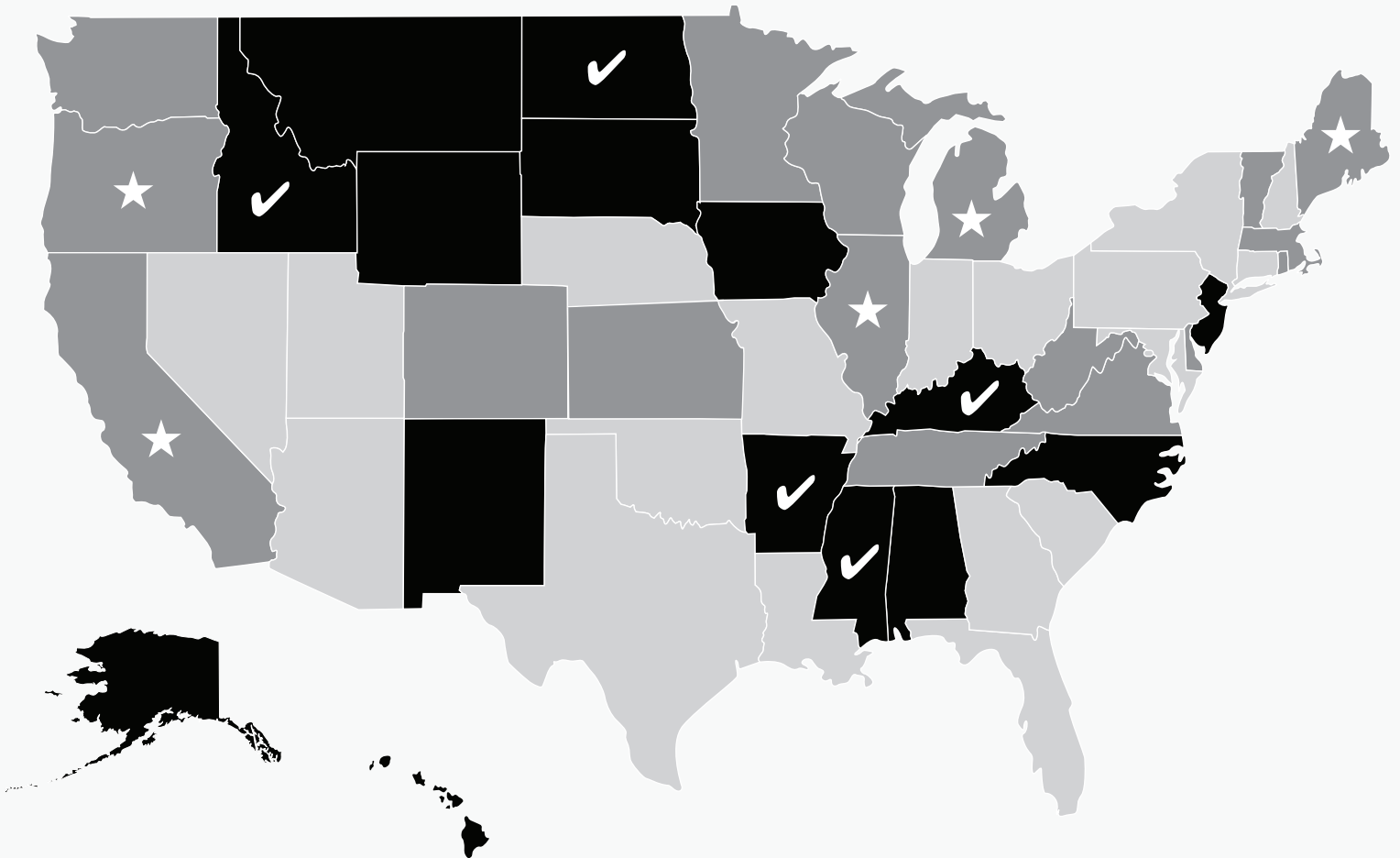




2008 State Animal Protection Laws Rankings

Comparing Overall Strength & Comprehensiveness



★ Best Five
✓ Worst Five

■ Top Tier
■ Middle Tier
■ Bottom Tier

2008 State Animal Protection Laws Rankings Released by the Animal Legal Defense Fund

December 2008

The Animal Legal Defense Fund announces the release of its annual report ranking the animal protection laws of every state based on their relative strength and general comprehensiveness. In addition to all fifty states, the District of Columbia, Puerto Rico, Virgin Islands and other U.S. territories are included this year. This report – the only one of its kind in the nation – is based on a detailed comparative analysis of each jurisdiction, researching fourteen distinct categories of animal protection laws throughout more than 3,400 pages of statutes.* The ranking groups each jurisdiction into a top, middle or bottom tier, and includes a listing of the best five and worst five states.

“This year we see many states and territories that are continuing to make outstanding progress with their laws. Unfortunately, there are still many places where the laws are incapable of providing the legal protections that our country’s animals need and deserve,” says Stephan Otto, Animal Legal Defense Fund’s director of legislative affairs and author of the report. “Even in those jurisdictions that have today’s best laws, there remain many opportunities for improvement. Especially important during our country’s current recession are laws that help to save limited community resources by reducing the costs of caring for abused animals and ensuring that those who are responsible for such crimes shoulder this burden instead of taxpayers and private interests. While animals certainly do not vote, those who love and care about them do, so we encourage lawmakers throughout the country to take heed and commit to working to improve these critical laws.”

Please contact your elected officials and encourage them to support improvements to the laws that protect animals. For additional information, including our MODEL ANIMAL PROTECTION LAWS collection and latest edition of our ANIMAL PROTECTIONS LAWS OF THE USA & CANADA compendium, visit aldf.org

* See page 8 for a summary of the methodology used in this report.



2008 STATE ANIMAL PROTECTION LAWS RANKINGS*
Comparing Overall Strength & Comprehensiveness

BEST FIVE	California, Illinois, Maine, Michigan, Oregon
WORST FIVE	Arkansas, Idaho, Kentucky, Mississippi, North Dakota

TOP TIER	California, Colorado, Delaware, Illinois, Kansas, Maine, Massachusetts, Michigan, Minnesota, Oregon, <i>Puerto Rico</i> , Rhode Island, Tennessee, Washington, West Virginia, Wisconsin, Vermont, <i>Virgin Islands</i> , Virginia
MIDDLE TIER	Arizona, Connecticut, <i>District of Columbia</i> , Florida, Georgia, Indiana, Louisiana, Maryland, Missouri, Nebraska, New Hampshire, New York, Nevada, Oklahoma, Ohio, Pennsylvania, South Carolina, Texas, Utah
BOTTOM TIER	Alabama, Alaska, <i>American Samoa</i> , Arkansas, <i>Guam</i> , Hawaii, Idaho, Iowa, Kentucky, Mississippi, Montana, New Jersey, New Mexico, North Carolina, North Dakota, <i>Northern Mariana Islands</i> , South Dakota, Wyoming

* The District of Columbia, Puerto Rico, Virgin Islands and other territories are also included in this year's report and are *italicized*. Jurisdictions are listed in alphabetical order within each category. The *Best Five* and *Worst Five* categories are limited to states.

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

Arkansas	<ul style="list-style-type: none"> - No felony animal cruelty/neglect/abandonment provisions - Inadequate definitions/standards of basic care - No increased penalties for repeat offenders - Inadequate cost mitigation & recovery provisions for impounded animals (e.g. cost-of-care bonds, other reimbursement of costs, restitution and broader lien provisions) - No reporting provisions for suspected animal abuse - Inadequate humane agent provisions and no duty on peace officers to enforce animal protection laws - Inadequate animal fighting provisions - No restrictions on future ownership or possession of animals following a conviction
Idaho	<ul style="list-style-type: none"> - No felony animal cruelty/neglect/abandonment provisions - Inadequate definitions/standards of basic care - No mental health evaluations or counseling for offenders - No restrictions on future ownership or possession of animals following a conviction - Inadequate reporting provisions for suspected animal abuse - Inadequate animal fighting provisions - Inadequate humane agent provisions and no duty on peace officers to enforce animal protection laws
Kentucky	<ul style="list-style-type: none"> - Inadequate definitions/standards of basic care - Principal protections apply only to select types of animals - Felony provision available only for crimes against select animals - No mental health evaluations or counseling for offenders - No cost mitigation & recovery provisions for impounded animals (e.g. cost-of-care bonds, other reimbursement of costs, liens, restitution provisions) - No forfeiture of abused animals - No restrictions on future ownership or possession of animals following a conviction - No reporting provisions for suspected animal abuse - Inadequate humane agent provisions and no duty on peace officers to enforce animal protection laws - No separate crime for the sexual assault of an animal - Inadequate animal fighting provisions
Mississippi	<ul style="list-style-type: none"> - No felony animal cruelty/neglect/abandonment provisions - Inadequate range of prohibitions and definitions/standards of basic care - No mental health evaluations or counseling for offenders - Inadequate cost mitigation & recovery provisions for impounded animals - Inadequate reporting provisions for suspected animal abuse - Inadequate animal fighting provisions - No humane agents and no duty on peace officers to enforce animal protection laws
North Dakota	<ul style="list-style-type: none"> - No felony animal cruelty/neglect/abandonment provisions - Inadequate definitions/standards of basic care - No increased penalties for repeat offenders - No mental health evaluations or counseling for offenders - Inadequate cost mitigation & recovery provisions for impounded animals (e.g. cost-of-care bonds, other reimbursement of costs, restitution provisions) - No forfeiture of abused animals - No restrictions on future ownership or possession of animals following a conviction - No reporting provisions for suspected animal abuse - No humane agents and no duty on peace officers to enforce animal protection laws

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

STATE	Existing Strengths	Potential Improvements
California	<ul style="list-style-type: none"> - Felony penalties for cruelty and neglect - Principal protections apply to all animals - Full range of statutory protections - Court may order restitution - Court may order counseling/anger management - Some mandatory cost mitigation & recovery measures for impounded animals - Select non-animal-related agencies may report suspected animal cruelty - Mandatory seizure of mistreated animals - Mandatory forfeiture of animals on conviction - Pre-conviction forfeiture allowed - Mandatory reporting of animal cruelty by veterinarians - Humane agents have broad law enforcement authority - Protective orders may include animals 	<ul style="list-style-type: none"> - Better statutory definitions/standards of basic care - Increased penalties for repeat animal abusers - Increased penalties for cases involving multiple animals - Increased penalties when crime committed in the presence of a minor - Increased penalties for offenders with prior domestic violence offenses - Mandatory terms of incarceration for certain offenders - Pre-sentence mental health evaluations - Court-calendar priority when animals are in custody - Mandatory restitution - Restrictions on future ownership or possession of animals following a conviction - Mandatory reporting of suspected animal cruelty by select non-animal-related agencies - Duty on peace officers to enforce animal protection laws - Felony penalties for abandonment and sexual assault - Stronger animal fighting provisions
Illinois	<ul style="list-style-type: none"> - Felony penalties for cruelty, neglect, abandonment and sexual assault - Adequate definitions/standards of basic care - Principal protections apply to all animals - Full range of statutory protections - Increased penalties for repeat animal abusers and animal hoarders - Pre-sentence mental health evaluations - Court may order counseling/anger management - Some mandatory cost recovery measures for impounded animals - Pre-conviction forfeiture allowed - Mandatory forfeiture of select animals on conviction - Court may order restrictions on future ownership or possession of animals upon conviction - Mandatory reporting of animal cruelty by veterinarians - Humane agents have some law enforcement authority - Protective orders may include animals 	<ul style="list-style-type: none"> - Increased penalties for offenders with prior domestic violence offenses - Increased penalties when crime committed in the presence of a minor - Mandatory terms of incarceration for certain offenders - Mandatory restrictions on future ownership or possession of animals following a conviction - Broader cost mitigation & recovery measures - Mandatory reporting of suspected animal cruelty by select non-animal-related agencies - Broader law enforcement powers for humane agents and duty on peace officers to enforce animal protection laws - Mandatory forfeiture of any type of animal upon conviction - Court-calendar priority when animals are in custody - Stronger animal fighting provisions

Overview: Why These States Made the “Best Five” List *cont’d.*

STATE	Existing Strengths	Potential Improvements
Maine	<ul style="list-style-type: none"> - Felony penalties for cruelty, neglect and abandonment - Adequate definitions/standards of basic care - Principal protections apply to all animals - Full range of statutory protections - Increased penalties for repeat animal abusers - Limited pre-sentence mental health evaluations - Pre-conviction forfeiture allowed - Court may order counseling/anger management - Court may order cost recovery measures on conviction - Court may order forfeiture on conviction - Court may order restrictions on future ownership or possession of animals upon conviction - Permissive reporting of animal cruelty by select non-animal related agencies - Mandatory reporting of suspected aggravated animal cruelty by veterinarians - Humane agents have some law enforcement authority - Protective orders may include animals 	<ul style="list-style-type: none"> - Increased penalties for offenders with prior domestic violence offenses - Increased penalties when crime committed in the presence of a minor - Increased penalties for crimes involving multiple animals - Mandatory restitution - Mandatory cost mitigation & recovery measures for impounded animals - Mandatory forfeiture on conviction - Mandatory restrictions on future ownership or possession of animals following a conviction - Mandatory reporting of suspected animal cruelty by select non-animal-related agencies - Mandatory reporting of all suspected animal cruelty by veterinarians - Broader law enforcement powers for humane agents and duty on peace officers to enforce animal protection laws - Felony penalty for sexual assault - Court-calendar priority when animals are in custody - Stronger animal fighting provisions
Michigan	<ul style="list-style-type: none"> - Felony penalties for cruelty, neglect, abandonment and sexual assault - Adequate definitions/standards of basic care - Principal protections apply to all animals - Full range of statutory protections - Increased penalties for repeat animal abusers - Increased penalties for cases involving multiple animals - Court may order counseling/anger management - Mandatory cost mitigation measures for impounded animals - Pre-conviction forfeiture allowed - Court may order forfeiture on conviction - Court may order restrictions on future ownership or possession of animals upon conviction - Humane agents have broad law enforcement authority - All peace officers have an affirmative duty to enforce animal protection laws 	<ul style="list-style-type: none"> - Increased penalties for offenders with prior domestic violence offenses - Increased penalties when crime committed in the presence of a minor - Mandatory terms of incarceration for certain offenders - Pre-sentence mental health evaluations - Mandatory restitution - Mandatory forfeiture on conviction - Mandatory restrictions on future ownership or possession of animals following a conviction - Mandatory reporting of suspected animal cruelty by select non-animal-related agencies - Mandatory reporting of animal cruelty by veterinarians - Protective orders may include animals - Court-calendar priority when animals are in custody

Overview: Why These States Made the “Best Five” List *cont’d.*

STATE	Existing Strengths	Potential Improvements
Oregon	<ul style="list-style-type: none"> - Felony penalty for cruelty - Adequate definitions/standards of basic care - Principal protections apply to all animals - Full range of statutory protections - Increased penalties for repeat animal abusers - Increased penalties for repeat domestic violence offenders - Increased penalties when crime committed in the presence of a minor - Some pre-sentence mental health evaluations - Court may order counseling/anger management - Court may order cost mitigation & recovery measures for impounded animals - Pre-conviction forfeiture allowed - Court may order restrictions on future ownership or possession of animals upon conviction - Mandatory post-conviction ownership and possession ban - Mandatory reporting of suspected aggravated animal cruelty by veterinarians - Humane agents have broad law enforcement authority - Animal fighting is a predicate offense under state RICO laws - All peace officers have an affirmative duty to enforce animal protection laws 	<ul style="list-style-type: none"> - Felony penalties for neglect, abandonment and sexual assault - Increased penalties for cases involving multiple animals - Mandatory terms of incarceration for certain offenders - Broader pre-sentence mental health evaluations - Mandatory restitution - Mandatory cost mitigation & recovery measures for impounded animals - Mandatory forfeiture on conviction - Mandatory reporting of suspected animal cruelty by select non-animal-related agencies - Mandatory reporting of all suspected animal cruelty by veterinarians - Stronger animal fighting provisions - Protective orders may include animals - Court-calendar priority when animals are in custody

Methodology summary

The fifty-six jurisdictions included in the 2008 STATE ANIMAL PROTECTION LAWS RANKINGS report were numerically ranked based on their cumulative scores to thirty-eight study questions covering fourteen 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 3,400+ page compendium ANIMAL PROTECTION LAWS OF THE USA & CANADA (Fourth 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/impound
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

^{*} ANIMAL PROTECTION LAWS OF THE USA & CANADA (Fourth Edition) will soon be available at aldf.org. For any report-related questions, comments, or additional information, contact legislation@aldf.org