinarians or other select non-animal-related agencies/professionals to report suspected animal abuse
	No duty for peace officers to enforce animal protection laws
	Humane officers lack broad law enforcement authority
	Inadequate cost mitigation & recovery provisions for impounded animals
	No restrictions on future ownership or possession of animals following a conviction
	No statutory authority to allow protective orders to include animals
	Inadequate animal fighting provisions
49. North Dakota	Ag gag law
	No felony animal cruelty, neglect, abandonment, or sexual assault provisions
	Inadequate definitions/standards of basic care
	No increased penalties for repeat animal abusers
	No increased penalties when abuse is committed in the presence of a minor or involves multiple animals
	No mandatory forfeiture of animals upon conviction
	No provisions for veterinarians or other select non-animal-related agencies/professionals to report suspected animal abuse
	No duty for peace officers to enforce animal protection laws
	Humane officers lack broad law enforcement authority

North Dakota (continued)	Inadequate cost mitigation & recovery provisions for impounded animals
	No restrictions on future ownership or possession of animals following a conviction
	No mental health evaluations or counseling for offenders
	No statutory authority to allow protective orders to include animals
	Inadequate animal fighting provisions
50. Kentucky	Felony provisions available only for cruelty and fighting, both against only select animals
	Inadequate definitions/standards of basic care
	Principal protections apply only to select types of animals
	No felony provisions for neglect or abandonment
	No provisions for sexual assault
	No increased penalties when abuse is committed in the presence of a minor or involves multiple animals
	No court-ordered forfeiture provisions
	Veterinarians are prohibited from reporting suspected cruelty or fighting
	No provisions for select non-animal-related agencies/professionals to report suspected animal abuse
	No duty for peace officers to enforce animal protection laws
	Humane officers lack broad law enforcement authority
	No cost mitigation & recovery provisions for impounded animals
	No restrictions on future ownership or possession of animals following a conviction
	No mental health evaluations or counseling for offenders
	No statutory authority to allow protective orders to include animals
Inadequate animal fighting provisions	

Methodology summary

The 56 jurisdictions included in the 2012 U.S. ANIMAL PROTECTION LAWS RANKINGS REPORT were numerically ranked based on their cumulative scores to 42 study questions covering fifteen distinct animal protection laws categories. The report analyzed enacted laws only and did not review the separate issue of how these laws are enforced. Answers to the study questions were based primarily on the statutory data contained in the 4,000+ page compendium ANIMAL PROTECTION LAWS OF THE USA & CANADA (EIGHTH EDITION). The study questions were close-ended and the choices exhaustive and mutually exclusive. The questions were limited to the following categories:

1. General prohibitions
2. Penalties
3. Exemptions
4. Mental health evaluations & counseling
5. Protective orders
6. Cost mitigation & recovery
7. Seizure/impoundment
8. Forfeiture and post-conviction possession
9. Non-animal agency reporting of suspected animal cruelty
10. Veterinarian reporting of suspected animal cruelty
11. Law enforcement policies
12. Sexual assault
13. Fighting
14. Offender registration
15. "Ag gag" legislation

Please visit aldf.org for additional information, including the ANIMAL PROTECTION LAWS OF THE USA & CANADA (SEVENTH EDITION). Contact legislation@aldf.org for any report-related questions or comments.