



**ANIMAL LEGAL
DEFENSE FUND** EST
1979

Compendium of U.S. Animal Protection Laws

Louisiana



SUBSTANTIVE PROHIBITIONS AND EXEMPTIONS

1. Definition of “animal”
2. General Cruelty
3. Animal Fighting
4. Sexual Assault
5. Cruelty to Working Animals
6. Laws Specific to Farmed Animals
7. Cruel Hunting, Trapping, and Fishing

REPORTING LAWS

8. Cross Reporting
9. Veterinary Reporting
10. “Ag-Gag” Laws

CIVIL AND CIVILIAN INTERVENTION

11. Emergency Rescue and Relief
12. Civil Enforcement
13. Domestic Violence and Protection Orders

CRIMINAL JUSTICE INTERVENTION

14. Maximum Penalties and Statute of Limitations
15. Law Enforcement Policies
16. Seizure
17. Courtroom Animal Advocate Program
18. Restitution and Reimbursement
19. Forfeiture and Possession Bans
20. Rehabilitative Sentencing

This chapter contains Louisiana’s general animal protection and related statutes with an effective date on or before September 1, 2024. It begins with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories with the relevant part of each statute italicized.

Louisiana may employ similar provisions within other non-animal-specific criminal and civil statutes, may have other more specific statutes in addition to those included, and may have a variety of animal-related regulations in effect. Because the law is continually evolving, always review an official source for the most current language of any statute.

ANIMAL PROTECTION LAWS OF LOUISIANA

| Louisiana Laws | |
|---|--|
| SUBSTANTIVE PROHIBITIONS AND EXEMPTIONS | |
| 1. Definition of "Animal" | [None] |
| 2. General Cruelty | <p>Tethering a dog or cat in extreme weather conditions LA. REV. STAT. § 3:2362 <i>\$75 fine</i></p> <p>Definitions LA. REV. STAT. § 14:102</p> <p>Simple cruelty to animals LA. REV. STAT. § 14:102.1(A) <i>1st offense: misdemeanor 6 months imprisonment and/or \$1,000 fine and 40 hours community service</i> <i>Subsequent offenses: felony 10 years imprisonment (with or without hard labor) and/or \$25,000 fine and 40 hours community service</i></p> <p>Aggravated cruelty to animals LA. REV. STAT. § 14:102.1(B) <i>10 years imprisonment (with or without hard labor) and/or \$25,000 fine</i></p> <p>Exemptions for simple, aggravated cruelty: Veterinary practice, research animals, lawful hunting, accepted farm animal husbandry practices, other LA. REV. STAT. § 14:102.1(C)</p> <p>Sport killing of zoo or circus animals LA. REV. STAT. § 14:102.20 <i>6 months imprisonment and/or \$500 fine</i></p> <p>Unlawful restraint of a dog LA. REV. STAT. § 14:102.26 <i>\$300 fine</i> Exemptions: Veterinary practice, research animals, accepted farm animal husbandry practices, other</p> |
| 3. Animal Fighting | <p>NOTE: seizure, restitution, and forfeiture statutes specific to animal fighting are available in those respective sections of this document.</p> |

ANIMAL PROTECTION LAWS OF LOUISIANA

Various dogfighting activities, including spectatorship

LA. REV. STAT. § 14:102.5

Felony 10 years imprisonment and \$25,000 fine

Exemptions: Lawful hunting, livestock management, training for lawful purposes, other

Bear wrestling

LA. REV. STAT. § 14:102.10

Misdemeanor 6 months imprisonment and/or \$500 fine

Hog and canine fighting

LA. REV. STAT. § 14:102.19

Misdemeanor 6 months imprisonment and/or \$1,000 fine

Exemptions: Certain competitive events, hunting, livestock management, training for lawful purposes; Uncle Earl's Hot Dog Trials

Various cockfighting activities

LA. REV. STAT. § 14:102.23

1st offense: misdemeanor, 1 year imprisonment and/or \$2,000 fine

Subsequent offenses: felony, 3 years imprisonment and/or \$2,000 fine

Possessing, manufacturing, buying, selling, or trading cockfighting paraphernalia is admissible evidence of cockfighting.

LA. REV. STAT. § 14:102.23(C)

For cockfighting, each chicken involved shall constitute a separate offense

LA. REV. STAT. § 14:102.23

Participation in cockfighting

LA. REV. STAT. § 14:102.24

Misdemeanor, 6 months imprisonment and/or \$500 fine

Possession of animal fighting paraphernalia

LA. REV. STAT. § 14:102.29

6 months imprisonment and/or \$500 fine

Exemptions, cockfighting: Raising chickens, game fowl or roosters for personal enjoyment, exhibition; possession of fighting paraphernalia with historical value

LA. REV. STAT. § 14:102.23(C), (F)

LA. REV. STAT. § 14:102.29(B)(8)(b)

ANIMAL PROTECTION LAWS OF LOUISIANA

| | |
|---|--|
| 4. Sexual Assault | <p>Sexual abuse of an animal LA. REV. STAT. § 14:89.3 <i>1st offense: 5 years imprisonment (with or without hard labor) and/or \$2,000 fine</i> <i>Subsequent offenses: 10 years imprisonment (with or without hard labor) and/or \$25,000 fine</i> Exemptions: Veterinary practice, accepted farm animal husbandry practices, other</p> |
| 5. Cruelty to Working Animals | <p>Injuring or killing a police animal LA. REV. STAT. § 14:102.8 <i>1st offense: 3 years imprisonment (with or without hard labor) and/or \$10,000 fine</i> <i>Subsequent offenses: 7 years imprisonment (with or without hard labor) and/or \$10,000 fine</i></p> |
| 6. Laws Specific to Farmed Animals | <p>Selling a horse or mule that is disabled or diseased so that if it were worked in the city of sale, it would constitute animal cruelty. LA. REV. STAT. § 3:2361 <i>6 months imprisonment or \$100 fine</i></p> <p>Sale of dyed chicks, ducklings, goslings or rabbits; failure of pet store to provide proper brooders or adequate food and water LA. REV. STAT. § 3:2363 <i>30 days imprisonment and/or \$100 fine</i></p> |
| 7. Cruel Hunting, Trapping, and Fishing | <p>Unlawful to destroy nests or eggs LA. REV. STAT. § 56:116.1</p> <p>Unlawful to trap wild birds except as permitted LA. REV. STAT. § 56:121</p> <p>Unlawful to take quadrupeds using a hook or trap with teeth LA. REV. STAT. § 56:121.1</p> <p>Use of dogs generally prohibited in hunting nongame quadrupeds; exceptions LA. REV. STAT. § 56:259</p> <p>Unlawful to use smoke or chemicals to drive furbearing quadrupeds out of their dens LA. REV. STAT. § 56:259</p> <p>Unlawful to take fish with poisons or explosives. LA. REV. STAT. § 56:320</p> |

ANIMAL PROTECTION LAWS OF LOUISIANA

| | <p>Unlawful to destroy nests or natural hiding places of young fish and shrimp LA. REV. STAT. § 56:328</p> <p>Unlawful to use gasoline or chemicals to flush amphibians from hiding places, nests or dens; traps for taking amphibians must be checked every 24 hours LA. REV. STAT. § 56:632.6</p> <p>Unlawful to take diamondback terrapins with traps, or to take turtle eggs LA. REV. STAT. § 56:635</p> |
|---|--|
| REPORTING LAWS | |
| 8. Cross Reporting | <p>Any state or local law enforcement officer, or any government employee or contractor, who routinely investigates alleged abuse or neglect or sexual abuse of a child, or abuse or neglect of an adult who becomes aware of evidence of neglect or abuse of an animal shall report such incident to law enforcement. LA. REV. STAT. § 14:403.6(A)</p> |
| 9. Veterinary Reporting | <p>Veterinarian who makes good faith report of animal abuse is immune from civil liability or criminal prosecution; no civil liability or criminal prosecution for veterinarian who discloses confidential client information in response to subpoena or court order LA. REV. STAT. § 9:2800.28</p> |
| 10. “Ag-Gag” Laws | [None] |
| CIVIL AND CIVILIAN INTERVENTION | |
| 11. Emergency Rescue and Relief | <p>Immunity for civilians rescuing a cat or dog in distress from an unattended motor vehicle. LA. REV. STAT. § 37:1738.1</p> |
| 12. Civil Enforcement | <p>A gambling house is an abatable public nuisance. Locations regularly hosting animal fights where gambling is conducted may qualify as a nuisance. LA. REV. STAT. § 13:4721 LA. REV. STAT. § 13:4722</p> |
| 13. Domestic Violence and Protection Orders | <p>The court may grant petitioner exclusive care/possession/control of pets and prohibit defendant from harassing, interfering with, abusing or injuring the pet LA. CH. C. ART. 1569(A)(7) LA. REV. STAT. § 46:2135(A)(7)</p> |

ANIMAL PROTECTION LAWS OF LOUISIANA

| CRIMINAL JUSTICE INTERVENTION | |
|---|---|
| 14. Maximum Penalties and Statute of Limitations | <p>NOTE: all penalties are defined in substantive statutes, available in the Substantive Prohibitions and Exemptions sections of this document.</p> <p>Statute of Limitations <i>Misdemeanor: 2 years</i> LA C.Cr.P. Art. 572(A)(3) <i>Felony: 4 years</i> LA C.Cr.P. Art. 572(A)(2)</p> |
| 15. Law Enforcement Policies | <p>Authorized humane officers have police powers. LA. REV. STAT. § 3:2391</p> <p>Municipalities shall create animal cruelty ordinances for violations in public areas, punishable by fine and/or imprisonment as a public offense. LA. REV. STAT. § 3:2392</p> <p>Humane societies assisting in successful prosecutions receive one half of the resulting fine. LA. REV. STAT. § 3:2393</p> <p>Humane officers may remove any bruised, wounded, crippled, abraded, sick or diseased animals and arrange for their care at a designated stable. LA. REV. STAT. § 3:2431</p> <p>If the humane society arranges for a stable to care for animals, it must pay 50 cents per day plus medical expenses. The humane society will be liable for those expenses, but may remove the animal at any time and will have a superior privilege on the animal. LA. REV. STAT. §§ 3:2432; 3:2437</p> <p>Humane societies must give the owner the option of seizure in place before removing an animal. LA. REV. STAT. § 3:2438</p> <p>A court may assess whether a humane society's action (in seizing and treating an animal) was warranted, but damages are limited to court costs. LA. REV. STAT. § 3:2439</p> <p>Any authorized law enforcement agent may make arrests for animal cruelty. LA. REV. STAT. § 14:102.3</p> |

ANIMAL PROTECTION LAWS OF LOUISIANA

| | |
|--|--|
| 16. Seizure | <p>Law enforcement officer investigating the sexual abuse of animals may seize an animal believed to have been victimized and will take the animal to a shelter or veterinary clinic to be examined by a veterinarian for evidence. LA. REV. STAT. § 14:89.3</p> <p>Animals may be seized when person is charged with cruelty to animals. LA. REV. STAT. § 14:102.2(A),(B)</p> <p>Search warrants shall be issued for reasonable cause and cruelly treated animals may be seized. LA. REV. STAT. § 14:102.3</p> <p>When an impounded or confined animal continues without necessary food and water for more than twenty-four consecutive hours, any law enforcement officer may enter and supply it with food and water. LA. REV. STAT. § 14:102.4</p> <p>The seizure and destruction or other disposition of dog and equipment used in dogfighting is authorized. LA. REV. STAT. § 14:102.6</p> <p>Upon complaint, any magistrate may issue search warrants if satisfied that there is a reasonable cause to believe that a violation of the dogfighting prohibition has been, is being, or will be violated. LA. REV. STAT. § 14:102.7</p> |
| 17. Courtroom Animal Advocate Program | <p>[None]</p> |
| 18. Restitution and Reimbursement | <p>Proceeds from selling an abandoned animal shall be given to the custodian for costs of care, and the custodian retains the right to proceed against the former owner for any deficiency. LA. REV. STAT. § 3:2454</p> <p>If a person convicted of sexually abusing an animal is not the animal's owner, he or she shall reimburse the owner for medical treatment or rehabilitation of the animal. LA. REV. STAT. § 14:89.3</p> <p>Upon conviction for simple animal abuse, court may order offender to pay costs of care.</p> |

ANIMAL PROTECTION LAWS OF LOUISIANA

| | |
|--|---|
| | <p>LA. REV. STAT. § 14:102.1(A)(2)(a)</p> <p>Owner must post bond, to cover costs of care, within 15 days of notice of seizure to avoid forfeiture; court may order payment of reasonable costs whether or not bond is posted.</p> <p>LA. REV. STAT. § 14:102.2(C), (D)</p> <p>Owner may post bond, to cover costs of care in accordance with LA. REV. STAT. § 14:102.2(C) to avoid forfeiture of dogs used in dogfighting.</p> <p>LA. REV. STAT. § 14:102.6</p> <p>Person convicted under this section shall be ordered to make full restitution to the public safety agency suffering financial loss from the injury or killing of a police animal.</p> <p>LA. REV. STAT. § 14:102.8</p> |
| <p>19. Forfeiture and Possession Bans</p> | <p>After an animal has been treated, notice shall be sent to the owner apprising him that the animal can return to service and of the costs of care and medical costs the owner owes. If the costs are not paid within 5 days, the animal may be sold.</p> <p>LA. REV. STAT. § 3:2436</p> <p>When humane societies place animals in the custody of other private facilities, the humane society has a privilege upon the animals that is “superior to any other privilege on the animals.”</p> <p>LA. REV. STAT. § 3:2437</p> <p>If an owner does not pay veterinary expenses within 10 days, he has abandoned the animal and relinquished all rights. The animal may then be sold, donated, surrendered to a humane society or animal control, or otherwise disposed of.</p> <p>LA. REV. STAT. §§ 3:2452; 3:2453</p> <p>A person convicted of sexually abusing an animal must relinquish custody of all animals and may not possess, volunteer with, or reside in a household with any animal for a period of time determined by the court, but no less than 5 years.</p> <p>LA. REV. STAT. § 14:89.3</p> <p>Upon first conviction for simple cruelty, the court may order the defendant not to own or keep animals for up to 1 year, or up to 5 years following a second or subsequent conviction for simple cruelty</p> <p>LA. REV. STAT. § 14:102.1(A)(2)(a)(b)</p> <p>Upon conviction for aggravated cruelty, the court may order the defendant not to</p> |

ANIMAL PROTECTION LAWS OF LOUISIANA

| | |
|---|--|
| | <p>own or keep animals for up to 10 years LA. REV. STAT. § 14:102.1(B)(5)</p> <p>Upon conviction, or if bond is not posted, the court may order animal forfeited. Seized animals may be euthanized at any time for humane purposes. LA. REV. STAT. § 14:102.2(B),(C),(D),(E)</p> <p>Upon conviction for dogfighting, dogs will be forfeited and court shall order humane disposition in accordance with LA. REV. STAT. § 14:102.2. LA. REV. STAT. § 14:102.6</p> |
| <p>20. Rehabilitative Sentencing</p> | <p>A person convicted of sexually abusing an animal must undergo a psychological evaluation for sex offenders and participate in any recommended psychological treatment. LA. REV. STAT. § 14:89.3</p> <p>On a first offense for simple cruelty to animals, the court may order a psychological evaluation or anger management treatment. On any subsequent simple cruelty offenses, the order is mandatory. LA. REV. STAT. § 14:102.1(A)(2)(d)</p> <p>On any aggravated cruelty offense, the court shall order the offender to undergo a psychological evaluation and any subsequently recommended psychological treatment. LA. REV. STAT. § 14:102.1(B)(5)</p> |

ANIMAL PROTECTION LAWS OF LOUISIANA

1. DEFINITION OF “ANIMAL”

[None]

ANIMAL PROTECTION LAWS OF LOUISIANA

2. GENERAL CRUELTY

LA. REV. STAT. § 3:2362. Tying or tethering a dog or cat in extreme weather conditions; penalties.

- A. *Except as otherwise provided by law, including R.S. 14:102.26, it shall be prohibited to tie or tether a dog or cat in a manner that exposes the dog or cat to extreme weather conditions in the following designated emergency areas:*
- (1) *A designated emergency area during a flood or hurricane in which a disaster or emergency, as defined in R.S. 29:723, is declared by executive order or proclamation of the governor.*
 - (2) *A designated emergency area during a flood or hurricane in which a local disaster or emergency, as defined in R.S. 29:723, is declared by a local political subdivision of the state.*
- B. *A local governing authority may establish a fine not to exceed seventy-five dollars which may be imposed on anyone who violates the provisions of this Section.*

LA. REV. STAT. § 14:102. Definitions; cruelty to animals.

The following words, phrases, and terms as used in R.S. 14:102.1 through R.S. 14:102.4 shall be defined and construed as follows:

- (1) *“Cruel” means every act or failure to act whereby unjustifiable physical pain or suffering is caused or permitted.*
- (2) *“Abandons” means to completely forsake and desert an animal previously under the custody or possession of a person without making reasonable arrangements for its proper care, sustenance, and shelter.*
- (3) *“Proper food” means providing each animal with daily food of sufficient quality and quantity to prevent unnecessary or unjustifiable suffering by the animal.*
- (4) *“Proper water” means providing each animal with daily water of sufficient quality and quantity to prevent unnecessary or unjustifiable suffering by the animal.*
- (5) *“Proper shelter” means providing each animal with adequate shelter from the elements as required to prevent unnecessary or unjustifiable suffering by the animal.*
- (6) *“Proper veterinary care” means providing each animal with veterinary care sufficient to prevent unnecessary or unjustifiable physical pain or suffering by the animal.*
- (7) *“Livestock” means cattle, sheep, swine, goats, horses, mules, burros, asses, other livestock of all ages, farm-raised cervidae species, and farm-raised ratite species.*
- (8) *“Public livestock exhibition” means any place, establishment, or facility commonly known as a “livestock market”, “livestock auction market”, “sales ring”, “stockyard”, or the like, operated for compensation or profit as a public market for livestock, consisting of pens, or other enclosures, and their appurtenances, in which livestock are received, held, sold, or kept for sale or shipment. “Public livestock exhibition” also means any public exhibition or sale of livestock or a livestock show.*
- (9) *“Tampers” means any of the following:*
 - (a) *The injection, use, or administration of any drug or other internal or external administration of any product or material, whether gas, solid, or liquid, to livestock for the purpose of concealing,*

ANIMAL PROTECTION LAWS OF LOUISIANA

- enhancing, transforming, or changing the true conformation, configuration, condition, natural color, or age of the livestock or making the livestock appear more sound than they actually are.
- (b) The use or administration, for cosmetic purposes, of steroids, growth stimulants, or internal artificial filling, including paraffin, silicone injection, or any other substance.
 - (c) The use or administration of any drug or feed additive affecting the central nervous system of the livestock, unless administered or prescribed by a licensed veterinarian for the treatment of an illness or an injury.
 - (d) The use or administration of diuretics for cosmetic purposes.
 - (e) The surgical manipulation or removal of tissue so as to change, transform, or enhance the true conformation, configuration, or natural color of the livestock unless the procedure is considered an accepted livestock management practice.

LA. REV. STAT. § 14:102.1. Cruelty to animals; simple and aggravated.

A.

- (1) *Any person who intentionally or with criminal negligence commits any of the following shall be guilty of simple cruelty to animals:*
 - (a) *Overdrives, overloads, drives when overloaded, or overworks a living animal.*
 - (b) *Torments, cruelly beats, or unjustifiably injures any living animal, whether belonging to himself or another.*
 - (c) *Having charge, custody, or possession of any animal, either as owner or otherwise, unjustifiably fails to provide it with proper food, proper drink, proper shelter, or proper veterinary care.*
 - (d) *Abandons any animal.* A person shall not be considered to have abandoned an animal if he delivers to an animal control center an animal which he found running at large.
 - (e) *Impounds or confines or causes to be impounded or confined in a pound or other place, a living animal and fails to supply it during such confinement with proper food, proper drink, and proper shelter.*
 - (f) *Carries, or causes to be carried, a living animal in or upon a vehicle or otherwise, in a cruel or inhumane manner.*
 - (g) *Unjustifiably administers any poisonous or noxious drug or substance to any domestic animal or unjustifiably exposes any such drug or substance, with intent that the same shall be taken or swallowed by any domestic animal.*
 - (h) *Injures any animal belonging to another person.*
 - (i) *Mistreats any living animal by any act or omission whereby unnecessary or unjustifiable physical pain, suffering, or death is caused to or permitted upon the animal.*
 - (j) *Causes or procures to be done by any person any act enumerated in this Subsection.*
- (2)
 - (a) *Whoever commits the crime of simple cruelty to animals shall be fined not more than one thousand dollars, or imprisoned for not more than six months, or both.* The court may also order the offender to pay for any expense incurred for the housing of the animal and for medical treatment of the animal, pursuant to Code of Criminal Procedure Article 883.2. In

ANIMAL PROTECTION LAWS OF LOUISIANA

addition, the court may issue an order prohibiting the defendant from owning or keeping animals for a period of not more than one year.

- (b) *Whoever commits a second or subsequent offense of simple cruelty to animals shall be fined not less than five thousand dollars nor more than twenty-five thousand dollars or imprisoned, with or without hard labor, for not less than one year nor more than ten years, or both.* In addition, the court may issue an order prohibiting the defendant from owning or keeping animals for a period of not more than five years.
- (c) In addition to any other penalty imposed, a person who commits the crime of cruelty to animals shall be ordered to perform five eight-hour days of court-approved community service. The community service requirement shall not be suspended.
- (d) In addition to any other penalty imposed, the court may order a psychological evaluation or anger management treatment for a first conviction of the crime of simple cruelty to animals. For a second or subsequent offense of the crime of simple cruelty to an animal, the court shall order a psychological evaluation or anger management treatment. Any costs associated with any evaluation or treatment ordered by the court shall be borne by the defendant.

- (3) For purposes of this Subsection, if more than one animal is subject to an act of cruel treatment by an offender, each act shall constitute a separate offense.

B.

- (1) *Any person who intentionally or with criminal negligence tortures, maims, or mutilates any living animal, whether belonging to himself or another, shall be guilty of aggravated cruelty to animals.*
- (2) *Any person who tampers with livestock at a public livestock exhibition or at a private sale shall also be guilty of aggravated cruelty to animals.*
- (3) *Any person who causes or procures to be done by any person any act designated in this Subsection shall also be guilty of aggravated cruelty to animals.*
- (4) *Any person who intentionally or with criminal negligence mistreats any living animal whether belonging to himself or another by any act or omission which causes or permits unnecessary or unjustifiable physical pain, suffering, or death to the animal shall also be guilty of aggravated cruelty to animals.*
- (5) In addition to any other penalty imposed for a violation of this Subsection, the offender shall be ordered to undergo a psychological evaluation and subsequently recommended psychological treatment and may be banned by court order from owning or keeping animals for a period of not more than ten years. Any costs associated with any evaluation or treatment ordered by the court shall be borne by the defendant.
- (6) Whoever commits the crime of aggravated cruelty to animals shall be fined not less than five thousand dollars nor more than twenty-five thousand dollars or imprisoned, with or without hard labor, for not less than one year nor more than ten years, or both.
- (7) For purposes of this Subsection, where more than one animal is tortured, maimed, mutilated, or maliciously killed, or where more than one head of livestock is tampered with, each act comprises a separate offense.

C. This Section shall not apply to any of the following:

- (1) The lawful hunting or trapping of wildlife as provided by law.

ANIMAL PROTECTION LAWS OF LOUISIANA

- (2) Herding of domestic animals.
- (3) Accepted veterinary practices.
- (4) Activities carried on for scientific or medical research governed by accepted standards.
- (5) Traditional rural Mardi Gras parades, processions, or runs involving chickens.
- (6) Nothing in this Section shall prohibit the standard transportation and agricultural processing of agriculture products as defined in R.S. 3:3602(5) and (6).
- D. Repealed by Acts 2007, No. 425, § 2, effective August 15, 2008.

LA. REV. STAT. § 14:102.20. Sport killing of zoo or circus animals prohibited.

- A. *No person shall kill for sport an animal that is presently or was formerly a part of a zoo or circus.*
- B. *No zoo or circus shall provide, sell, or donate any animal for use in any business or activity wherein the animal may be intentionally killed for sport.*
- C. *No person shall knowingly transfer or conspire to transfer any animal from a zoo or circus to any business, person, or activity wherein the animal may be intentionally killed for sport.*
- D. *No business or person wherein an animal may be intentionally killed for sport shall purchase, accept as a donation, or receive any animal that was formerly a part of a zoo or circus.*
- E. *Whoever violates the provisions of this Section or rules and regulations promulgated pursuant thereto shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.*

LA. REV. STAT. § 14:102.26. Unlawful restraint of a dog; definitions; penalties.

- A. As used in this Section:
 - (1) *“Collar” means any collar constructed of nylon, leather, or similar material, specifically designed to be used for a dog.*
 - (2) *“Owner” means a person who owns or has custody or control of a dog.*
 - (3) *“Properly fitted” means, with respect to a collar, a collar that measures the circumference of a dog's neck plus at least one inch.*
 - (4) *“Restraint” means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.*
- B. *It shall be unlawful to tie, tether, or restrain any animal in a manner that is inhumane, cruel, or detrimental to its welfare.*
- C. The provisions of this Section shall not apply to any of the following:
 - (1) Accepted veterinary practices.
 - (2) Activities carried on for scientific or medical research governed by accepted standards.
 - (3) A dog restrained to a running line, pulley, or trolley system and is not restrained to the running line, pulley, or trolley system by means of a pinch-type, prong-type, choke-type, or improperly fitted collar.
 - (4) A dog restrained in compliance with the requirements of a camping or recreational area as defined by a federal, state, or local authority or jurisdiction.
 - (5) A dog restrained while the owner is engaged in, or actively training for, an activity that is

ANIMAL PROTECTION LAWS OF LOUISIANA

conducted pursuant to a valid license issued by this state if the activity for which the license is issued is associated with the use or presence of a dog.

- (6) A dog restrained while the owner is engaged in conduct directly related to the business of shepherding or herding cattle or livestock.
- (7) A dog restrained while the owner is engaged in conduct directly related to the business of cultivating agricultural products if the restraint is reasonably necessary for the safety of the dog.
- (8) A dog being restrained and walked with a hand-held leash regardless of the type of collar being used.

D. *Whoever violates the provisions of this Section shall be fined not more than three hundred dollars.*

ANIMAL PROTECTION LAWS OF LOUISIANA

3. ANIMAL FIGHTING

NOTE: seizure, restitution, and forfeiture statutes specific to animal fighting are available in those respective sections of this document.

LA. REV. STAT. § 14:102.5. Dogfighting; training and possession of dogs for fighting.

A. No person shall intentionally do any of the following:

- (1) For amusement or gain, cause any dog to fight with another dog, or cause any dogs to injure each other.
- (2) Permit any act in violation of Paragraph (1) to be done on any premises under his charge or control, or aid or abet any such act.
- (3) Promote, stage, advertise, or be employed at a dogfighting exhibition.
- (4) Sell a ticket of admission or receive money for the admission of any person to any place used, or about to be used, for any activity described in Paragraph (2).
- (5) Own, manage, or operate any facility kept or used for the purpose of dogfighting.
- (6) Knowingly attend as a spectator at any organized dogfighting event.
- (7)
 - (a) Own, possess, keep, or train a dog for purpose of dogfighting.
 - (b) The following activities shall be admissible as evidence of a violation of this Paragraph:
 - (i) Possession of any treadmill wheel, hot walker, cat mill, cat walker, jenni, or other paraphernalia, together with evidence that the paraphernalia is being used or intended for use in the unlawful training of a dog to fight with another dog, along with the possession of any such dog.
 - (ii) Tying, attaching, or fastening any live animal to a machine or power propelled device, for the purpose of causing the animal to be pursued by a dog, together with the possession of a dog.
 - (iii) Possession or ownership of a dog exhibiting injuries or alterations consistent with dogfighting, including but not limited to torn or missing ears, scars, lacerations, bite wounds, puncture wounds, bruising or other injuries, together with evidence that the dog has been used or is intended for use in dogfighting.
 - (iv) Possession or use of a bait dog to train another dog for dogfighting.

B.

- (1) "Bait dog" means a dog that is used as bait to train another dog to be more aggressive and accustomed to attacking other dogs for the purpose of dogfighting.
- (2) "Dogfighting" means an organized event wherein there is a display of combat between two or more dogs in which the fighting, killing, maiming, or injuring of a dog is the significant feature, or main purpose, of the event.

C. Whoever violates any provision of Subsection A of this Section shall be fined not less than five thousand dollars nor more than twenty-five thousand dollars, or be imprisoned with or without hard labor for not less than one year nor more than ten years, or both.

D. Nothing in this Section shall prohibit any of the following activities:

ANIMAL PROTECTION LAWS OF LOUISIANA

- (1) The use of dogs for hunting.
- (2) The use of dogs for management of livestock by the owner, his employees or agents, or any other person having lawful custody of livestock.
- (3) The training of dogs or the possession or use of equipment in the training of dogs for any purpose not prohibited by law.
- (4) The possessing or owning of dogs with ears cropped or otherwise surgically altered for cosmetic purposes.
- (5) Owning or possessing a former bait dog for the purpose of providing it with rehabilitative care.

LA. REV. STAT. § 14:102.10. Bear wrestling; penalty.

- A. *Any person who intentionally commits any of the following shall be guilty of bear wrestling:*
 - (1) *Promotes, engages in, or is employed by anyone who conducts a bear wrestling match.*
 - (2) *Receives money for the admission of another person to a place kept for bear wrestling matches.*
 - (3) *Sells, purchases, possesses, or trains a bear for a bear wrestling match.*
- B. *For the purposes of this Section, a "bear wrestling match" means a match or contest between one or more persons and a bear for the purpose of fighting or engaging in a physical altercation.*
- C. *Whoever commits the crime of bear wrestling shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.*

LA. REV. STAT. § 14:102.19. Hog and canine fighting prohibited; penalties.

- A. *It shall be unlawful for any person to organize or conduct any commercial or private event, wherein there is a display of combat or fighting among 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.*
- B. *It shall be unlawful for any person to intentionally do any of the following for the purpose of organizing, conducting, or financially or materially supporting any event as provided in Subsection A of this Section:*
 - (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.*
- C. *The provisions of this Section shall not apply to any competitive event in which canines, which are trained for hunting or herding activities, are released in an open area or an enclosed area to locate and corner hogs, and in which competitive points are deducted if a hog is caught and held, unless by such actions it is reasonably foreseeable that the canines or hogs would be injured, maimed, mutilated, or killed.*
- D. *The provisions of 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 the provisions of Subsection A of this Section.*

ANIMAL PROTECTION LAWS OF LOUISIANA

- E. The provisions of this Section shall not apply to “Uncle Earl’s Hog Dog Trials,” as defined in R.S. 49:170.10.
- F. *Whoever violates the provisions of this Section shall be fined not more than one thousand dollars, or imprisoned for not more than six months, or both.*
- G. *For the purposes of this Section:*
 - (1) *“Hog” shall include a pig, swine, or boar.*
 - (2) *“Person” means an individual, corporation, partnership, trust, firm, association or other legal entity.*

LA. REV. STAT. § 14:102.23. Cockfighting.

- A. *It shall be unlawful for any person to:*
 - (1) *Organize or conduct any commercial or private cockfight wherein there is a display of combat or fighting among one or more domestic or feral chickens and in which it is intended or reasonably foreseeable that the chickens would be injured, maimed, mutilated, or killed; or*
 - (2) *Possess, train, purchase, or sell any chicken with the intent that the chicken shall be engaged in an unlawful commercial or private cockfight as prohibited in Paragraph (1) of this Subsection.*
- B. *As used in this Section, the following words and phrases have the following meanings ascribed to them:*
 - (1) *“Chicken” means any game fowl or rooster whether domestic or feral normally used in a cockfight.*
 - (2) *“Cockfight” means a contest wherein chickens are set against one another with the intention that they engage in combat.*
- C. *Possessing, manufacturing, buying, selling, or trading of paraphernalia such as spurs, gaffs, knives, leather training spur covers, and other items or substances normally used in cockfighting with the intent that they shall be used in a cockfight together with evidence that the paraphernalia is being used or intended for use in the unlawful training of a chicken to fight with another chicken, shall be admissible as evidence of a violation of this Section. Whoever violates the provisions of this Subsection, upon conviction shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both. However, the provisions of this Section shall not be construed to prohibit the possessing, buying, selling, or trading of any spurs, gaffs, knives, leather training spur covers, or any other items normally used in cockfighting which are at least five years old and have historical value.*
- D.
 - (1) *Whoever violates the provisions of this Section, on conviction of a first offense shall be fined not less than seven hundred fifty dollars, nor more than two thousand dollars, or imprisoned, with or without hard labor, for not less than six months nor more than one year, or both. In addition to any other penalty imposed, on a conviction of a first offense, the offender shall be ordered to perform fifteen eight-hour days of court-approved community service. The community service requirement shall not be suspended.*
 - (2) *On a conviction of a second offense, the offender shall be fined not less than one thousand dollars, nor more than two thousand dollars, and shall be imprisoned, with or without hard labor, for not less than one year nor more than three years. At least six months of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.*

ANIMAL PROTECTION LAWS OF LOUISIANA

- E. *For the purposes of this Section, when more than one chicken is subject to an act that would constitute cockfighting, each chicken involved shall constitute a separate offense.*
- F. *The provisions of this Section shall not be construed to prohibit the raising of any chicken, rooster, or gamefowl for the purposes of personal enjoyment, exhibition, or agricultural pursuits as long as the purpose of such pursuits are legal.*

LA. REV. STAT. § 14:102.24. Participation in cockfighting.

- A. *It shall be unlawful for any person to attend a cockfight, or to bet on a cockfight, or to pay admission at any location to view or bet on a cockfight.*
- B. *As used in this Section, the following words and phrases have the following meaning ascribed to them:*
 - (1) *“Chicken” means any bird which is of the species Gallus gallus, whether domestic or feral.*
 - (2) *“Cockfight” means a contest wherein chickens are set against one another with the intention that they engage in combat.*
- C. *Whoever violates the provisions of this Section shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both.*

LA. REV. STAT. § 14:102.29. Unlawful possession, transfer, or manufacture of animal fighting paraphernalia

- A. *It shall be unlawful for any person to possess, purchase, sell, transfer, or manufacture animal fighting paraphernalia with the intent to engage in, promote, or facilitate animal fighting in violation of R.S. 14:102.1, 102.5, or 102.23, or any other provision of law.*
- B. *For purposes of this Section, “animal fighting paraphernalia” means equipment, products, implements, or materials of any kind that are used, intended for use, or designed for use in the training, preparation, conditioning, or furtherance of animal fighting, and includes but is not limited to the following:*
 - (1) *Breaking sticks.*
 - (2) *Cat mills.*
 - (3) *Treadmills.*
 - (4) *Fighting pits.*
 - (5) *Spring poles.*
 - (6) *Unprescribed veterinary medicine.*
 - (7) *Veterinary treatment supplies.*
 - (8)
 - (a) *Spurs, gaffs, knives, leather training spur covers, slashers, heels, or any other sharp implement designed to be attached in place of the natural spur of a cock or game fowl.*
 - (b) *This Paragraph shall not be construed to prohibit the possessing, buying, selling, or trading of any spurs, gaffs, knives, leather training spur covers, or any other items normally used in cockfighting that are at least five years old and have historical value.*
- C. *Nothing in this Section shall prohibit the training of animals or the use of equipment in the training of animals for any purpose not prohibited by law.*
- D. *Whoever violates the provisions of this Section shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both.*

ANIMAL PROTECTION LAWS OF LOUISIANA

4. SEXUAL ASSAULT

LA. REV. STAT. § 14:89.3. Sexual abuse of an animal.

- A. *Sexual abuse of an animal is the knowing and intentional performance of any of the following:*
- (1) *Engaging in sexual contact with an animal.*
 - (2) *Possessing, selling, transferring, purchasing, or otherwise obtaining an animal with the intent that it be subject to sexual contact.*
 - (3) *Organizing, promoting, conducting, aiding or abetting, or participating in as an observer, any act involving sexual contact with an animal.*
 - (4) *Causing, coercing, aiding, or abetting another person to engage in sexual contact with an animal.*
 - (5) *Permitting sexual contact with an animal to be conducted on any premises under his charge or control.*
 - (6) *Advertising, soliciting, offering, or accepting the offer of an animal with the intent that it be used for sexual contact.*
 - (7) *Filming, distributing, or possessing pornographic images of a person and an animal engaged in any of the activities described in Paragraphs (1) through (6) of this Subsection.*
- B. *For purposes of this Section:*
- (1) *“Animal” means any nonhuman creature, whether alive or dead.*
 - (2) *“Sexual contact” means:*
 - (a) *Any act committed for the purpose of sexual arousal or sexual gratification, abuse, or financial gain, between a person and an animal involving contact between the sex organs or anus of one and the mouth, sex organs, or anus of the other.*
 - (b) *The insertion, however slight, of any part of the body of a person or any object into the vaginal or anal opening of an animal, touching by a person of the sex organs or anus of an animal, or the insertion of any part of the animal's body into the vaginal or anal opening of the person.*
- C. *This Section shall not apply to any of the following:*
- (1) *Accepted veterinary practices.*
 - (2) *Artificial insemination of an animal for reproductive purposes.*
 - (3) *Accepted animal husbandry practices, including grooming, raising, breeding, or assisting with the birthing process of animals or any other procedure that provides care for an animal.*
 - (4) *Generally accepted practices related to the judging of breed conformation.*
- D.
- (1)
 - (a) *Except as provided in Subparagraph (b) of this Paragraph, whoever commits the offense of sexual abuse of an animal shall be fined not more than two thousand dollars, imprisoned, with or without hard labor, for not more than five years, or both.*
 - (b) *Whoever commits a second or subsequent offense of sexual abuse of an animal, shall be fined not less than five thousand dollars nor more than twenty-five thousand dollars, or imprisoned, with or without hard labor, for not more than ten years, or both.*

ANIMAL PROTECTION LAWS OF LOUISIANA

- (2) In addition to any other penalty imposed, a person convicted of violating this Section shall be ordered to:
 - (a) Relinquish custody of all animals.
 - (b) Not harbor, own, possess, or exercise control over any animal for any length of time deemed appropriate by the court, but not less than five years.
 - (c) Not reside in any household where an animal is present; engage in an occupation, whether paid or unpaid, involving animals; or participate in a volunteer position at any establishment where animals are present, for any length of time deemed appropriate by the court, but not less than five years.
 - (d) Undergo a psychological evaluation for sex offenders and participate in any recommended psychological treatment. Any costs associated with any evaluation or treatment ordered by the court shall be paid by the defendant.
 - (e) If the convicted person is not the owner, reimburse the owner for any expenses incurred for medical treatment or rehabilitation of the victimized animal.
- (3) If a person convicted of the offense of sexual abuse of an animal is released on parole, the committee on parole shall require the person, as a condition of parole, to participate in a sex offender program as defined by R.S. 15:828(A)(2)(b).

E.

- (1) Any law enforcement officer investigating a violation of this Section may lawfully take possession of an animal that he has reason to believe has been victimized under this Section in order to protect the health or safety of the animal or the health or safety of others, and to obtain evidence of the offense.
- (2) Any animal seized pursuant to this Section shall be promptly taken to a shelter facility or veterinary clinic to be examined by a veterinarian for evidence of sexual contact.
- (3) With respect to an animal so seized and impounded, all provisions of R.S. 14:102.2 and 102.3 shall apply to the seizure, impoundment, and disposition of the animal.

- F. Prosecution under this Section shall not preclude prosecution under any other applicable provision of law.

ANIMAL PROTECTION LAWS OF LOUISIANA

5. CRUELTY TO WORKING ANIMALS

LA. REV. STAT. § 14:102.8. Injuring or killing of a police animal.

- A. *Injuring or killing of a police animal is the intentional infliction of great bodily harm, permanent disability, or death upon a police animal.*
- B. As used in this Section:
 - (1) *“Police animal” means:*
 - (a) *Any dog which is owned or the service of which is used by any state or local law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.*
 - (b) *Any dog which is owned or the service of which is used by any public safety agency and which is trained in accordance with the standards of a national or regional search and rescue association to respond to instructions from its handler in the search for possibly deceased individuals and in the search and rescue of lost or missing individuals and which dog, together with its handler, is prepared to render search and rescue services at the request of a public safety agency.*
 - (c) *Any horse which is used by a state or local law enforcement officer in the course of his official duty.*
 - (2) *“Public safety agency” means any agency of the state or political subdivision of the state which provides or has authority to provide law enforcement, fire protection, emergency medical services, emergency preparedness services, or any other type of emergency services.*
- C. It shall be an affirmative defense to a prosecution under this Section when the injuring or killing of a police animal is committed with the reasonable belief by one not involved in or being apprehended for the commission of any offense or by one taken into custody that:
 - (1) He is in imminent danger of losing his life or receiving great bodily harm and that the injuring or killing is necessary to save himself from that danger.
 - (2) Another person not involved in or being apprehended for the commission of any offense is in imminent danger of losing his life or receiving great bodily harm and that the injury or killing is necessary to save that person from that danger.
 - (3) His animal or other property not involved in the commission of any offense or in the apprehension of any person for an offense is in imminent danger of being destroyed or receiving grave injury or damage that may result in its destruction.
- D.
 - (1) *Whoever commits the crime of injuring or killing of a police animal shall be fined not less than five thousand dollars nor more than ten thousand dollars, or imprisoned with or without hard labor for not less than one year nor more than three years, or both.*
 - (2) *Upon a second or subsequent conviction, regardless of whether the second or subsequent offense occurred before or after the first conviction, the offender shall be fined not less than five thousand dollars and not more than ten thousand dollars, or imprisoned with or without hard labor for not less than five years nor more than seven years, or both.*
- E. In addition to the foregoing penalties, a person convicted under this Section shall be ordered to make

ANIMAL PROTECTION LAWS OF LOUISIANA

full restitution to the public safety agency suffering a financial loss from the injury or killing of a police animal. If a person ordered to make restitution pursuant to this Section is found to be indigent and therefore unable to make restitution in full at the time of conviction, the court shall order a periodic payment plan consistent with the person's financial ability.

ANIMAL PROTECTION LAWS OF LOUISIANA

6. LAWS SPECIFIC TO FARMED ANIMALS

Editor's Note: *This section does **not** contain all state or territorial laws regarding farmed animals. This section contains only criminal statutes with the primary purpose of preventing individual farmed animals from suffering unnecessary pain or suffering.*

LA. REV. STAT. § 3:2361. Horses and mules which may not be sold.

- A. *No person shall sell either at private sale or public auction, or offer or receive for sale any horse or mule which by reason of debility, disease, or lameness, or for any other cause could not be worked in the city in which it is offered for sale without violating the laws against cruelty to animals. This Section shall apply only in cities in this state having a population of ten thousand or more.*
- B. *Whoever violates the provisions of this Section shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned for not more than six months.*

LA. REV. STAT. § 3:2363. Sale of dyed chicks, ducklings, goslings, or rabbits; requirements for maintenance; penalties.

- A. *No person shall sell or offer for sale any dyed chick, duckling, gosling, or rabbit.*
- B. *Stores, shops, vendors, and others offering chicks, ducklings, goslings, or rabbits for sale, or displaying chicks, ducklings, goslings, or rabbits to the public, shall provide and operate brooders or other devices that may be necessary to maintain the chicks, ducklings, or goslings in good health, and shall make adequate food and water available to such birds or rabbits at all times.*
- C. *Whoever violates the provisions of this Section shall be fined not more than one hundred dollars, or imprisoned for not more than thirty days, or both. Each day on which a violation occurs shall constitute a separate offense.*

ANIMAL PROTECTION LAWS OF LOUISIANA

7. CRUEL HUNTING, TRAPPING, AND FISHING

Editor's Note: *This section does **not** contain all state or territorial laws regarding hunting, trapping, and fishing. This section contains only criminal statutes with the primary purpose of preventing individual wild animals from suffering unnecessary pain or suffering.*

LA. REV. STAT. § 56:116.1. Wild birds and wild quadrupeds; times and methods of taking; penalties.

- A. Resident game birds, outlaw birds, game quadrupeds, and outlaw quadrupeds may be taken only in accordance with all of the following:
 - (1) In the open season.
 - (2) With or without the aid of dogs, except on wildlife management areas and refuges owned or leased by the department and in those areas of the state wherein the aid of dogs is specifically prohibited by rules and regulations adopted by the commission.
 - (3) By a licensee.
 - (4) In accordance with the bag and possession limits set by the commission.
 - (5) From one-half hour before official sunrise to one-half hour after official sunset.
 - (6) With a bow and arrow, crossbow, rifle, handgun, pre-charged pneumatic device, falconry, or a shotgun not larger than a No. 10 gauge fired from the shoulder without a rest, except as otherwise provided in this Chapter.
 - (7) In accordance with rules and regulations adopted and promulgated by the commission.
 - (8) Use of a laser sight or sighting device which projects a beam of light to the target only by a person holding a physically challenged hunter permit, as authorized in R.S. 56:104.1, who has the impairment of visual functioning even after treatment and/or standard refractive correction, and has a visual acuity of equal to or less than 20/200 to light perception, or a visual field of less than ten degree from the point of fixation, as certified by a Louisiana licensed optometrist or ophthalmologist. Such hunter shall be accompanied by another licensed hunter and only the person holding the physically challenged hunter permit may discharge the firearm.
- B. No person shall do any of the following:
 - (1) Take game birds or wild quadrupeds while riding or standing in or upon a moving land vehicle or aircraft.
 - (2) Hunt, shoot, or take, or attempt to hunt, shoot, or take, game birds or wild quadrupeds across a highway or road right of way, defined as from one side of a highway or road right of way to the other.
 - (3)
 - (a) Take or kill any game bird or wild quadruped with a firearm fitted with an infrared sight, laser sight or except as provided in Paragraph (A)(8) or (D)(2) of this Section, any sighting device which projects a beam of light to the target or otherwise electronically illuminates the target, or any device specifically designed to enhance vision at night.

ANIMAL PROTECTION LAWS OF LOUISIANA

- (b) Except as provided for in Paragraph (D)(3) of this Section, take or kill any game bird or wild quadruped with or by means of an automatic loading or hand operated repeating shotgun capable of holding more than three shells. Any shotgun capable of holding more than three shells shall be plugged with a one-piece filler incapable of removal through the loading end, so as to reduce the capacity of the gun to not more than three shells at one loading.
- (4) Except as provided in Paragraph (A)(8) of this Section, take or kill any game bird or wild quadruped with a bow or crossbow or other archery equipment, which is equipped with an infrared or laser sight or any sighting device which projects a beam of light to the target or otherwise electronically illuminates the target.
- (5) Take or kill on any calendar day during the open season, or in the aggregate during the open season, a greater number of migratory or resident game birds, protected birds, wild quadrupeds, or protected quadrupeds than that set and specified in the rules and regulations of the commission.
- (6) Possess at any time any wild game bird or wild game quadruped or part thereof; *or disturb or destroy any nest, or egg, or young of any such wild quadruped or wild bird, except as otherwise expressly provided in this Chapter.*
- (7) Possess at any time any wild game bird or wild game quadruped in a manner contrary to any of the provisions of R.S. 56:104 or R.S. 56:171 through 181 or any of the rules and regulations adopted pursuant thereto.
- (8) Have in his personal possession in the field between the place taken and the domicile of the possessor more than the possession limit of game birds or wild quadrupeds, unless the game birds or wild quadrupeds are tagged with a tag indicating the species, the date and place taken, license number, and signature of the person who took the game birds or wild quadrupeds, indicating compliance with R.S. 56:115, 117, or 119 or any other provisions of this Chapter governing possession of game birds or wild quadrupeds, and any rules and regulations promulgated pursuant thereto.
- (9) Take or kill any wild quadruped behind a rail or other object driven or pulled by a vehicle or other device, which practice is commonly known as mashing weeds.
- (10) Hunt with firearms of any type or with bows and arrows after one-half hour after official sunset and before one-half hour before official sunrise; nor shall any person hunt with the aid of any artificial light at any time. This prohibition shall not affect night hunting of raccoons or opossums pursuant to Subsection C of this Section or of outlaw quadrupeds, nutria, or beaver pursuant to Subsection D of this Section. This prohibition shall not apply to the ingress or egress by a hunter during nondaylight hours with the aid of a handheld light.
- (11) Hunt or take squirrels or rabbits at any time with a breach loaded rifle larger than a standard .22 caliber rimfire, or a muzzle loaded rifle larger than .36 caliber. Nothing herein shall preclude the use of a shotgun or pistol.
- (12) Intentionally feed, deposit, place, distribute, expose, scatter, or cause to be fed, deposited, placed, distributed, exposed, or scattered, raw sweet potatoes to wild game quadrupeds.

ANIMAL PROTECTION LAWS OF LOUISIANA

C.

- (1) No person shall take or hunt furbearing animals at night with artificial light. It shall be lawful, however, for one or more licensed hunters with one or more dogs to hunt raccoons or opossums at night with lights, and to carry on such hunts for the purpose of taking raccoons or opossums not more than one standard .22 caliber rimfire firearm and to use single ball rimfire ammunition.
- (2)
 - (a) Farmers and landowners may hunt raccoons or opossums as provided by law with a .22 caliber rimfire rifle when the animals are found destroying crops of corn, sweet potatoes, watermelons, pecans, and other crops, with no bag limit any time of the year.
 - (b) Squirrels found destroying crops of pecans may be taken year-round by permit, which shall be valid thirty days from date of issuance. The permittee who is authorized to take squirrel may use a shotgun no larger than a 12 gauge and no smaller than a .410 gauge. The permittee shall delineate and the permit shall indicate the specific area in which this permit shall be valid. This permit shall be issued only by the department during normal working hours and may be obtained in person at the Baton Rouge office, at a district headquarters office, or at any other location designated by the department. There is no fee charged for the issuance of this permit.
 - (c) Notwithstanding the provisions of this Subsection to the contrary, any opossums, raccoons, nutria, otters, muskrat, mink, or beaver that are found destroying crawfish in a private pond primarily used for the purpose of commercially cultivating crawfish or destroying the structure of such pond may be taken as provided by law by the crawfish farmer or landowner with either a rimfire rifle no larger than a .22 caliber or a shotgun no larger than a 12-gauge using nontoxic shot no larger than BB-sized from a boat or vehicle with no bag limit any time of the year during daytime or nighttime hours.
- (3) There shall be no recreational bag limit on raccoon or opossum hunting during the open trapping season; however, the commission shall establish a recreational bag limit for such hunting during that period of the year when the trapping season is closed. No one shall sell the skins or carcasses of raccoons and opossums taken during the open trapping season unless he is the holder of a valid commercial trapper's license. However, carcasses of raccoons and opossums taken by the holder of a commercial trapper's license on the last day of trapping season may be pelted or sold on the day immediately following the close of the season.
- (4) It shall be legal for a licensed hunter to take raccoon or opossum during daylight hours during the open rabbit season.
- (5) No person shall take or hunt raccoons or opossums from a boat or vehicle.
- (6) The Wildlife and Fisheries Commission may adopt and promulgate rules and regulations that provide for the recreational taking of nutria. Such rules and regulations shall provide for the open season, methods of taking, hours for taking, and the bag and possession limits. Such rules and regulations shall in no way authorize the taking of nutria on privately owned land without

ANIMAL PROTECTION LAWS OF LOUISIANA

the express permission of the landowner and shall prohibit the sale of nutria skins or carcasses except by the holder of a valid trapping license or by a licensed fur buyer or fur dealer.

D.

- (1) Outlaw quadrupeds, nutria, or beaver may be taken at any time of year from one-half hour before official sunrise to one-half hour after official sunset, without limit as to number, except by trapping during the closed season for nongame quadrupeds; however, such trapping may be used only under special permit issued by the department, except such trapping of outlaw quadrupeds may be used without special permit in accordance with rules and regulations promulgated by the commission.
- (2) On private property, the landowner, or his lessee or agent with written permission and the landowner's contact information in his possession, may take outlaw quadrupeds, nutria, or beaver during nighttime hours. However, no person shall be allowed to participate or be present during nighttime hunting activities if convicted of a class three or greater wildlife violation within the previous five years or if he has any other prohibition which would prevent the legal use of a firearm or participation in a hunting activity. Such taking may be with or without the aid of artificial light, infrared or laser sighting devices, or night vision devices. Any person attempting to take outlaw quadrupeds, nutria, or beaver under the provisions of this Paragraph shall notify the sheriff of the parish in which the property is located of his intention to attempt to take outlaw quadrupeds, nutria, or beaver within twenty-four hours prior to the attempted taking or immediately upon taking the animal.
- (3) On private property, outlaw quadrupeds may be taken with or by means of an automatic-loading or hand-operated repeating shotgun capable of holding more than three shells when using buckshot or rifled slug ammunition.
- (4) Notwithstanding Paragraph (B)(1) of this Section, on private property, outlaw quadrupeds may be taken while riding or standing in or upon a moving land vehicle.

- E. Bowhunters may carry any caliber of firearm on their person while hunting with a bow. The provisions of this Subsection shall in no way be interpreted to limit the ability of the department to regulate hunting activities in a wildlife management area in accordance with R.S. 56:109.
- F. Each taking of a migratory or resident game bird, protected bird, game quadruped, or protected quadruped in excess of the limit as set and specified in the rules and regulations of the Louisiana Wildlife and Fisheries Commission, and each taking of such a migratory or resident game bird, protected bird, game quadruped, or protected quadruped in the closed season, constitutes a separate offense under the provisions of this Subpart.
- G. Except where expressly stated to the contrary, the provisions of this Section shall apply to the taking or possession of deer, bear, and turkey. Where a specific prohibition and penalty relating to the taking or possession of deer, bear, or turkey has been provided in R.S. 56:116.3 or 116.4, the provisions of R.S. 56:116.3 or 116.4, as applicable, shall govern.
- H. Violation of any of the provisions of this Section shall constitute a class three violation.

ANIMAL PROTECTION LAWS OF LOUISIANA

LA. REV. STAT. § 56:121. Traps, cages, etc., for taking wild birds; confiscation; exception for destructive blackbirds.

- A. Except as otherwise provided in this Section or under special license granted in pursuance of R.S. 56:104, *no person shall at any time use or set a trap, cage, snare, net, or device for the purpose of taking wild birds.* Wildlife agents and other officers empowered to enforce the provisions of this Subpart may confiscate and destroy all traps, nets, snares, and other devices which they may find set or being used for the purpose of taking wild birds, and may liberate any wild birds found possessed contrary to the provisions of this Subpart.
- B. Blackbirds which become destructive of crops on private property may be trapped and destroyed by the property owner or by another person with the permission of the property owner.
- C. Violation of this Section constitutes a class three violation.

LA. REV. STAT. § 56:121.1. Traps; wild quadrupeds.

- A. *No person shall at any time use a hook or set a trap with teeth, for the purpose of taking wild quadrupeds, except that alligators may be taken with the aid of hook and line.*
- B. Violation of this Section constitutes a class two violation.

LA. REV. STAT. § 56:259. Open season; method of taking animals; prohibited devices; possession and sale of skins

- A. The open season for taking nongame quadrupeds, in any area of one or more parishes shall be fixed by the commission. The commission may extend, curtail or prohibit the trapping in any area of the state each year.
- B. The commission shall at its discretion open or close the season for the taking or possession of alligators by area within the state. The commission shall also prescribe methods of taking alligators and hours within which alligators may be taken.
- C.
 - (1) Nongame furbearing quadrupeds may be taken in the open trapping season, but only by properly licensed trappers, and only by means of a trap. *Except as provided in Paragraph (2) of this Subsection, the use of dogs or of guns or other firearms, bows and arrows, gigs, spears, pitchforks, or other weapons or any like devices in hunting and taking nongame quadrupeds, or the use of explosives, chemicals, and smokes of any kind to drive furbearing quadrupeds out of their holes, dens, or houses is prohibited.* Raccoons, nutria, and opossums may be taken for sport as provided for in R.S. 56:116.1, and nutria in open season may be taken additionally by the use of a standard .22 caliber rifle only between the hours of sunrise and sunset. Beaver may be taken as provided for in R.S. 56:105. This Subsection does not apply to the methods or means by which alligators may be taken.

ANIMAL PROTECTION LAWS OF LOUISIANA

- (2) Notwithstanding the provisions of any other law to the contrary, dogs may be used during the taking of nutria between the hours of sunrise and sunset, except during deer season where still hunting only is allowed and during turkey nesting season as determined by the commission.
- D. The taking of alligators is prohibited between the hours of sunset and sunrise. The taking of alligators out of season is prohibited.
- E. Nothing contained in this Subpart shall deprive landowners and lessees of agricultural or forest lands or their agents, representatives, and employees, of their right to kill nutria and beaver as a pest without a license on agricultural or forest lands owned or leased by them or in residential areas, or in waterways and on the banks of waterways adjacent to the agricultural lands, except during open trapping season, a license shall be required. Nutria and beaver may be taken at any time and by any means in these areas except that nutria and beaver cannot be taken by use of a headlight and gun between the hours of sunset and sunrise.
- F. No pelting during the closed trapping season shall be permitted at any time, except with department authorization. The sale of carcasses of nongame quadrupeds is prohibited during the closed trapping season, except with department authorization. The provisions of this Subsection do not apply to nongame quadrupeds raised on farms.
- G. Licensed trappers may hold in captivity live nongame quadrupeds, except alligators, during the open trapping season. Such animals must have been acquired by legal trapping methods. Such animals held in captivity by a trapper must be released or pelted by the last day of the open trapping season. However, a licensed trapper may apply for a nongame quadruped breeder's or exhibitor's license, as provided for in R.S. 56:262, and continue holding such animals in captivity as long as the license has not expired. A licensed trapper, holding any live nongame quadrupeds except alligators, may offer for sale such live animals to any licensed nongame quadruped breeder or exhibitor during the open trapping season. During any such transaction, a bill of sale must be provided by the trapper to the nongame breeder or exhibitor and retained for a period of one year.
- H. Violation of any of the provisions of this Section except for Subsections C, D, and F constitutes a class two violation. Violation of any of the provisions of Subsections C, D, or F constitutes a class four violation.

LA. REV. STAT. § 56:320. Methods of taking freshwater or saltwater fish

- A.
- (1) Freshwater and saltwater recreational fish may be taken by means of rod, fishing pole, hook and line, trolling line, handline, bait casting, fly casting apparatus, crawfish nets, by use of devices known as yo-yos or trigger devices, bow and arrow, recreational hoop nets, recreational wire nets, recreational slat traps, standard spearing equipment used by a skin diver sport fishing in saltwater or freshwater when submerged in the water, recreational pipes, recreational buckets, recreational drums, recreational tires, and recreational cans, and by no other means except a barbless spear or a multi-pronged barbed gig that may be used in saltwater for taking flounder. Recreational wire nets and recreational hoop nets authorized for use under the provisions of this Section shall be used only in the geographical areas of the state designated as freshwater under the provisions of R.S. 56:322.

ANIMAL PROTECTION LAWS OF LOUISIANA

- (2) However, skin divers fishing for recreational purposes in fresh water, when submerged in the water and using standard spearing equipment, or any person using a bow and arrow, or any person using or possessing nets or traps, including recreational hoop nets, recreational slat traps, recreational pipes, recreational buckets, recreational drums, recreational tires, and recreational cans, may not take or possess any game fish as defined in R.S. 56:8 except red drum may be taken using a bow and arrow or by skin divers using standard spearing equipment fishing for recreational purposes while submerged in water.
- (3) However, notwithstanding Paragraphs (1) and (2) of this Subsection, and any other provision of law to the contrary, bream of any species may be taken when fishing for sport in freshwater by using a minnow trap that does not exceed twenty-four inches in length and having a throat no larger than one inch by three inches for noncommercial bait purposes.
- (4) Repealed by Acts 1999, No. 5, § 2.
- (5) Repealed by Acts 2006, No. 111, § 1.

B.

- (1) Commercial finfish may be taken with pole, line, the device known as a yo-yo, the device known as a trigger device, handline, with any trotline wherein hooks are not less than twenty-four inches apart, approved slat traps, cans and minnow traps, with legal seines and nets, with bows and arrows, or by any skin diver in salt water or fresh water, when submerged in water and using standard spearing equipment, and by no other means except as provided in Subsection C of this Section. In the saltwater areas of the state as defined in R.S. 56:322(A) and (B), commercial finfish may be taken by means of rod and reel. However, eel may be taken for commercial purposes using eel pots and other legal gear as provided herein. Violation of this Paragraph constitutes a class three violation.
- (2) Repealed by Acts 1995, No. 543, § 3.
- (3) Crabs or stone crabs may be taken with any legal crab trap, crab dropnet, trawl, skimmer net, butterfly net, hoop net, trotline, handline, bushline, dip net, or cast net. A dredge shall not be used for the intentional taking of crabs. Crab traps located in areas north of the northern bank of the Intracoastal Waterway and west of Louisiana Highway 70 and those areas located on the eastern side of the Mississippi River and inland from the saltwater line are not required to be marked with a float and float line, unless the trap is placed in a lake.

C.

- (1) *No person shall take or possess fish taken by means of spears, poisons, stupefying substances or devices, explosives, guns, tree-topping devices, lead nets, except as provided in R.S. 56:329(B), electricity, or any instrument or device capable of producing an electric current used in shocking the fish; except a barbless spear or a multi-pronged barbed gig that may be used in salt water for taking flounder. No person shall take or possess game fish taken by means of snagging devices, not including bow and arrow. Catfish may be taken by means of snagging devices and hand-grabbing. Garfish may be taken by means of spears and bows and arrows. It shall be unlawful to possess any of the prohibited instruments, weapons, substances, or devices set out in this Subsection with the intent to take fish in violation of the provisions of this Section.*

ANIMAL PROTECTION LAWS OF LOUISIANA

- (2) No person shall use or deploy within the state territorial waters bandit gear or longline gear. A person may possess bandit gear or longline gear aboard a vessel within state territorial waters so long as such gear is not in use or deployed to take fish. No person shall possess fish taken within the state territorial waters using bandit gear or longline gear.
- D. The commission may provide by rule or regulation that no seines or gill nets authorized for use in taking fish from the waters of the state of Louisiana shall be left unattended, except as otherwise provided by this Title.
- E. The commission may provide by rule and regulation for the taking of game fish with scuba gear, consistent with and in addition to other provisions of law as provided in this Section.
- F. Each gill net or trammel net used to take freshwater commercial fish shall be marked with two waterproof tags with the name and license number of the fisherman legibly printed thereon, such tags to be placed at each end of the net. The secretary shall promulgate and adopt rules and regulations to establish a marking system for nets used in freshwater areas of the state sufficient to enable the department's agents to clearly identify unattended nets, as defined in R.S. 56:8, including the name and license number of the owner of such nets, and sufficient to enforce all laws relative to such nets. Violation of this Subsection constitutes a class three violation.
- G. It shall be unlawful for any person to use or employ any aircraft including fixed wing aircraft, dirigibles, balloons, helicopters, or any other form of aerial surveillance in the airspace of this state to assist in the taking of finfish except in the fisheries of menhaden and herring-like fish as defined in Title 76, Section 311 of the Louisiana Administrative Code. Any aircraft, boat, or vessel and equipment utilized in the taking of finfish and any fish taken or possessed, except in the fisheries of menhaden and other herring-like fish, contrary to the provisions of this Subsection shall be subject to confiscation. Violation of this Subsection constitutes a class 5-A violation.
- H. Violations of Subsection C of this Section and the taking of freshwater and saltwater gamefish by illegal methods shall constitute a class four violation.
- (1) It shall be unlawful for any person to knowingly and intentionally use or employ any net to encircle a vessel or to otherwise knowingly and intentionally use or employ any vessel or fishing gear to interfere with the lawful fishing of another.
- (2) It shall be unlawful for any person to knowingly and intentionally use or employ any vessel or recreational gear to interfere with the lawful commercial fishing of another.
- (3) A violation of the provisions of this Subsection shall constitute a class two violation, R.S. 56:32.

LA. REV. STAT. § 56:328. Conducting fishing operations so as not to destroy nests or natural hiding places of young fish; prohibited importation; control and regulation of noxious aquatic plants; permit; penalty

- A. *All fishing operations shall be conducted in such a way that nests of fish or the natural hiding places of young fish or shrimp are not destroyed. Nets shall not be hauled out upon the shore in such a way that any illegal fish which may happen to be taken therein cannot be returned to the waters without injury. All vegetation hauled up in fishing operations, except such as may be condemned as detrimental by the commission, shall be carefully removed and immediately put back into the waters in such a manner as not to injure any fish eggs, small fish, or fish foods contained therein.*

ANIMAL PROTECTION LAWS OF LOUISIANA

- B. No person shall at any time import or cause to be transported into the jurisdiction of the state of Louisiana, from any other state or country, without first obtaining a written permit from the department, noxious aquatic plants which are or can be grown submerged, immersed, floating in water, or in wetland conditions. The department shall maintain and promulgate under the Administrative Procedure Act a list of prohibited invasive, noxious aquatic plants.
- C. The department shall have the authority to promulgate rules under the Administrative Procedure Act to prevent the introduction of invasive, noxious aquatic plants and to control, eradicate, and prevent the spread or dissemination within the state of all invasive, noxious aquatic plants that pose a threat to the wildlife or fisheries resources of the state. The department may issue permits for the importation of any of the invasive, noxious aquatic plants for the purpose of conducting scientific investigations of such species of aquatic plants. Terms and conditions of all permits issued shall be prescribed by the department.
- D. The department shall confer and cooperate with the Department of Agriculture and Forestry to determine if any potentially regulated plants are of agricultural importance.
- E. Violation of the provisions of Subsection B or C of this Section and violation of any rule adopted pursuant to the provisions of this Section constitutes a class four violation.

LA. REV. STAT. § 56:632.6. Methods of collection

- A. *The use of gasoline, chemicals, or other volatile substances to flush reptiles and amphibians from natural hiding places, nests, or dens is prohibited.*
- B. *The destruction of natural habitats is prohibited. All logs, rocks, and other natural objects may be turned over or moved, but they must be replaced in their original position upon completion of the collector's inspection.*
- C. Any trap or other device designed to capture reptiles or amphibians, which remains in the field unattended, must bear a tag with the name, address, and license number of the collector. *All such devices must be checked every twenty-four hours or they must be rendered unworkable during periods of nonuse.*
- D. A violation of this Section is a class one violation.

LA. REV. STAT. § 56:635. Diamondback terrapins; trapping; turtle eggs.

- A. *No person shall take diamondback terrapins by means of traps of any kind, and no person shall take the eggs of any species of turtle, except the red ear (Trachemys Scripta), wherever found.*
- B. No person shall ship diamondback terrapins out of the state between the fifteenth of April and the fifteenth of June. All diamondback terrapins caught by any means whatsoever during that period shall be immediately returned to the water alive.

ANIMAL PROTECTION LAWS OF LOUISIANA

8. CROSS REPORTING

LA. REV. STAT. § 14:403.6. Reporting of neglect or abuse of animals.

- A. *Any state or local law enforcement officer, or any employee of government or of a government contractor who in his professional capacity routinely investigates alleged abuse or neglect or sexual abuse of a child, or abuse or neglect of an adult under the provisions of R.S. 15:1507, who becomes aware of evidence of neglect or abuse of an animal shall report such incident to the law enforcement authority of the governing authority in which the incident has occurred or the local animal welfare authority. The name and identifying information regarding the reporter of animal maltreatment shall be confidential.*
- B. *No person required to report under the provisions of Subsection A of this Section shall knowingly and willfully obstruct the procedures for receiving and investigating a report of abuse or neglect or shall disclose, without authorization, confidential information which was reported.*
- C. *No person shall make a report required by this Section knowing that any information therein is false.*

ANIMAL PROTECTION LAWS OF LOUISIANA

9. VETERINARY REPORTING

LA. REV. STAT. § 9:2800.28. Limitation of liability for veterinary professionals who report animal cruelty.

- A. *Any veterinarian licensed by the state or veterinary technician licensed by the state who reports in good faith and has reasonable belief that an animal has been the subject of a violation of R.S. 14:102.1, 102.5, 102.8, 102.19, 102.20, 102.23, or 102.26 shall be immune from civil liability or criminal prosecution if he reports such violation to the commissioner or designee of the Department of Agriculture and Forestry, a P.O.S.T. certified animal control officer, a law enforcement agency, or a prosecuting attorney or if he participates in any investigation or proceeding for acts prohibited by law.*
- B. *Additionally, any veterinarian licensed by the state or veterinary technician licensed by the state shall be immune from civil liability or criminal prosecution for the release of confidential information pursuant to a subpoena or court-ordered disclosure, or upon written consent from the animal's owner or the animal owner's legal representative.*
- C. *This Section shall not apply if the veterinarian or veterinary technician acts with gross negligence, willful misconduct, or in bad faith.*

ANIMAL PROTECTION LAWS OF LOUISIANA

10. "AG-GAG" LAWS

[None]

ANIMAL PROTECTION LAWS OF LOUISIANA

11. EMERGENCY RESCUE AND RELIEF

LA. REV. STAT. § 37:1738.1. Immunity from liability; gratuitous emergency care to domestic animal.

- A. *There shall be no liability on the part of a person for property damage or trespass to a motor vehicle, if the damage was caused while the person was rescuing an animal in distress as provided in this Section. The immunity from liability for property damage to a motor vehicle as provided herein does not affect a person's liability for bodily injury suffered by the animal while the person was rescuing the animal.*
- B. *The immunity provided by Subsection A of this Section shall apply only if the person:*
- (1) Makes a good-faith attempt, based on the circumstances known to the person at the time, to locate the owner of the motor vehicle before entering, forcibly or otherwise, the vehicle.*
 - (2) Contacts the local law enforcement agency, the fire department, animal control, or the 911 emergency operator before entering the motor vehicle forcibly or otherwise.*
 - (3) Determines the motor vehicle is locked and has a good-faith belief that there are no other reasonable means for the animal to be removed from the vehicle.*
 - (4) Believes that removal of the animal from the motor vehicle is necessary because the animal is in imminent danger of death.*
 - (5) Uses force that was reasonably necessary under the circumstances to enter the motor vehicle to rescue the animal.*
 - (6) Places a notice on the windshield of the motor vehicle providing details of the person's contact information, the reason the entry was made, the location of the animal, and notice that the proper authorities have been notified.*
 - (7) Remains with the animal in a safe location, out of the elements of nature but reasonably close to the motor vehicle, until emergency responders from law enforcement, fire, or animal control arrive, unless the person cannot remain with the animal, in which case the person shall notify the local law enforcement agency, the fire department, animal control, or the 911 emergency operator, as applicable, before leaving the motor vehicle, and shall then take the animal to the closest shelter, as applicable.*
- C. *As used in this Section:*
- (1) "Animal" means any cat or dog kept for pleasure, companionship, or other purposes that are not purely commercial.*
 - (2) "In distress" means any condition that endangers the health or well-being of an animal due to heat, cold, or lack of adequate ventilation or any other circumstances that could reasonably be expected to cause suffering, disability, or death.*
 - (3) "Unattended" means an animal who has been left in a motor vehicle when the driver or operator of the vehicle is more than thirty feet from the vehicle or cannot be contacted by verbally calling out for the owner of the vehicle.*

ANIMAL PROTECTION LAWS OF LOUISIANA

12. CIVIL ENFORCEMENT

LA. REV. STAT. § 13:4721. Gambling houses; definition; declared public nuisances.

- A. *For the purposes of this Subpart, or for the purposes of any action or prosecution in this Section, a gambling house is either*
 - (1) *Any place whatsoever where any game of chance of any kind or character is played for money, for wagers, or for tokens, and where the conduct of such place operates, directly or indirectly, to the profit of one or more individuals and not exclusively to the direct profit of the actual participants in such game.*
 - (2) *any place whatsoever where races, athletic contests, sports, and games are not actually held and where opportunity is afforded for wagering upon races, athletic contests, sports and games of chance.*
- B. *All gambling houses as defined in this Section are declared to be public nuisances, and the owners thereof, and the agents for such owners, or the lessees, sublessees or other occupants thereof are declared to be guilty of maintaining a public nuisance.*
- C. *The provisions of this Subpart shall not apply to any place where sports wagering is conducted in accordance with Chapter 10 of Title 27 of the Louisiana Revised Statutes of 1950 or Chapter 10 of Subtitle XI of Title 47 of the Louisiana Revised Statutes of 1950.*

LA. REV. STAT. § 13:4722. Abatement of nuisances; right to maintain action.

The district attorney, in the name and on behalf of the parish and without the payment of any costs, the sheriff or the parish governing authority through its parish attorney or other designated representative, in the name of and on behalf of the parish and without the payment of any costs, or any ten residents of the election precinct wherein any nuisance described in R.S. 13:4721 exists, whether natural or artificial persons, shall have the right to file a suit in the district court having jurisdiction thereof in this state, or in the Civil District Court for the Parish of Orleans in the event it has jurisdiction, to abate the nuisances described in R.S. 13:4721 and to have the owner, lessee, sublessee, agent or other occupant thereof declared guilty of maintaining a public nuisance.

ANIMAL PROTECTION LAWS OF LOUISIANA

13. DOMESTIC VIOLENCE AND PROTECTION ORDERS

LA. CH. C. ART. 1569. Temporary restraining order.

- A. *Upon good cause shown in an ex parte proceeding, the court may enter a temporary restraining order, without bond, as the court deems necessary to protect from abuse the petitioner, any children, or any person alleged to be incompetent. Immediate and present danger of abuse shall constitute good cause for purposes of this Article. The order may include but is not limited to the following:*
- (1)
 - (a) Directing the defendant to refrain from abusing, harassing, or interfering with the person or employment or going near the residence or place of employment of the petitioner, the children, or any person alleged to be incompetent, on whose behalf a petition was filed under this Chapter.
 - (b) Directing the defendant to refrain from activities associated with a coerced abortion as defined in Article 603.
 - (2) Awarding to a party the use and possession of specified community property, such as an automobile.
 - (3) Granting possession to the petitioner of the residence or household to the exclusion of the defendant, by evicting the defendant or restoring possession to the petitioner when either:
 - (a) The residence is jointly owned in equal proportion or leased by the defendant and the petitioner or the person on whose behalf the petition is brought.
 - (b) The residence is solely owned by the petitioner or the person on whose behalf the petition is brought.
 - (c) The residence is solely leased by defendant and defendant has a duty to support the petitioner or the person on whose behalf the petition is brought.
 - (4) Prohibiting either party from the transferring, encumbering, or otherwise disposing of property mutually owned or leased by the parties, except when in the ordinary course of business, or for the necessary support of the party or the children.
 - (5) Awarding temporary custody of children or persons alleged to be incompetent.
 - (6) Awarding or restoring possession to the petitioner of all separate property and all personal property, including but not limited to telephones or other communication equipment, computer, medications, clothing, toiletries, social security cards, birth certificates or other forms of identification, tools of the trade, checkbook, keys, automobile, photographs, jewelry, or any other items or personal effects of the petitioner and restraining the defendant from transferring, encumbering, concealing, or disposing of the personal or separate property of the petitioner.
 - (7) *Granting to the petitioner the exclusive care, possession, or control of any pets belonging to or under the care of the petitioner or children residing in the residence or household of either party, and directing the defendant to refrain from harassing, interfering with, abusing or injuring any pet, without legal justification, known to be owned, possessed, leased, kept, or held by either party or a child residing in the residence or household of either party.*
- B. If a temporary restraining order is granted without notice, the matter shall be set within twenty-one

ANIMAL PROTECTION LAWS OF LOUISIANA

days for a rule to show cause why the protective order should not be issued, at which time the petitioner must prove the allegations of abuse by a preponderance of the evidence. The defendant shall be given notice of the temporary restraining order and the hearing on the rule to show cause by service of process as required by law.

- C. During the existence of the temporary restraining order, a party shall have the right to return to the family residence once to recover his or her personal clothing and necessities, provided that the party is accompanied by a law enforcement officer to insure the protection and safety of the parties.
- D. If no temporary restraining order has been granted, the court shall issue a rule to show cause why the protective order should not be issued, and set the rule for hearing on the earliest day that the business of the court will permit, but in any case within ten days from the date of service of the petition, at which time the petitioner must prove the allegations of abuse by a preponderance of the evidence. The defendant shall be given notice by service of process as required by law.
- E. If the hearing pursuant to paragraph B or D of this article is continued, the court shall make or extend such temporary restraining order as it deems necessary. Any continuance of a hearing ordered pursuant to paragraph B or D of this article shall not exceed fifteen days, unless good cause is shown for further continuance.
- F. The court may, in its discretion, grant an emergency temporary restraining order outside regular court hours.
- G. Repealed by Acts 1999, No. 1200, § 5, effective August 15, 1999.
- H. Immediately upon rendering a decision granting the relief requested by the petitioner, the judge shall cause to have prepared a Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), shall sign such order, and shall immediately forward it to the clerk of court for filing, on the day that the order is issued.
- I. If a temporary restraining order is issued or extended, the clerk of the issuing court shall transmit the Uniform Abuse Prevention Order to the Judicial Administrator's Office, Louisiana Supreme Court, for entry into the Louisiana Protective Order Registry, as provided in R.S. 46:2136.2(A), by facsimile transmission, mail, or direct electronic input, as expeditiously as possible, but no later than the end of the next business day after the order is filed with the clerk of court. The clerk of the issuing court shall also send a copy of the Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), or any modification thereof, to the chief law enforcement officer of the parish where the person or persons protected by the order reside by facsimile transmission or direct electronic input as expeditiously as possible, but no later than the end of the next business day after the order is filed with the clerk of court. A copy of the Uniform Abuse Prevention Order shall be retained on file in the office of the chief law enforcement officer until otherwise directed by the court.

LA. REV. STAT. § 46:2135. Temporary restraining order.

- A. *Upon good cause shown in an ex parte proceeding, the court may enter a temporary restraining order, without bond, as it deems necessary to protect from abuse the petitioner, any minor children, or any person alleged to be an incompetent. Any person who shows immediate and present danger of abuse shall constitute good cause for purposes of this Subsection. The court shall consider any and all past history of abuse, or threats thereof, in determining the existence of an immediate and present danger*

ANIMAL PROTECTION LAWS OF LOUISIANA

of abuse. There is no requirement that the abuse itself be recent, immediate, or present. The order may include but is not limited to the following:

- (1) Directing the defendant to refrain from abusing, harassing, or interfering with the person or employment or going near the residence or place of employment of the petitioner, the minor children, or any person alleged to be incompetent, on whose behalf a petition was filed under this Part.
 - (2) Awarding to a party use and possession of specified jointly owned or leased property, such as an automobile.
 - (3) Granting possession to the petitioner of the residence or household to the exclusion of the defendant, by evicting the defendant or restoring possession to the petitioner where:
 - (a) The residence is jointly owned in equal proportion or leased by the defendant and the petitioner or the person on whose behalf the petition is brought;
 - (b) The residence is solely owned by the petitioner or the person on whose behalf the petition is brought; or
 - (c) The residence is solely leased by defendant and defendant has a duty to support the petitioner or the person on whose behalf the petition is brought.
 - (4) Prohibiting either party from the transferring, encumbering, or otherwise disposing of property mutually owned or leased by the parties, except when in the ordinary course of business, or for the necessary support of the party or the minor children.
 - (5) Awarding temporary custody of minor children or persons alleged to be incompetent.
 - (6) Awarding or restoring possession to the petitioner of all separate property and all personal property, including but not limited to telephones or other communication equipment, computer, medications, clothing, toiletries, social security cards, birth certificates or other forms of identification, tools of the trade, checkbook, keys, automobile, photographs, jewelry, or any other items or personal effects of the petitioner and restraining the defendant from transferring, encumbering, concealing, or disposing of the personal or separate property of the petitioner.
 - (7) *Granting to the petitioner the exclusive care, possession, or control of any pets belonging to or under the care of the petitioner or minor children residing in the residence or household of either party, and directing the defendant to refrain from harassing, interfering with, abusing or injuring any pet, without legal justification, known to be owned, possessed, leased, kept, or held by either party or a minor child residing in the residence or household of either party.*
- B. If a temporary restraining order is granted without notice, the matter shall be set within twenty-one days for a rule to show cause why the protective order should not be issued, at which time the petitioner must prove the allegations of abuse by a preponderance of the evidence. The defendant shall be given notice of the temporary restraining order and the hearing on the rule to show cause by service of process as required by law within twenty-four hours of the issuance of the order.
 - C. During the existence of the temporary restraining order, a party shall have the right to return to the family residence once to recover his or her personal clothing and necessities, provided that the party is accompanied by a law enforcement officer to insure the protection and safety of the parties.
 - D. If no temporary restraining order has been granted, the court shall issue a rule to show cause why the protective order should not be issued, and set the rule for hearing on the earliest day that the business of the court will permit, but in any case within ten days from the date of service of the petition, at

ANIMAL PROTECTION LAWS OF LOUISIANA

which time the petitioner must prove the allegations of abuse by a preponderance of the evidence. The defendant shall be given notice by service of process as required by law.

- E. If the hearing pursuant to subsection B or D of this section is continued, the court shall make or extend such temporary restraining orders as it deems necessary. Any continuance of a hearing ordered pursuant to subsection B or D of this section shall not exceed fifteen days, unless good cause is shown for further continuance.
- F. The court may, in its discretion, grant an emergency temporary restraining order outside regular court hours.
- G. Immediately upon entering a temporary restraining order, the judge shall cause to have prepared a Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), shall sign such order, and shall immediately forward it to the clerk of court for filing, on the day that the order is issued.
- H. The clerk of the issuing court shall transmit the Uniform Abuse Prevention Order to the Judicial Administrator's Officer, Louisiana Supreme Court, for entry into the Louisiana Protective Order Registry, as provided by R.S. 46:2136.2(A), by facsimile transmission or direct electronic input as expeditiously as possible, but no later than the end of the next business day after the order is filed with the clerk of court. The clerk of the issuing court shall also send a copy of the Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), or any modification thereof, to the chief law enforcement officer of the parish where the person or persons protected by the order reside by facsimile transmission or direct electronic input as expeditiously as possible, but no later than the end of the next business day after the order is filed with the clerk of court. A copy of the Uniform Abuse Prevention Order shall be reviewed by the law enforcement agency and shall be retained on file in the office of the chief law enforcement officer until otherwise directed by the court.
- I. The initial rule to show cause hearing required pursuant to Subsection B or D may be conducted by a hearing officer who is qualified and selected in the same manner provided in R.S. 46:236.5(C). The hearing officer shall be subject to the applicable limitations and shall follow the applicable procedures provided in R.S. 46:236.5(C). The hearing officer shall make recommendations to the court as to the action that should be taken in the matter.
- J. Upon filing a petition for a temporary restraining order, regardless of whether the court grants the temporary restraining order, the clerk of court shall notify the petitioner of his right to initiate criminal proceedings and shall inform the petitioner that the granting of a temporary restraining order pursuant to the provisions of this Section does not automatically file criminal charges against the defendant.

ANIMAL PROTECTION LAWS OF LOUISIANA

14. MAXIMUM PENALTIES AND STATUTE OF LIMITATIONS

NOTE: all penalties are defined in substantive statutes, available in the General Cruelty, Animal, Sexual Assault, and Cruelty to Working Animals sections of this document.

LA C.Cr.P. Art. 572 Limitation of prosecution of noncapital offenses.

- A. Except as provided in Articles 571 and 571.1, no person shall be prosecuted, tried, or punished for an offense not punishable by death or life imprisonment, unless the prosecution is instituted within the following periods of time after the offense has been committed:
 - (1) Six years, for a felony necessarily punishable by imprisonment at hard labor.
 - (2) *Four years, for a felony not necessarily punishable by imprisonment at hard labor.*
 - (3) *Two years, for a misdemeanor punishable by a fine, or imprisonment, or both.*
 - (4) Six months, for a misdemeanor punishable only by a fine or forfeiture.
- B.
 - (1) Notwithstanding the provisions of Article 571.1 and Paragraph A of this Article, prosecutions for any sex offense may be commenced beyond the time limitations set forth in this Title if the identity of the offender is established after the expiration of such time limitation through the use of a DNA profile or newly discovered photographic or video evidence.
 - (2) A prosecution under the exception provided by this Paragraph shall be commenced within three years from the date on which the identity of the suspect is established by DNA testing or newly discovered photographic or video evidence.
 - (3) For purposes of this Article, "DNA" means deoxyribonucleic acid, which is located in cells and provides an individual's personal genetic blue print and which encodes genetic information that is the basis of human heredity and forensic identification.
 - (4) This Paragraph shall have retroactive application to crimes committed prior to June 20, 2003.
- C. Upon expiration of the time period in which a prosecution may be instituted, any bail bond applicable to that prosecution which bond has not been forfeited shall also expire, and all obligations of that bail undertaking shall be extinguished as a matter of law.

ANIMAL PROTECTION LAWS OF LOUISIANA

15. LAW ENFORCEMENT POLICIES

LA. REV. STAT. § 3:2391. Agents of corporation as special police officers; compensation; aid from regular police force.

Whenever, in any incorporated city or town or in any parish, a corporation for the prevention of cruelty to animals shall be organized, the mayor of the city or town and the police jury of the parish, respectively, as the case may be, shall appoint and commission as special police officers such agents as the corporation for the prevention of cruelty to animals may nominate; and agents being so commissioned shall have the usual power of policemen and peace officers. No city, town, or parish shall be liable hereunder for any compensation to the special officers, and the police force of all incorporated cities and towns in the state shall aid any such corporation, its members or agents, in the enforcement in its respective locality of all laws enacted for the protection of animals.

LA. REV. STAT. § 3:2392. Municipalities to provide punishment for cruelty to animals.

Municipal corporations shall provide by ordinance for the punishment of cruelty to animals, when committed in any street, park, levee, or other public place in the limits of the corporation, by fine or imprisonment, or both, as a police offense.

LA. REV. STAT. § 3:2393. Corporation to receive one half of fines.

Whenever a fine is imposed on any person as a penalty for violation of any law of this state or municipal ordinance respecting cruelty to animals, and the prosecution shall have been initiated, conducted, assisted, or appeared in by any officer, member, agent, or counsel of any society for the prevention of cruelty to animals in the parish where the offense is committed, incorporated under the general law of this state, one half of the fine shall be paid to the society and the receipt of its treasury shall be a full acquittance to the officer collecting the fine.

LA. REV. STAT. § 3:2431. Humane society may arrange for care of animals

All officers of incorporated humane societies, in cities over twenty-five thousand and under one hundred thousand inhabitants, and all officers of the law in the cities, who are hereby made special officers of the societies, when in their judgment cruelty is being practiced towards any animal or the animal is bruised, wounded, crippled, abraded, sick, or diseased, may remove the animal whenever found to any stable designated by the humane society, for care and treatment, there to remain until sufficiently recovered to resume service.

ANIMAL PROTECTION LAWS OF LOUISIANA

LA. REV. STAT. § 3:2432. Arrangement with stable for care of animals.

Before any humane society can avail itself of the provisions of this Part, the humane society shall arrange with some stable for the care of animals and charges shall be fifty cents per day, provided however, the medical attendance shall be extra. If the society maintains its own stable the charges shall be as above set out.

LA. REV. STAT. § 3:2437. Liability of society to stable or veterinarian; privilege upon animals.

The humane society shall be liable to the stable or veterinarian for their expenses and services under this Part, but only as per the scale of charges agreed upon, and the society may remove the animals and change surgeons at its pleasure. A privilege is created upon all animals treated as above set out, in favor of the humane society, and it shall be superior to any other privilege on the animals.

LA. REV. STAT. § 3:2438. Opportunity to owner to treat animal if proper treatment is given.

No officer of any humane society, or other officer, shall remove any animal to their stable or one designated by them, or to engage any veterinarian to treat any animals as provided herein, without first giving the owner the privilege of removing the animal to his own stable or a stable designated by him; the owner may furnish his own treatment or veterinarian, at all times, but the officer of the humane society may inspect the animal at all times, and if in his opinion the treatment accorded the animal is not proper or beneficial, the officer may place him in the society's stable or designated stable and under the care of their own surgeon as herein above set out. Should there be a disagreement as to the merits of the treatment of the animal, it shall be decided as set out in R.S. 3:2435.

LA. REV. STAT. § 3:2439. Court review of humane society's treatment of animal; damages limited to costs.

Any person feeling himself aggrieved at the action of the humane society or its officers may try the issues before a court of competent jurisdiction, but the issues meant herein shall only be as to whether the animal's condition is such as to warrant action by the society or whether the animal is in condition to be used, before or after treatment, or whether the treatment accorded the animal by the owner, as set out in R.S. 3:2438 is proper or beneficial; no damages except the actual court costs shall be assessed against the society.

LA. REV. STAT. § 14:102.3. Search warrant; animal cruelty offenses.

If the complaint is made, by affidavit, to any magistrate authorized to issue search warrants in criminal cases, that the complainant has reason to believe that an animal has been or is being cruelly treated in violation of R.S. 14:102.1, in any building or place, such magistrate, if satisfied that there is reasonable cause for such belief, shall issue a search warrant to any law enforcement officer authorized by law to make arrests for such offenses, authorizing any such officer to make a search of said building or place, and to arrest any person

ANIMAL PROTECTION LAWS OF LOUISIANA

found violating R.S. 14:102.1. Said warrant may also authorize said officer to seize any animal believed to be cruelly treated and to take custody thereof. This section shall not be construed as a limitation on the power of law enforcement officers to seize animals as evidence at the time of the arrest.

ANIMAL PROTECTION LAWS OF LOUISIANA

16. SEIZURE

LA. REV. STAT. § 3:2431. Humane society may arrange for care of animals

All officers of incorporated humane societies, in cities over twenty-five thousand and under one hundred thousand inhabitants, and all officers of the law in the cities, who are hereby made special officers of the societies, when in their judgment cruelty is being practiced towards any animal or the animal is bruised, wounded, crippled, abraded, sick, or diseased, may remove the animal whenever found to any stable designated by the humane society, for care and treatment, there to remain until sufficiently recovered to resume service.

LA. REV. STAT. § 3:2438. Opportunity to owner to treat animal if proper treatment is given.

No officer of any humane society, or other officer, shall remove any animal to their stable or one designated by them, or to engage any veterinarian to treat any animals as provided herein, without first giving the owner the privilege of removing the animal to his own stable or a stable designated by him; the owner may furnish his own treatment or veterinarian, at all times, but the officer of the humane society may inspect the animal at all times, and if in his opinion the treatment accorded the animal is not proper or beneficial, the officer may place him in the society's stable or designated stable and under the care of their own surgeon as herein above set out. Should there be a disagreement as to the merits of the treatment of the animal, it shall be decided as set out in R.S. 3:2435.

LA. REV. STAT. § 3:2439. Court review of humane society's treatment of animal; damages limited to costs.

Any person feeling himself aggrieved at the action of the humane society or its officers may try the issues before a court of competent jurisdiction, but *the issues meant herein shall only be as to whether the animal's condition is such as to warrant action by the society or whether the animal is in condition to be used, before or after treatment, or whether the treatment accorded the animal by the owner, as set out in R.S. 3:2438 is proper or beneficial; no damages except the actual court costs shall be assessed against the society.*

LA. REV. STAT. § 14:89.3. Sexual abuse of an animal.

- A. Sexual abuse of an animal is the knowing and intentional performance of any of the following:
 - (1) Engaging in sexual contact with an animal.
 - (2) Possessing, selling, transferring, purchasing, or otherwise obtaining an animal with the intent that it be subject to sexual contact.

ANIMAL PROTECTION LAWS OF LOUISIANA

- (3) Organizing, promoting, conducting, aiding or abetting, or participating in as an observer, any act involving sexual contact with an animal.
- (4) Causing, coercing, aiding, or abetting another person to engage in sexual contact with an animal.
- (5) Permitting sexual contact with an animal to be conducted on any premises under his charge or control.
- (6) Advertising, soliciting, offering, or accepting the offer of an animal with the intent that it be used for sexual contact.
- (7) Filming, distributing, or possessing pornographic images of a person and an animal engaged in any of the activities described in Paragraphs (1) through (6) of this Subsection.

B. For purposes of this Section:

- (1) "Animal" means any nonhuman creature, whether alive or dead.
- (2) "Sexual contact" means:
 - (a) Any act committed for the purpose of sexual arousal or sexual gratification, abuse, or financial gain, between a person and an animal involving contact between the sex organs or anus of one and the mouth, sex organs, or anus of the other.
 - (b) The insertion, however slight, of any part of the body of a person or any object into the vaginal or anal opening of an animal, touching by a person of the sex organs or anus of an animal, or the insertion of any part of the animal's body into the vaginal or anal opening of the person.

C. This Section shall not apply to any of the following:

- (1) Accepted veterinary practices.
- (2) Artificial insemination of an animal for reproductive purposes.
- (3) Accepted animal husbandry practices, including grooming, raising, breeding, or assisting with the birthing process of animals or any other procedure that provides care for an animal.
- (4) Generally accepted practices related to the judging of breed conformation.

D.

- (1)
 - (a) Except as provided in Subparagraph (b) of this Paragraph, whoever commits the offense of sexual abuse of an animal shall be fined not more than two thousand dollars, imprisoned, with or without hard labor, for not more than five years, or both.
 - (b) Whoever commits a second or subsequent offense of sexual abuse of an animal, shall be fined not less than five thousand dollars nor more than twenty-five thousand dollars, or imprisoned, with or without hard labor, for not more than ten years, or both.
- (2) In addition to any other penalty imposed, a person convicted of violating this Section shall be ordered to:
 - (a) Relinquish custody of all animals.
 - (b) Not harbor, own, possess, or exercise control over any animal for any length of time deemed appropriate by the court, but not less than five years.
 - (c) Not reside in any household where an animal is present; engage in an occupation, whether paid or unpaid, involving animals; or participate in a volunteer position at any establishment where animals are present, for any length of time deemed appropriate by the court, but not less than five years.

ANIMAL PROTECTION LAWS OF LOUISIANA

- (d) Undergo a psychological evaluation for sex offenders and participate in any recommended psychological treatment. Any costs associated with any evaluation or treatment ordered by the court shall be paid by the defendant.
 - (e) If the convicted person is not the owner, reimburse the owner for any expenses incurred for medical treatment or rehabilitation of the victimized animal.
- (3) If a person convicted of the offense of sexual abuse of an animal is released on parole, the committee on parole shall require the person, as a condition of parole, to participate in a sex offender program as defined by R.S. 15:828(A)(2)(b).
- E.
 - (1) *Any law enforcement officer investigating a violation of this Section may lawfully take possession of an animal that he has reason to believe has been victimized under this Section in order to protect the health or safety of the animal or the health or safety of others, and to obtain evidence of the offense.*
 - (2) *Any animal seized pursuant to this Section shall be promptly taken to a shelter facility or veterinary clinic to be examined by a veterinarian for evidence of sexual contact.*
 - (3) *With respect to an animal so seized and impounded, all provisions of R.S. 14:102.2 and 102.3 shall apply to the seizure, impoundment, and disposition of the animal.*
- F. Prosecution under this Section shall not preclude prosecution under any other applicable provision of law.

LA. REV. STAT. § 14:102.2. Seizure and disposition of animals cruelly treated.

- A. *When a person is charged with cruelty to animals, said person's animal may be seized by the arresting officer and held pursuant to this section.*
- B.
 - (1) *The seizing officer shall notify the owner of the seized animal of the provisions of this Section by posting written notice at the location where the animal was seized or by leaving it with a person of suitable age and discretion residing at that location within twenty-four hours of seizure.*
 - (2) *The seizing officer shall photograph the animal within fifteen days after posting of the notice of seizure and shall cause an affidavit to be prepared in order to document its condition in accordance with LA. REV. STAT. 15:436.2.*
 - (3) *The seizing officer shall appoint a licensed veterinarian or other suitable custodian to care for any such animal. The custodian shall retain custody of the animal in accordance with this Section.*
 - (4) *The seized animal shall be held by the custodian provided for in Paragraph (3) for a period of fifteen consecutive days including weekends and holidays, after such notice of seizure is given. Thereafter, if a person who claims an interest in such animal has not posted bond in accordance with Subsection C, the animal may be humanely disposed of by sale, adoption, or euthanasia.*
- C.
 - (1) A person claiming an interest in any animal seized pursuant to this Section may prevent the disposition of the animal as provided for in Subsection B of this section by posting bond with

ANIMAL PROTECTION LAWS OF LOUISIANA

the court within fifteen days after receiving notice of such seizure. Such bond shall prevent the disposition of the animal for a period of thirty days commencing on the date of initial seizure.

(2)

(a) The amount of the bond shall be determined by the department, agency, humane society, and the custodian of the animal as authorized by the court and shall be sufficient to secure payment for all reasonable costs incurred during the thirty-day period for the boarding and medical treatment of the animal after examination by a licensed veterinarian.

(b) The court shall order that the bond be given to the custodian of the animal to cover such costs.

(3) Such bond shall not prevent the department, agency, humane society or other custodian of the animal from disposing of the animal in accordance with Subsection B of this section at the end of the thirty day period covered by bond, unless the person claiming an interest posts an additional bond for such reasonable expenses for an additional thirty day period. In addition, such bond shall not prevent disposition of the animal for humane purposes at any time, in accordance with Subsection E of this section.

- D. Upon a person's conviction of cruelty to animals, it shall be proper for the court, in its discretion, to order the forfeiture and final determination of the custody of any animal found to be cruelly treated in accordance with this Section and the forfeiture of the bond posted pursuant to Subsection C as a part of the sentence. The court may, in its discretion, order the payment of any reasonable or additional costs incurred in the boarding or veterinary treatment of any seized animal prior to its disposition, whether or not a bond was posted by the defendant. In the event of the acquittal or final discharge, without conviction of the accused, the court shall, on demand, direct the delivery of any animal held in custody to the owner thereof and order the return of any bond posted pursuant to Subsection C, less reasonable administrative costs.
- E. Nothing in this Section shall prevent the euthanasia of any seized animal, at any time, whether or not any bond was posted, if a licensed veterinarian determines that the animal is not likely to survive and is suffering, as a result of any physical condition. In such instances, the court, in its discretion, may order the return of any bond posted, less reasonable costs, at the time of trial.

LA. REV. STAT. § 14:102.3. Search warrant; animal cruelty offenses.

If the complaint is made, by affidavit, to any magistrate authorized to issue search warrants in criminal cases, that the complainant has reason to believe that an animal has been or is being cruelly treated in violation of R.S. 14:102.1, in any building or place, such magistrate, if satisfied that there is reasonable cause for such belief, shall issue a search warrant to any law enforcement officer authorized by law to make arrests for such offenses, authorizing any such officer to make a search of said building or place, and to arrest any person found violating R.S. 14:102.1. Said warrant may also authorize said officer to seize any animal believed to be cruelly treated and to take custody thereof. This section shall not be construed as a limitation on the power of law enforcement officers to seize animals as evidence at the time of the arrest.

ANIMAL PROTECTION LAWS OF LOUISIANA

LA. REV. STAT. § 14:102.4. Confined animals; necessary food and water.

When a living animal is impounded or confined, and continues without necessary food and water for more than twenty-four consecutive hours, any law enforcement officer may, as often as is necessary, enter any place in which the animal is impounded or confined and supply it with necessary food and water so long as it shall remain impounded or confined.

LA. REV. STAT. § 14:102.6. Seizure and destruction or disposition of dogs and equipment used in dogfighting.

A.

- (1) *Any law enforcement officer making an arrest under R.S. 14:102.5 may lawfully take possession of all fighting dogs on the premises where the arrest is made or in the immediate possession or control of the person being arrested, whether or not the dogs are actually engaged in a fight at the time, and all paraphernalia, implements, equipment, or other property or things used or employed in violation of that Section.*
- (2) *The legislature finds and declares that fighting dogs used or employed in violation of R.S. 14:102.5 are dangerous, vicious, and a threat to the health and safety of the public. Therefore, fighting dogs seized in accordance with this Section are declared to be contraband and, notwithstanding R.S. 14:102.1, the officer, an animal control officer, or a licensed veterinarian may cause them to be humanely euthanized as soon as possible by a licensed veterinarian or a qualified technician and shall not be civilly or criminally liable for so doing. Fighting dogs not destroyed immediately shall be disposed of in accordance with R.S. 14:102.2.*

B.

- (1) *The officer, after taking possession of any dogs other than those destroyed or disposed of pursuant to Subsection A and of the other paraphernalia, implements, equipment, or other property or things, shall file with the district court of the parish within which the alleged violation occurred an affidavit stating therein the name of the person charged, a description of the property so taken and the time and place of the taking thereof, together with the name of the person who claims to own such property, if known, and that the affiant has reason to believe and does believe, stating the ground of such belief, that the property so taken was used or employed in such violation.*
- (2) *The seizing officer shall dispose of any dogs or other animals seized in the manner provided for in R.S. 14:102.2.*
- (3) *He shall thereupon deliver the other property so taken to such court which shall, by order in writing, place such paraphernalia, implements, equipment, or other property in the custody of a suitable custodian, to be kept by such custodian until the conviction or final discharge of the accused, and shall send a copy of such order without delay to the district attorney of the parish. The custodian so named and designated in such order shall immediately thereupon assume the custody of such property and shall retain the same, subject to the order of the court before which the accused shall be required to appear for trial.*

- C. *Any person claiming an interest in a seized animal may post a bond with the court in accordance with the provisions of R.S. 14:102.2(C) in order to prevent the disposition of such animal.*

ANIMAL PROTECTION LAWS OF LOUISIANA

- D. Upon conviction of the person so charged, all dogs so seized shall be adjudged by the court to be forfeited and the court shall order a humane disposition of the same in accordance with R.S. 14:102.2. The court may also in its discretion order the forfeiture of the bond posted, as well as payment of any reasonable or additional costs incurred in the boarding or veterinary treatment of any seized dog, as provided in R.S. 14:102.2. In the event of the acquittal or final discharge, without conviction, of the accused, the court shall, on demand, direct the delivery of the animals and other property so held in custody to the owner thereof and order the return of any bond posted pursuant to R.S. 14:102.2(C), less reasonable administrative costs.

LA. REV. STAT. § 14:102.7. Search warrant for dogfighting offenses.

If complaint is made, by affidavit, to any magistrate authorized to issue search warrants in criminal cases, that the complainant has reason to believe that R.S. 14:102.5 has been violated within the past forty-eight hours, is being, or will be violated in any building or place, such magistrate, if satisfied that there is reasonable cause for such belief, shall issue a search warrant authorizing any law enforcement officer competent by law to make arrests for such offenses to make a search of said building or place, and to arrest any person found violating R.S. 14:102.5. This Section shall not be construed as a limitation on the power of law enforcement officers to seize animals or evidence at the time of arrest.

ANIMAL PROTECTION LAWS OF LOUISIANA

17. COURTROOM ANIMAL ADVOCATE PROGRAM

[None]

ANIMAL PROTECTION LAWS OF LOUISIANA

18. RESTITUTION AND REIMBURSEMENT

LA. REV. STAT. § 3:2454. Sale or disposal of animal; disposition of sale proceeds.

- A. *If, in accordance with the notice, the animal is sold at public or private sale, the proceeds shall be applied to the amount, if any, due the custodian for any goods or services furnished to the animal, including all reasonable charges of notice, advertisement, and sale. The balance, if any, shall be paid to the owner of the animal, and the custodian shall retain the right to proceed against the owner for any deficiency.*
- B. Prior to the time of sale of such animal or transfer thereof to the nearest humane society or animal control agency, or other disposal thereof, any person claiming the right of property or possession of such animal may pay the amount necessary to satisfy the charges for services rendered to the animal, or on behalf of the animal, including all reasonable charges of notice and sale. Upon payment of this amount, the animal shall be delivered to the person making the demand, if he is entitled to possession. Otherwise the animal shall be retained according to the terms of the notice, and shall be sold, or otherwise disposed of.

LA. REV. STAT. § 14:89.3. Sexual abuse of an animal.

- A. Sexual abuse of an animal is the knowing and intentional performance of any of the following:
 - (1) Engaging in sexual contact with an animal.
 - (2) Possessing, selling, transferring, purchasing, or otherwise obtaining an animal with the intent that it be subject to sexual contact.
 - (3) Organizing, promoting, conducting, aiding or abetting, or participating in as an observer, any act involving sexual contact with an animal.
 - (4) Causing, coercing, aiding, or abetting another person to engage in sexual contact with an animal.
 - (5) Permitting sexual contact with an animal to be conducted on any premises under his charge or control.
 - (6) Advertising, soliciting, offering, or accepting the offer of an animal with the intent that it be used for sexual contact.
 - (7) Filming, distributing, or possessing pornographic images of a person and an animal engaged in any of the activities described in Paragraphs (1) through (6) of this Subsection.
- B. For purposes of this Section:
 - (1) "Animal" means any nonhuman creature, whether alive or dead.
 - (2) "Sexual contact" means:
 - (a) Any act committed for the purpose of sexual arousal or sexual gratification, abuse, or financial gain, between a person and an animal involving contact between the sex organs or anus of one and the mouth, sex organs, or anus of the other.

ANIMAL PROTECTION LAWS OF LOUISIANA

- (b) The insertion, however slight, of any part of the body of a person or any object into the vaginal or anal opening of an animal, touching by a person of the sex organs or anus of an animal, or the insertion of any part of the animal's body into the vaginal or anal opening of the person.

C. This Section shall not apply to any of the following:

- (1) Accepted veterinary practices.
- (2) Artificial insemination of an animal for reproductive purposes.
- (3) Accepted animal husbandry practices, including grooming, raising, breeding, or assisting with the birthing process of animals or any other procedure that provides care for an animal.
- (4) Generally accepted practices related to the judging of breed conformation.

D.

- (1)
 - (a) Except as provided in Subparagraph (b) of this Paragraph, whoever commits the offense of sexual abuse of an animal shall be fined not more than two thousand dollars, imprisoned, with or without hard labor, for not more than five years, or both.
 - (b) Whoever commits a second or subsequent offense of sexual abuse of an animal, shall be fined not less than five thousand dollars nor more than twenty-five thousand dollars, or imprisoned, with or without hard labor, for not more than ten years, or both.
- (2) *In addition to any other penalty imposed, a person convicted of violating this Section shall be ordered to:*
 - (a) Relinquish custody of all animals.
 - (b) Not harbor, own, possess, or exercise control over any animal for any length of time deemed appropriate by the court, but not less than five years.
 - (c) Not reside in any household where an animal is present; engage in an occupation, whether paid or unpaid, involving animals; or participate in a volunteer position at any establishment where animals are present, for any length of time deemed appropriate by the court, but not less than five years.
 - (d) Undergo a psychological evaluation for sex offenders and participate in any recommended psychological treatment. Any costs associated with any evaluation or treatment ordered by the court shall be paid by the defendant.
 - (e) *If the convicted person is not the owner, reimburse the owner for any expenses incurred for medical treatment or rehabilitation of the victimized animal.*
- (3) If a person convicted of the offense of sexual abuse of an animal is released on parole, the committee on parole shall require the person, as a condition of parole, to participate in a sex offender program as defined by R.S. 15:828(A)(2)(b).

E.

- (1) Any law enforcement officer investigating a violation of this Section may lawfully take possession of an animal that he has reason to believe has been victimized under this Section in order to protect the health or safety of the animal or the health or safety of others, and to obtain evidence of the offense.
- (2) Any animal seized pursuant to this Section shall be promptly taken to a shelter facility or veterinary clinic to be examined by a veterinarian for evidence of sexual contact.

ANIMAL PROTECTION LAWS OF LOUISIANA

(3) With respect to an animal so seized and impounded, all provisions of R.S. 14:102.2 and 102.3 shall apply to the seizure, impoundment, and disposition of the animal.

F. Prosecution under this Section shall not preclude prosecution under any other applicable provision of law.

LA. REV. STAT. § 14:102.1. Cruelty to animals; simple and aggravated.

A.

(1) Any person who intentionally or with criminal negligence commits any of the following shall be guilty of simple cruelty to animals:

- (a) Overdrives, overloads, drives when overloaded, or overworks a living animal.
- (b) Torments, cruelly beats, or unjustifiably injures any living animal, whether belonging to himself or another.
- (c) Having charge, custody, or possession of any animal, either as owner or otherwise, unjustifiably fails to provide it with proper food, proper drink, proper shelter, or proper veterinary care.
- (d) Abandons any animal. A person shall not be considered to have abandoned an animal if he delivers to an animal control center an animal which he found running at large.
- (e) Impounds or confines or causes to be impounded or confined in a pound or other place, a living animal and fails to supply it during such confinement with proper food, proper drink, and proper shelter.
- (f) Carries, or causes to be carried, a living animal in or upon a vehicle or otherwise, in a cruel or inhumane manner.
- (g) Unjustifiably administers any poisonous or noxious drug or substance to any domestic animal or unjustifiably exposes any such drug or substance, with intent that the same shall be taken or swallowed by any domestic animal.
- (h) Injures any animal belonging to another person.
- (i) Mistreats any living animal by any act or omission whereby unnecessary or unjustifiable physical pain, suffering, or death is caused to or permitted upon the animal.
- (j) Causes or procures to be done by any person any act enumerated in this Subsection.

(2)

- (a) Whoever commits the crime of simple cruelty to animals shall be fined not more than one thousand dollars, or imprisoned for not more than six months, or both. *The court may order the offender to pay for any expense incurred for the housing of the animal and for medical treatment of the animal, pursuant to Code of Criminal Procedure Article 883.2.* In addition, the court may issue an order prohibiting the defendant from owning or keeping animals for a period of not more than one year.
- (b) Whoever commits a second or subsequent offense of simple cruelty to animals shall be fined not less than five thousand dollars nor more than twenty-five thousand dollars or imprisoned, with or without hard labor, for not less than one year nor more than ten years, or both. In addition, the court may issue an order prohibiting the defendant from owning or keeping animals for a period of not more than five years.

ANIMAL PROTECTION LAWS OF LOUISIANA

- (c) In addition to any other penalty imposed, a person who commits the crime of cruelty to animals shall be ordered to perform five eight-hour days of court-approved community service. The community service requirement shall not be suspended.
- (d) In addition to any other penalty imposed, the court may order a psychological evaluation or anger management treatment for a first conviction of the crime of simple cruelty to animals. For a second or subsequent offense of the crime of simple cruelty to an animal, the court shall order a psychological evaluation or anger management treatment. Any costs associated with any evaluation or treatment ordered by the court shall be borne by the defendant.

(3) For purposes of this Subsection, if more than one animal is subject to an act of cruel treatment by an offender, each act shall constitute a separate offense.

B.

- (1) Any person who intentionally or with criminal negligence tortures, maims, or mutilates any living animal, whether belonging to himself or another, shall be guilty of aggravated cruelty to animals.
- (2) Any person who tampers with livestock at a public livestock exhibition or at a private sale shall also be guilty of aggravated cruelty to animals.
- (3) Any person who causes or procures to be done by any person any act designated in this Subsection shall also be guilty of aggravated cruelty to animals.
- (4) Any person who intentionally or with criminal negligence mistreats any living animal whether belonging to himself or another by any act or omission which causes or permits unnecessary or unjustifiable physical pain, suffering, or death to the animal shall also be guilty of aggravated cruelty to animals.
- (5) In addition to any other penalty imposed for a violation of this Subsection, the offender shall be ordered to undergo a psychological evaluation and subsequently recommended psychological treatment and may be banned by court order from owning or keeping animals for a period of time not more than ten years. Any costs associated with any evaluation or treatment ordered by the court shall be borne by the defendant.
- (6) Whoever commits the crime of aggravated cruelty to animals shall be fined not less than five thousand dollars nor more than twenty-five thousand dollars or imprisoned, with or without hard labor, for not less than one year nor more than ten years, or both.
- (7) For purposes of this Subsection, where more than one animal is tortured, maimed, mutilated, or maliciously killed, or where more than one head of livestock is tampered with, each act comprises a separate offense.

C. This Section shall not apply to any of the following:

- (1) The lawful hunting or trapping of wildlife as provided by law.
- (2) Herding of domestic animals.
- (3) Accepted veterinary practices.
- (4) Activities carried on for scientific or medical research governed by accepted standards.
- (5) Traditional rural Mardi Gras parades, processions, or runs involving chickens.
- (6) Nothing in this Section shall prohibit the standard transportation and agricultural processing of agriculture products as defined in R.S. 3:3602(5) and (6).

D. Repealed by Acts 2007, No. 425, § 2, effective August 15, 2008.

ANIMAL PROTECTION LAWS OF LOUISIANA

LA. REV. STAT. § 14:102.2. Seizure and disposition of animals cruelly treated.

- A. When a person is charged with cruelty to animals, said person's animal may be seized by the arresting officer and held pursuant to this section.
- B.
 - (1) The seizing officer shall notify the owner of the seized animal of the provisions of this Section by posting written notice at the location where the animal was seized or by leaving it with a person of suitable age and discretion residing at that location within twenty-four hours of seizure.
 - (2) The seizing officer shall photograph the animal within fifteen days after posting of the notice of seizure and shall cause an affidavit to be prepared in order to document its condition in accordance with LA. REV. STAT. 15:436.2.
 - (3) The seizing officer shall appoint a licensed veterinarian or other suitable custodian to care for any such animal. The custodian shall retain custody of the animal in accordance with this Section.
 - (4) The seized animal shall be held by the custodian provided for in Paragraph (3) for a period of fifteen consecutive days including weekends and holidays, after such notice of seizure is given. Thereafter, if a person who claims an interest in such animal has not posted bond in accordance with Subsection C, the animal may be humanely disposed of by sale, adoption, or euthanasia.
- C.
 - (1) *A person claiming an interest in any animal seized pursuant to this Section may prevent the disposition of the animal as provided for in Subsection B of this section by posting bond with the court within fifteen days after receiving notice of such seizure. Such bond shall prevent the disposition of the animal for a period of thirty days commencing on the date of initial seizure.*
 - (2)
 - (a) *The amount of the bond shall be determined by the department, agency, humane society, and the custodian of the animal as authorized by the court and shall be sufficient to secure payment for all reasonable costs incurred during the thirty-day period for the boarding and medical treatment of the animal after examination by a licensed veterinarian.*
 - (b) *The court shall order that the bond be given to the custodian of the animal to cover such costs.*
 - (3) *Such bond shall not prevent the department, agency, humane society or other custodian of the animal from disposing of the animal in accordance with Subsection B of this section at the end of the thirty day period covered by bond, unless the person claiming an interest posts an additional bond for such reasonable expenses for an additional thirty day period. In addition, such bond shall not prevent disposition of the animal for humane purposes at any time, in accordance with Subsection E of this section.*
- D. Upon a person's conviction of cruelty to animals, it shall be proper for the court, in its discretion, to order the forfeiture and final determination of the custody of any animal found to be cruelly treated in accordance with this Section and the forfeiture of the bond posted pursuant to Subsection C as a part

ANIMAL PROTECTION LAWS OF LOUISIANA

of the sentence. *The court may, in its discretion, order the payment of any reasonable or additional costs incurred in the boarding or veterinary treatment of any seized animal prior to its disposition, whether or not a bond was posted by the defendant. In the event of the acquittal or final discharge, without conviction of the accused, the court shall, on demand, direct the delivery of any animal held in custody to the owner thereof and order the return of any bond posted pursuant to Subsection C, less reasonable administrative costs.*

- E. Nothing in this Section shall prevent the euthanasia of any seized animal, at any time, whether or not any bond was posted, if a licensed veterinarian determines that the animal is not likely to survive and is suffering, as a result of any physical condition. In such instances, the court, in its discretion, may order the return of any bond posted, less reasonable costs, at the time of trial.

LA. REV. STAT. § 14:102.6. Seizure and destruction or disposition of dogs and equipment used in dogfighting.

A.

- (1) Any law enforcement officer making an arrest under R.S. 14:102.5 may lawfully take possession of all fighting dogs on the premises where the arrest is made or in the immediate possession or control of the person being arrested, whether or not the dogs are actually engaged in a fight at the time, and all paraphernalia, implements, equipment, or other property or things used or employed in violation of that Section.
- (2) The legislature finds and declares that fighting dogs used or employed in violation of R.S. 14:102.5 are dangerous, vicious, and a threat to the health and safety of the public. Therefore, fighting dogs seized in accordance with this Section are declared to be contraband and, notwithstanding R.S. 14:102.1, the officer, an animal control officer, or a licensed veterinarian may cause them to be humanely euthanized as soon as possible by a licensed veterinarian or a qualified technician and shall not be civilly or criminally liable for so doing. Fighting dogs not destroyed immediately shall be disposed of in accordance with R.S. 14:102.2.

B.

- (1) The officer, after taking possession of any dogs other than those destroyed or disposed of pursuant to Subsection A and of the other paraphernalia, implements, equipment, or other property or things, shall file with the district court of the parish within which the alleged violation occurred an affidavit stating therein the name of the person charged, a description of the property so taken and the time and place of the taking thereof, together with the name of the person who claims to own such property, if known, and that the affiant has reason to believe and does believe, stating the ground of such belief, that the property so taken was used or employed in such violation.
- (2) The seizing officer shall dispose of any dogs or other animals seized in the manner provided for in R.S. 14:102.2.
- (3) He shall thereupon deliver the other property so taken to such court which shall, by order in writing, place such paraphernalia, implements, equipment, or other property in the custody of a suitable custodian, to be kept by such custodian until the conviction or final discharge of the accused, and shall send a copy of such order without delay to the district attorney of the parish. The custodian so named and designated in such order shall immediately thereupon assume the

ANIMAL PROTECTION LAWS OF LOUISIANA

custody of such property and shall retain the same, subject to the order of the court before which the accused shall be required to appear for trial.

- C. *Any person claiming an interest in a seized animal may post a bond with the court in accordance with the provisions of R.S. 14:102.2(C) in order to prevent the disposition of such animal.*
- D. Upon conviction of the person so charged, all dogs so seized shall be adjudged by the court to be forfeited and the court shall order a humane disposition of the same in accordance with R.S. 14:102.2. *The court may also in its discretion order the forfeiture of the bond posted, as well as payment of any reasonable or additional costs incurred in the boarding or veterinary treatment of any seized dog, as provided in R.S. 14:102.2. In the event of the acquittal or final discharge, without conviction, of the accused, the court shall, on demand, direct the delivery of the animals and other property so held in custody to the owner thereof and order the return of any bond posted pursuant to R.S. 14:102.2(C), less reasonable administrative costs.*

LA. REV. STAT. § 14:102.8. Injuring or killing of a police animal.

- A. Injuring or killing of a police animal is the intentional infliction of great bodily harm, permanent disability, or death upon a police animal.
- B. As used in this Section:
 - (1) "Police animal" means:
 - (a) Any dog which is owned or the service of which is used by any state or local law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.
 - (b) Any dog which is owned or the service of which is used by any public safety agency and which is trained in accordance with the standards of a national or regional search and rescue association to respond to instructions from its handler in the search for possibly deceased individuals and in the search and rescue of lost or missing individuals and which dog, together with its handler, is prepared to render search and rescue services at the request of a public safety agency.
 - (c) Any horse which is used by a state or local law enforcement officer in the course of his official duty.
 - (2) "Public safety agency" means any agency of the state or political subdivision of the state which provides or has authority to provide law enforcement, fire protection, emergency medical services, emergency preparedness services, or any other type of emergency services.
- C. It shall be an affirmative defense to a prosecution under this Section when the injuring or killing of a police animal is committed with the reasonable belief by one not involved in or being apprehended for the commission of any offense or by one taken into custody that:
 - (1) He is in imminent danger of losing his life or receiving great bodily harm and that the injuring or killing is necessary to save himself from that danger.
 - (2) Another person not involved in or being apprehended for the commission of any offense is in imminent danger of losing his life or receiving great bodily harm and that the injury or killing is necessary to save that person from that danger.

ANIMAL PROTECTION LAWS OF LOUISIANA

- (3) His animal or other property not involved in the commission of any offense or in the apprehension of any person for an offense is in imminent danger of being destroyed or receiving grave injury or damage that may result in its destruction.

D.

- (1) Whoever commits the crime of injuring or killing of a police animal shall be fined not less than five thousand dollars nor more than ten thousand dollars, or imprisoned with or without hard labor for not less than one year nor more than three years, or both.
- (2) Upon a second or subsequent conviction, regardless of whether the second or subsequent offense occurred before or after the first conviction, the offender shall be fined not less than five thousand dollars and not more than ten thousand dollars, or imprisoned with or without hard labor for not less than five years nor more than seven years, or both.

E. *In addition to the foregoing penalties, a person convicted under this Section shall be ordered to make full restitution to the public safety agency suffering a financial loss from the injury or killing of a police animal. If a person ordered to make restitution pursuant to this Section is found to be indigent and therefore unable to make restitution in full at the time of conviction, the court shall order a periodic payment plan consistent with the person's financial ability.*

ANIMAL PROTECTION LAWS OF LOUISIANA

19. FORFEITURE AND POSSESSION BANS

LA. REV. STAT. § 3:2436. Sale of animal on owner's failure to pay for treatment.

After the animal has been cared for and treated the owner of the stable as well as the veterinarian treating the animal shall notify the president of the society by sending a statement of their charges, and the president of the society shall cause a registered notice to be sent to the owner of the animal, apprising him of the fact that the animal is ready to resume service and advising him as to the amount of the charges. *Should the owner not take the animal and pay the charges within five days after the receipt of the notice, the society may sell the animal at public auction in the manner now provided by law for judicial sales; the excess of the charges and expenses shall go to the owner of the animal.*

LA. REV. STAT. § 3:2437. Liability of society to stable or veterinarian; privilege upon animals.

The humane society shall be liable to the stable or veterinarian for their expenses and services under this Part, but only as per the scale of charges agreed upon, and the society may remove the animals and change surgeons at its pleasure. *A privilege is created upon all animals treated as above set out, in favor of the humane society, and it shall be superior to any other privilege on the animals.*

LA. REV. STAT. § 3:2452. Abandoned animals.

- A. An animal shall be considered abandoned when the owner thereof has not paid the charge for veterinary services, including medical, or for boarding, within ten days after rendition to the owner of the invoice for such services or boarding and no other agreement with the owner has been reached for the payment of such charge for services or boarding. The person to whom the charges are due may then give notice, as provided in R.S. 3:2453.
- B. After a declared emergency, an animal shall be considered abandoned when such animal is receiving temporary shelter services in a facility operated by the Department of Agriculture and Forestry and the owner has not claimed the animal within thirty days of the declared emergency and a reasonable effort has been made to contact the owner.
- C. *The owner of an abandoned animal shall be deemed to have relinquished all rights and claims to such animal by virtue of such abandonment, except as provided in R.S. 3:2454(B).*

LA. REV. STAT. § 3:2453. Notice requirements; freedom from liability.

- A. *The notice required in R.S. 3:2452(A) above shall be given to the owner of the animal or the owner's agent at his last known address by registered mail or by certified mail, return receipt requested, and shall contain a statement that if the animal is not claimed within ten days after receipt of the notice,*

ANIMAL PROTECTION LAWS OF LOUISIANA

the animal may be sold, donated, turned over to the nearest humane society or animal control center, or otherwise disposed of as the person having custody of the animal may deem proper.

- B. In the event that the notice described in Subsection A cannot be delivered for any reason, or in the event that such notice is returned as “refused”, “addressee unknown”, “not at this address”, or other similar designation, then the animal may be sold, donated, turned over to the nearest humane society or animal control agency, or otherwise disposed of as the person having custody of the animal may deem proper.
- C. The receipt of notice by the owner or his agent, or the return as “refused”, “addressee unknown”, “not at this address”, or other similar designation, whichever is applicable, shall relieve the custodian of any liability for the sale, donation, euthanasia, or other disposal of the animal.

LA. REV. STAT. § 14:89.3. Sexual abuse of an animal.

- A. Sexual abuse of an animal is the knowing and intentional performance of any of the following:
 - (1) Engaging in sexual contact with an animal.
 - (2) Possessing, selling, transferring, purchasing, or otherwise obtaining an animal with the intent that it be subject to sexual contact.
 - (3) Organizing, promoting, conducting, aiding or abetting, or participating in as an observer, any act involving sexual contact with an animal.
 - (4) Causing, coercing, aiding, or abetting another person to engage in sexual contact with an animal.
 - (5) Permitting sexual contact with an animal to be conducted on any premises under his charge or control.
 - (6) Advertising, soliciting, offering, or accepting the offer of an animal with the intent that it be used for sexual contact.
 - (7) Filming, distributing, or possessing pornographic images of a person and an animal engaged in any of the activities described in Paragraphs (1) through (6) of this Subsection.
- B. For purposes of this Section:
 - (1) “Animal” means any nonhuman creature, whether alive or dead.
 - (2) “Sexual contact” means:
 - (a) Any act committed for the purpose of sexual arousal or sexual gratification, abuse, or financial gain, between a person and an animal involving contact between the sex organs or anus of one and the mouth, sex organs, or anus of the other.
 - (b) The insertion, however slight, of any part of the body of a person or any object into the vaginal or anal opening of an animal, touching by a person of the sex organs or anus of an animal, or the insertion of any part of the animal's body into the vaginal or anal opening of the person.
- C. This Section shall not apply to any of the following:
 - (1) Accepted veterinary practices.
 - (2) Artificial insemination of an animal for reproductive purposes.

ANIMAL PROTECTION LAWS OF LOUISIANA

- (3) Accepted animal husbandry practices, including grooming, raising, breeding, or assisting with the birthing process of animals or any other procedure that provides care for an animal.
- (4) Generally accepted practices related to the judging of breed conformation.

D.

- (1)
 - (a) Except as provided in Subparagraph (b) of this Paragraph, whoever commits the offense of sexual abuse of an animal shall be fined not more than two thousand dollars, imprisoned, with or without hard labor, for not more than five years, or both.
 - (b) Whoever commits a second or subsequent offense of sexual abuse of an animal, shall be fined not less than five thousand dollars nor more than twenty-five thousand dollars, or imprisoned, with or without hard labor, for not more than ten years, or both.
- (2) *In addition to any other penalty imposed, a person convicted of violating this Section shall be ordered to:*
 - (a) *Relinquish custody of all animals.*
 - (b) *Not harbor, own, possess, or exercise control over any animal for any length of time deemed appropriate by the court, but not less than five years.*
 - (c) *Not reside in any household where an animal is present; engage in an occupation, whether paid or unpaid, involving animals; or participate in a volunteer position at any establishment where animals are present, for any length of time deemed appropriate by the court, but not less than five years.*
 - (d) Undergo a psychological evaluation for sex offenders and participate in any recommended psychological treatment. Any costs associated with any evaluation or treatment ordered by the court shall be paid by the defendant.
 - (e) If the convicted person is not the owner, reimburse the owner for any expenses incurred for medical treatment or rehabilitation of the victimized animal.
- (3) If a person convicted of the offense of sexual abuse of an animal is released on parole, the committee on parole shall require the person, as a condition of parole, to participate in a sex offender program as defined by R.S. 15:828(A)(2)(b).

E.

- (1) Any law enforcement officer investigating a violation of this Section may lawfully take possession of an animal that he has reason to believe has been victimized under this Section in order to protect the health or safety of the animal or the health or safety of others, and to obtain evidence of the offense.
- (2) Any animal seized pursuant to this Section shall be promptly taken to a shelter facility or veterinary clinic to be examined by a veterinarian for evidence of sexual contact.
- (3) With respect to an animal so seized and impounded, all provisions of R.S. 14:102.2 and 102.3 shall apply to the seizure, impoundment, and disposition of the animal.

- F. Prosecution under this Section shall not preclude prosecution under any other applicable provision of law.

ANIMAL PROTECTION LAWS OF LOUISIANA

LA. REV. STAT. § 14:102.1. Cruelty to animals; simple and aggravated.

A.

- (1) Any person who intentionally or with criminal negligence commits any of the following shall be guilty of simple cruelty to animals:
 - (a) Overdrives, overloads, drives when overloaded, or overworks a living animal.
 - (b) Torments, cruelly beats, or unjustifiably injures any living animal, whether belonging to himself or another.
 - (c) Having charge, custody, or possession of any animal, either as owner or otherwise, unjustifiably fails to provide it with proper food, proper drink, proper shelter, or proper veterinary care.
 - (d) Abandons any animal. A person shall not be considered to have abandoned an animal if he delivers to an animal control center an animal which he found running at large.
 - (e) Impounds or confines or causes to be impounded or confined in a pound or other place, a living animal and fails to supply it during such confinement with proper food, proper drink, and proper shelter.
 - (f) Carries, or causes to be carried, a living animal in or upon a vehicle or otherwise, in a cruel or inhumane manner.
 - (g) Unjustifiably administers any poisonous or noxious drug or substance to any domestic animal or unjustifiably exposes any such drug or substance, with intent that the same shall be taken or swallowed by any domestic animal.
 - (h) Injures any animal belonging to another person.
 - (i) Mistreats any living animal by any act or omission whereby unnecessary or unjustifiable physical pain, suffering, or death is caused to or permitted upon the animal.
 - (j) Causes or procures to be done by any person any act enumerated in this Subsection.
- (2)
 - (a) Whoever commits the crime of simple cruelty to animals shall be fined not more than one thousand dollars, or imprisoned for not more than six months, or both. The court may also order the offender to pay for any expense incurred for the housing of the animal and for medical treatment of the animal, pursuant to Code of Criminal Procedure Article 883.2. In addition, the court may issue an order prohibiting the defendant from owning or keeping animals for a period of not more than one year.
 - (b) Whoever commits a second or subsequent offense of simple cruelty to animals shall be fined not less than five thousand dollars nor more than twenty-five thousand dollars or imprisoned, with or without hard labor, for not less than one year nor more than ten years, or both. *In addition, the court may issue an order prohibiting the defendant from owning or keeping animals for a period of time not more than five years.*
 - (c) In addition to any other penalty imposed, a person who commits the crime of cruelty to animals shall be ordered to perform five eight-hour days of court-approved community service. The community service requirement shall not be suspended.
 - (d) In addition to any other penalty imposed, the court may order a psychological evaluation or anger management treatment for a first conviction of the crime of simple cruelty to animals. For a second or subsequent offense of the crime of simple cruelty to an animal, the court

ANIMAL PROTECTION LAWS OF LOUISIANA

shall order a psychological evaluation or anger management treatment. Any costs associated with any evaluation or treatment ordered by the court shall be borne by the defendant.

- (3) For purposes of this Subsection, if more than one animal is subject to an act of cruel treatment by an offender, each act shall constitute a separate offense.

B.

- (1) Any person who intentionally or with criminal negligence tortures, maims, or mutilates any living animal, whether belonging to himself or another, shall be guilty of aggravated cruelty to animals.
- (2) Any person who tampers with livestock at a public livestock exhibition or at a private sale shall also be guilty of aggravated cruelty to animals.
- (3) Any person who causes or procures to be done by any person any act designated in this Subsection shall also be guilty of aggravated cruelty to animals.
- (4) Any person who intentionally or with criminal negligence mistreats any living animal whether belonging to himself or another by any act or omission which causes or permits unnecessary or unjustifiable physical pain, suffering, or death to the animal shall also be guilty of aggravated cruelty to animals.
- (5) *In addition to any other penalty imposed for a violation of this Subsection, the offender shall be ordered to undergo a psychological evaluation and subsequently recommended psychological treatment and may be banned by court order from owning or keeping animals for a period of not more than ten years.* Any costs associated with any evaluation or treatment ordered by the court shall be borne by the defendant.
- (6) Whoever commits the crime of aggravated cruelty to animals shall be fined not less than five thousand dollars nor more than twenty-five thousand dollars or imprisoned, with or without hard labor, for not less than one year nor more than ten years, or both.
- (7) For purposes of this Subsection, where more than one animal is tortured, maimed, mutilated, or maliciously killed, or where more than one head of livestock is tampered with, each act comprises a separate offense.

C. This Section shall not apply to any of the following:

- (1) The lawful hunting or trapping of wildlife as provided by law.
- (2) Herding of domestic animals.
- (3) Accepted veterinary practices.
- (4) Activities carried on for scientific or medical research governed by accepted standards.
- (5) Traditional rural Mardi Gras parades, processions, or runs involving chickens.
- (6) Nothing in this Section shall prohibit the standard transportation and agricultural processing of agriculture products as defined in R.S. 3:3602(5) and (6).

D. Repealed by Acts 2007, No. 425, § 2, effective August 15, 2008.

LA. REV. STAT. § 14:102.2. Seizure and disposition of animals cruelly treated.

A. When a person is charged with cruelty to animals, said person's animal may be seized by the arresting officer and held pursuant to this section.

B.

- (1) The seizing officer shall notify the owner of the seized animal of the provisions of this Section by

ANIMAL PROTECTION LAWS OF LOUISIANA

posting written notice at the location where the animal was seized or by leaving it with a person of suitable age and discretion residing at that location within twenty-four hours of seizure

- (2) The seizing officer shall photograph the animal within fifteen days after posting of the notice of seizure and shall cause an affidavit to be prepared in order to document its condition in accordance with LA. REV. STAT. 15:436.2.
- (3) The seizing officer shall appoint a licensed veterinarian or other suitable custodian to care for any such animal. The custodian shall retain custody of the animal in accordance with this Section.
- (4) The seized animal shall be held by the custodian provided for in Paragraph (3) for a period of fifteen consecutive days including weekends and holidays, after such notice of seizure is given. *Thereafter, if a person who claims an interest in such animal has not posted bond in accordance with Subsection C, the animal may be humanely disposed of by sale, adoption, or euthanasia.*

C.

- (1) A person claiming an interest in any animal seized pursuant to this Section may prevent the disposition of the animal as provided for in Subsection B of this section by posting bond with the court within fifteen days after receiving notice of such seizure. Such bond shall prevent the disposition of the animal for a period of thirty days commencing on the date of initial seizure.
- (2)
 - (a) The amount of the bond shall be determined by the department, agency, humane society, and the custodian of the animal as authorized by the court and shall be sufficient to secure payment for all reasonable costs incurred during the thirty-day period for the boarding and medical treatment of the animal after examination by a licensed veterinarian.
 - (b) The court shall order that the bond be given to the custodian of the animal to cover such costs.
- (3) Such bond shall not prevent the department, agency, humane society or other custodian of the animal from disposing of the animal in accordance with Subsection B of this section at the end of the thirty day period covered by bond, unless the person claiming an interest posts an additional bond for such reasonable expenses for an additional thirty day period. *In addition, such bond shall not prevent disposition of the animal for humane purposes at any time, in accordance with Subsection E of this section.*

- D. *Upon a person's conviction of cruelty to animals, it shall be proper for the court, in its discretion, to order the forfeiture and final determination of the custody of any animal found to be cruelly treated in accordance with this Section and the forfeiture of the bond posted pursuant to Subsection C as a part of the sentence. The court may, in its discretion, order the payment of any reasonable or additional costs incurred in the boarding or veterinary treatment of any seized animal prior to its disposition, whether or not a bond was posted by the defendant. In the event of the acquittal or final discharge, without conviction of the accused, the court shall, on demand, direct the delivery of any animal held in custody to the owner thereof and order the return of any bond posted pursuant to Subsection C, less reasonable administrative costs.*
- E. *Nothing in this Section shall prevent the euthanasia of any seized animal, at any time, whether or not any bond was posted, if a licensed veterinarian determines that the animal is not likely to survive and is suffering, as a result of any physical condition. In such instances, the court, in its discretion, may order the return of any bond posted, less reasonable costs, at the time of trial.*

ANIMAL PROTECTION LAWS OF LOUISIANA

LA. REV. STAT. § 14:102.6. Seizure and destruction or disposition of dogs and equipment used in dogfighting.

A.

- (1) Any law enforcement officer making an arrest under R.S. 14:102.5 may lawfully take possession of all fighting dogs on the premises where the arrest is made or in the immediate possession or control of the person being arrested, whether or not the dogs are actually engaged in a fight at the time, and all paraphernalia, implements, equipment, or other property or things used or employed in violation of that Section.
- (2) *The legislature finds and declares that fighting dogs used or employed in violation of R.S. 14:102.5 are dangerous, vicious, and a threat to the health and safety of the public. Therefore, fighting dogs seized in accordance with this Section are declared to be contraband and, notwithstanding R.S. 14:102.1, the officer, an animal control officer, or a licensed veterinarian may cause them to be humanely euthanized as soon as possible by a licensed veterinarian or a qualified technician and shall not be civilly or criminally liable for so doing. Fighting dogs not destroyed immediately shall be disposed of in accordance with R.S. 14:102.2.*

B.

- (1) The officer, after taking possession of any dogs other than those destroyed or disposed of pursuant to Subsection A and of the other paraphernalia, implements, equipment, or other property or things, shall file with the district court of the parish within which the alleged violation occurred an affidavit stating therein the name of the person charged, a description of the property so taken and the time and place of the taking thereof, together with the name of the person who claims to own such property, if known, and that the affiant has reason to believe and does believe, stating the ground of such belief, that the property so taken was used or employed in such violation.
- (2) The seizing officer shall dispose of any dogs or other animals seized in the manner provided for in R.S. 14:102.2.
- (3) He shall thereupon deliver the other property so taken to such court which shall, by order in writing, place such paraphernalia, implements, equipment, or other property in the custody of a suitable custodian, to be kept by such custodian until the conviction or final discharge of the accused, and shall send a copy of such order without delay to the district attorney of the parish. The custodian so named and designated in such order shall immediately thereupon assume the custody of such property and shall retain the same, subject to the order of the court before which the accused shall be required to appear for trial.

C. Any person claiming an interest in a seized animal may post a bond with the court in accordance with the provisions of R.S. 14:102.2(C) in order to prevent the disposition of such animal.

D. *Upon conviction of the person so charged, all dogs so seized shall be adjudged by the court to be forfeited and the court shall order a humane disposition of the same in accordance with R.S. 14:102.2.* The court may also in its discretion order the forfeiture of the bond posted, as well as payment of any reasonable or additional costs incurred in the boarding or veterinary treatment of any seized dog, as provided in R.S. 14:102.2. In the event of the acquittal or final discharge, without conviction, of the accused, the court shall, on demand, direct the delivery of the animals and other property so held in custody to the owner thereof and order the return of any bond posted pursuant to R.S. 14:102.2(C), less reasonable administrative costs.

ANIMAL PROTECTION LAWS OF LOUISIANA

20. REHABILITATIVE SENTENCING

LA. REV. STAT. § 14:89.3. Sexual abuse of an animal.

- A. Sexual abuse of an animal is the knowing and intentional performance of any of the following:
- (1) Engaging in sexual contact with an animal.
 - (2) Possessing, selling, transferring, purchasing, or otherwise obtaining an animal with the intent that it be subject to sexual contact.
 - (3) Organizing, promoting, conducting, aiding or abetting, or participating in as an observer, any act involving sexual contact with an animal.
 - (4) Causing, coercing, aiding, or abetting another person to engage in sexual contact with an animal.
 - (5) Permitting sexual contact with an animal to be conducted on any premises under his charge or control.
 - (6) Advertising, soliciting, offering, or accepting the offer of an animal with the intent that it be used for sexual contact.
 - (7) Filming, distributing, or possessing pornographic images of a person and an animal engaged in any of the activities described in Paragraphs (1) through (6) of this Subsection.
- B. For purposes of this Section:
- (1) "Animal" means any nonhuman creature, whether alive or dead.
 - (2) "Sexual contact" means:
 - (a) Any act committed for the purpose of sexual arousal or sexual gratification, abuse, or financial gain, between a person and an animal involving contact between the sex organs or anus of one and the mouth, sex organs, or anus of the other.
 - (b) The insertion, however slight, of any part of the body of a person or any object into the vaginal or anal opening of an animal, touching by a person of the sex organs or anus of an animal, or the insertion of any part of the animal's body into the vaginal or anal opening of the person.
- C. This Section shall not apply to any of the following:
- (1) Accepted veterinary practices.
 - (2) Artificial insemination of an animal for reproductive purposes.
 - (3) Accepted animal husbandry practices, including grooming, raising, breeding, or assisting with the birthing process of animals or any other procedure that provides care for an animal.
 - (4) Generally accepted practices related to the judging of breed conformation.
- D.
- (1)
 - (a) Except as provided in Subparagraph (b) of this Paragraph, whoever commits the offense of sexual abuse of an animal shall be fined not more than two thousand dollars, imprisoned, with or without hard labor, for not more than five years, or both.
 - (b) Whoever commits a second or subsequent offense of sexual abuse of an animal, shall be fined not less than five thousand dollars nor more than twenty-five thousand dollars, or imprisoned, with or without hard labor, for not more than ten years, or both.

ANIMAL PROTECTION LAWS OF LOUISIANA

- (2) *In addition to any other penalty imposed, a person convicted of violating this Section shall be ordered to:*
- (a) Relinquish custody of all animals.
 - (b) Not harbor, own, possess, or exercise control over any animal for any length of time deemed appropriate by the court, but not less than five years.
 - (c) Not reside in any household where an animal is present; engage in an occupation, whether paid or unpaid, involving animals; or participate in a volunteer position at any establishment where animals are present, for any length of time deemed appropriate by the court, but not less than five years.
 - (d) *Undergo a psychological evaluation for sex offenders and participate in any recommended psychological treatment. Any costs associated with any evaluation or treatment ordered by the court shall be paid by the defendant.*
 - (e) If the convicted person is not the owner, reimburse the owner for any expenses incurred for medical treatment or rehabilitation of the victimized animal.
- (3) If a person convicted of the offense of sexual abuse of an animal is released on parole, the committee on parole shall require the person, as a condition of parole, to participate in a sex offender program as defined by R.S. 15:828(A)(2)(b).

E.

- (1) Any law enforcement officer investigating a violation of this Section may lawfully take possession of an animal that he has reason to believe has been victimized under this Section in order to protect the health or safety of the animal or the health or safety of others, and to obtain evidence of the offense.
- (2) Any animal seized pursuant to this Section shall be promptly taken to a shelter facility or veterinary clinic to be examined by a veterinarian for evidence of sexual contact.
- (3) With respect to an animal so seized and impounded, all provisions of R.S. 14:102.2 and 102.3 shall apply to the seizure, impoundment, and disposition of the animal.

- F. Prosecution under this Section shall not preclude prosecution under any other applicable provision of law.

LA. REV. STAT. § 14:102.1. Cruelty to animals; simple and aggravated.

A.

- (1) Any person who intentionally or with criminal negligence commits any of the following shall be guilty of simple cruelty to animals:
 - (a) Overdrives, overloads, drives when overloaded, or overworks a living animal.
 - (b) Torments, cruelly beats, or unjustifiably injures any living animal, whether belonging to himself or another.
 - (c) Having charge, custody, or possession of any animal, either as owner or otherwise, unjustifiably fails to provide it with proper food, proper drink, proper shelter, or proper veterinary care.
 - (d) Abandons any animal. A person shall not be considered to have abandoned an animal if he delivers to an animal control center an animal which he found running at large.

ANIMAL PROTECTION LAWS OF LOUISIANA

- (e) Impounds or confines or causes to be impounded or confined in a pound or other place, a living animal and fails to supply it during such confinement with proper food, proper drink, and proper shelter.
- (f) Carries, or causes to be carried, a living animal in or upon a vehicle or otherwise, in a cruel or inhumane manner.
- (g) Unjustifiably administers any poisonous or noxious drug or substance to any domestic animal or unjustifiably exposes any such drug or substance, with intent that the same shall be taken or swallowed by any domestic animal.
- (h) Injures any animal belonging to another person.
- (i) Mistreats any living animal by any act or omission whereby unnecessary or unjustifiable physical pain, suffering, or death is caused to or permitted upon the animal.
- (j) Causes or procures to be done by any person any act enumerated in this Subsection.

(2)

- (a) Whoever commits the crime of simple cruelty to animals shall be fined not more than one thousand dollars, or imprisoned for not more than six months, or both. The court may also order the offender to pay for any expense incurred for the housing of the animal and for medical treatment of the animal, pursuant to Code of Criminal Procedure Article 883.2. In addition, the court may issue an order prohibiting the defendant from owning or keeping animals for a period of not more than one year.
- (b) Whoever commits a second or subsequent offense of simple cruelty to animals shall be fined not less than five thousand dollars nor more than twenty-five thousand dollars or imprisoned, with or without hard labor, for not less than one year nor more than ten years, or both. In addition, the court may issue an order prohibiting the defendant from owning or keeping animals for a period of time not more than five years.
- (c) In addition to any other penalty imposed, a person who commits the crime of cruelty to animals shall be ordered to perform five eight-hour days of court-approved community service. The community service requirement shall not be suspended.
- (d) *In addition to any other penalty imposed, the court may order a psychological evaluation or anger management treatment for a first conviction of the crime of simple cruelty to animals. For a second or subsequent offense of the crime of simple cruelty to an animal, the court shall order a psychological evaluation or anger management treatment. Any costs associated with any evaluation or treatment ordered by the court shall be borne by the defendant.*

- (3) For purposes of this Subsection, if more than one animal is subject to an act of cruel treatment by an offender, each act shall constitute a separate offense.

B.

- (1) Any person who intentionally or with criminal negligence tortures, maims, or mutilates any living animal, whether belonging to himself or another, shall be guilty of aggravated cruelty to animals.
- (2) Any person who tampers with livestock at a public livestock exhibition or at a private sale shall also be guilty of aggravated cruelty to animals.
- (3) Any person who causes or procures to be done by any person any act designated in this Subsection shall also be guilty of aggravated cruelty to animals.
- (4) Any person who intentionally or with criminal negligence mistreats any living animal whether belonging to himself or another by any act or omission which causes or permits unnecessary or

ANIMAL PROTECTION LAWS OF LOUISIANA

unjustifiable physical pain, suffering, or death to the animal shall also be guilty of aggravated cruelty to animals.

- (5) *In addition to any other penalty imposed for a violation of this Subsection, the offender shall be ordered to undergo a psychological evaluation and subsequently recommended psychological treatment* and may be banned by court order from owning or keeping animals for a period of time not more than ten years. Any costs associated with any evaluation or treatment ordered by the court shall be borne by the defendant.
- (6) Whoever commits the crime of aggravated cruelty to animals shall be fined not less than five thousand dollars nor more than twenty-five thousand dollars or imprisoned, with or without hard labor, for not less than one year nor more than ten years, or both.
- (7) For purposes of this Subsection, where more than one animal is tortured, maimed, mutilated, or maliciously killed or where more than one head of livestock is tampered with, each act comprises a separate offense.

C. This Section shall not apply to any of the following:

- (1) The lawful hunting or trapping of wildlife as provided by law.
- (2) Herding of domestic animals.
- (3) Accepted veterinary practices.
- (4) Activities carried on for scientific or medical research governed by accepted standards.
- (5) Traditional rural Mardi Gras parades, processions, or runs involving chickens.
- (6) Nothing in this Section shall prohibit the standard transportation and agricultural processing of agriculture products as defined in R.S. 3:3602(5) and (6).

D. Repealed by Acts 2007, No. 425, § 2, effective August 15, 2008.