ANIMAL LEGAL DEFENSE FUND

ANIMAL PROTECTION

U.S. STATE LAWS RANKINGS REPORT℠

2020

COMPARING OVERALL STRENGTH AND COMPREHENSIVENESS

ANIMAL LEGAL DEFENSE FUND

ABOUT US

The Animal Legal Defense Fund is a national nonprofit organization dedicated to protecting the lives and advancing the interests of animals through the legal system. Our attorneys work with prosecutors, police, and animal control officers around the country on animal cruelty cases.

U.S. ANIMAL PROTECTION LAWS STATE RANKINGS MAPS

The Animal Legal Defense Fund has published the 15th annual U.S. Animal Protection Laws Rankings Report.℠ It is the longest-running and most authoritative of its kind, assessing the strength of each state's animal protection laws by examining over 3,400 pages of statutes. Each state is ranked based on 20 different categories of animal protection.

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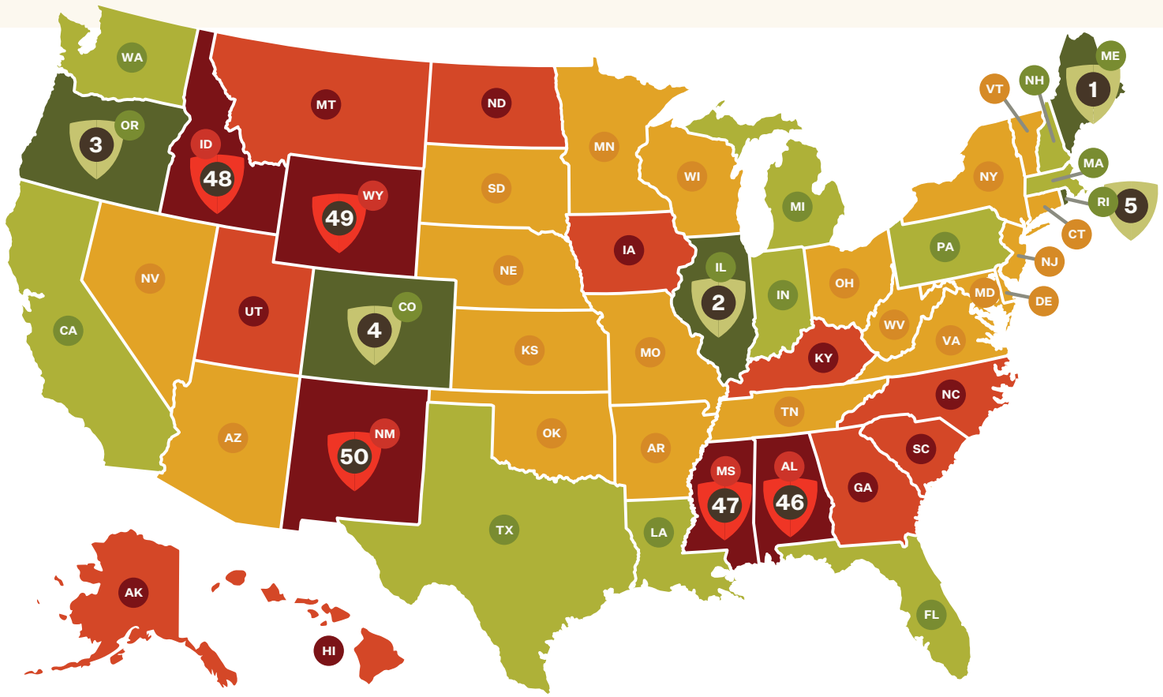
ANIMAL PROTECTION LAWS: 2020 STATE RANKINGS

The Animal Legal Defense Fund's 15th annual U.S. State Animal Protection Laws Rankings Report℠ starts with a comprehensive review by our team of legal experts of more than 3,400 pages of state animal protection laws, then ranks them by relative strength and effectiveness.

The longest-running, most authoritative report of its kind, it tracks which states are taking the lead to improve animal protection laws and which are falling behind. This year, Maine moved to the no. 1 spot while New Mexico landed at the bottom of the list.



RANKINGS BEST TO WORST:

1 **MAINE**	11 TEXAS	21 VERMONT	31 MARYLAND	41 NORTH CAROLINA
2 **ILLINOIS**	12 INDIANA	22 KANSAS	32 NEW YORK	42 NORTH DAKOTA
3 **OREGON**	13 MICHIGAN	23 DELAWARE	33 SOUTH DAKOTA	43 SOUTH CAROLINA
4 **COLORADO**	14 NEW HAMPSHIRE	24 TENNESSEE	34 ARKANSAS	44 KENTUCKY
5 **RHODE ISLAND**	15 PENNSYLVANIA	25 WISCONSIN	35 MISSOURI	45 UTAH
6 MASSACHUSETTS	16 VIRGINIA	26 MINNESOTA	36 ALASKA	46 **ALABAMA**
7 LOUISIANA	17 NEW JERSEY	27 CONNECTICUT	37 MONTANA	47 **MISSISSIPPI**
8 CALIFORNIA	18 NEBRASKA	28 ARIZONA	38 IOWA	48 **IDAHO**
9 FLORIDA	19 WEST VIRGINIA	29 OKLAHOMA	39 HAWAII	49 **WYOMING**
10 WASHINGTON	20 NEVADA	30 OHIO	40 GEORGIA	50 **NEW MEXICO**

Territories

1 DISTRICT OF COLUMBIA
2 U.S. VIRGIN ISLANDS
3 PUERTO RICO
4 GUAM
5 NORTHERN MARIANA ISLANDS
6 AMERICAN SAMOA ISLANDS

aldf.org/staterankings

ANALYSIS

ANNUAL STUDY RANKS LAWS ACROSS THE COUNTRY

JANUARY 2021

The Animal Legal Defense Fund announces the publication of the 2020 U.S. Animal Protection Laws Rankings Report℠. The longest-running and most authoritative report of its kind, the Rankings Report assesses the relative strengths and weaknesses of each U.S. state's and territory's animal protection laws and ranks them accordingly. For the first time in thirteen years, Illinois is no longer ranked as having the strongest animal protection laws in the country, having been surpassed by Maine. Following Maine in the top five are (2) Illinois, (3) Oregon, (4) Colorado, and (5) Rhode Island. This year Mississippi and Iowa rose out of the bottom two slots, having shored up some of their cruelty codes. New Mexico now has the country's weakest animal protection laws on the books, followed closely by Wyoming (49), Idaho (48), Mississippi (47), and Alabama (46).

MAINE RISES TO THE TOP THANKS TO NEW CAAP LAW

This year Maine created a Courtroom Animal Advocate Program (CAAP), becoming the second state in the nation that allows a third-party advocate in the courtroom to advocate for the interests of animals in cruelty cases. The court may appoint an advocate (either an attorney or a qualified law student) in any animal cruelty case, where they can consult with law enforcement and veterinarians and present information or recommendations to the court.

Maine has always had strong animal protection laws, particularly when detailing standards of care that must be provided to animals. Their code has comprehensive definitions of what constitutes adequate food, water, shelter, and care of animals. Having detailed definitions helps ensure neglect laws are consistently enforced because it removes ambiguity for both law enforcement and animal guardians. Maine has also consistently strengthened their laws over the years. Indeed, even though in 2019 Maine slipped one rank when it was surpassed by Colorado, it earned an honorable mention in our Rankings Report "most improved" section due to the many improvements instituted that year, including creating mandatory possession bans and giving certain animal-related hearings court calendar priority.

> *"Drawing on lessons from the field of crime victim law, CAAP statutes are an innovative way to provide animals harmed by criminal cruelty with in-court representation. Having legal counsel for an animal victim on hand, in turn, supports everyone involved in arriving at more just outcomes, by ensuring that those who cruelty laws are meant to shield — the animals themselves — have their experiences acknowledged and accounted for."*
>
> **David Rosengard**
> Animal Legal Defense Fund
> Senior Staff Attorney

NEW MEXICO FALLS TO 50TH

For the 15 years the Animal Legal Defense Fund has ranked state animal protection laws, New Mexico has consistently remained in the bottom tier. In 2020, other bottom-tier states strengthened their animal protection laws, surpassing New Mexico, causing the state to sink to the bottom of the Rankings.

New Mexico has a severely limited definition of "animal," which excludes reptiles and, according to a state Supreme Court holding, also excludes uncaptured wild animals. Therefore before even looking to the substance of the animal cruelty laws, there are already huge categories of animals who are completely unprotected. Even animals who are included in the definition of "animal" do not enjoy comprehensive protections. New Mexico is one of four states that still do not have a law prohibiting bestiality (the other three are Hawaii, West Virginia, and Wyoming). Additionally, New Mexico's neglect laws merely state that animals must be provided with "necessary sustenance," and fail to specify what that term requires.

One necessary step in enforcing animal protection laws is identifying situations where animals are being cruelly treated. Because of "The Link," the well-documented correlation between animal cruelty and familial violence, often professionals in the social services fields are the first ones from outside the home to witness animal cruelty occurring inside. Similarly, veterinarians are often the only witnesses to the signs and symptoms of animal cruelty. Unfortunately New Mexico does not have any laws requiring, or even explicitly permitting, these professionals to report suspected animal abuse. These professionals therefore do not have any civil immunity protecting them from retaliatory lawsuits for reporting suspected cruelty. Relatedly, New Mexico is also in the minority of states that do not explicitly permit animals to be included in domestic violence protection orders.

All of these deficiencies in New Mexico's animal protection laws do a disservice to the millions of animals living within its borders.

KENTUCKY NOW PERMITS VETERINARIANS TO REPORT SUSPECTED ANIMAL CRUELTY

Kentucky had ranked last in our annual Rankings Report for 12 straight years until finally criminalizing the sexual assault of an animal in 2019. In 2020, Kentucky climbed further up the Rankings to 44th place by amending their laws to permit veterinarians to report suspected animal cruelty. Prior to this year, Kentucky was the only state that actually prohibited veterinarians from reporting suspected cruelty. The Animal Legal Defense Fund's Rankings Report called attention to this troubling fact and helped spur the legislative change. Because of an existing immunity provision in Kentucky's law, veterinarians now also have civil immunity from lawsuits for reporting suspected animal cruelty in good faith. Veterinarians are uniquely positioned; they have the expertise and experience to recognize the signs of animal cruelty, and they are often the only witness to those signs. Therefore it is crucial that the law empower veterinarians to report suspected animal cruelty.

MOST IMPROVED

STATE: IOWA

Iowa jumped 11 ranks this year from 49th to 38th due to its passage of a bill that completely revamped their animal protection laws as they apply to companion animals and which was largely motivated by the Animal Legal Defense Fund's recent Rankings Report. The bill contained numerous improvements, including the removal of an exemption to their previous cruelty laws for people who actively abused their own animal, meaning that if the abuser was the animal's guardian, they could only be charged with a lower-level offense. The bill also expanded the level of intent that a prosecutor must prove that an abuser acted with. Previously, a prosecutor had to prove beyond a reasonable doubt that the offender acted with the intent to cause the animal physical injury, which could be difficult to prove. Now, a prosecutor must prove that the offender acted with a reckless disregard for the risk that their actions would result in the animal's injury — a significantly lower bar to meet, making it more likely that offenders will be held accountable for their acts.

Iowa's new laws also contain much more comprehensive definitions in the neglect provisions for what quantity and quality of food and water is necessary. They additionally now require that an animal's guardian must provide a sanitary environment, ventilated shelter, necessary grooming, and necessary veterinary care. Finally, Iowa now requires courts to order psychological evaluation and, if necessary, treatment for any juvenile adjudicated for animal cruelty and any adult convicted of aggravated cruelty or torture. Courts are also now explicitly permitted to order psychological evaluation and treatment for all other animal cruelty offenders.

Iowa is still in the bottom tier because none of these improvements to the law affect farmed animals, or most species of wild animals. Aggravated cruelty and torture are still misdemeanors on the first offense. Like New Mexico, Iowa does not have any laws addressing veterinarians or social service workers reporting suspected animal cruelty. Iowa also does not have any possession ban laws, which would prohibit convicted abusers from acquiring new animals for a set period of time.

TERRITORY: NORTHERN MARIANA ISLANDS

Prior to 2020, the commonwealth of the Northern Mariana Islands (CNMI) did not have any animal protection laws whatsoever. Several high-profile animal cruelty incidents drew public awareness to the territory's lack of animal legal protections, leading to CNMI adopting its first-ever animal cruelty laws, which were based in part upon the Animal Legal Defense Fund's Model Legislation. The law now prohibits inflicting unnecessary physical injury upon an animal, killing an animal in a manner that causes suffering, and dogfighting. It also requires animal guardians to provide "necessary food, water, or shelter sufficient to maintain the animal's normal health, [and] protection from adverse weather conditions." Violations of these laws are misdemeanors, and after conviction the defendant is liable for all costs of caring for seized animals. Upon conviction the court may prohibit the defendant from residing with an animal for a specified period of time, and they may also require the defendant to undergo psychological evaluation and treatment.

These are all enormous steps forward for the commonwealth, but there is still work to be done. First, the definition of "animal" excludes fish and farmed animals, so the scope of these laws is already limited. Second, CNMI still does not have any laws prohibiting sexual assault of an animal or prohibiting animal fighting for species other than dogs. Third, animal cruelty offenses, even maliciously torturing an animal, are still capped as misdemeanors with a maximum penalty of a $1,000 fine and 500 hours of community service. For these reasons, CNMI still ranks in the bottom tier of territories.

> *"It is so heartening to see Iowa and the Northern Mariana Islands — two jurisdictions that were previously at the very bottom of our Rankings Report — enacting such robust laws addressing some of their greatest weaknesses. I am thrilled that the Animal Legal Defense Fund was able to assist with these reforms and hope we can continue to work with their legislatures to expand these protections to all species."*
>
> **Kathleen Wood**
> Animal Legal Defense Fund
> Staff Attorney

MAJOR TRENDS

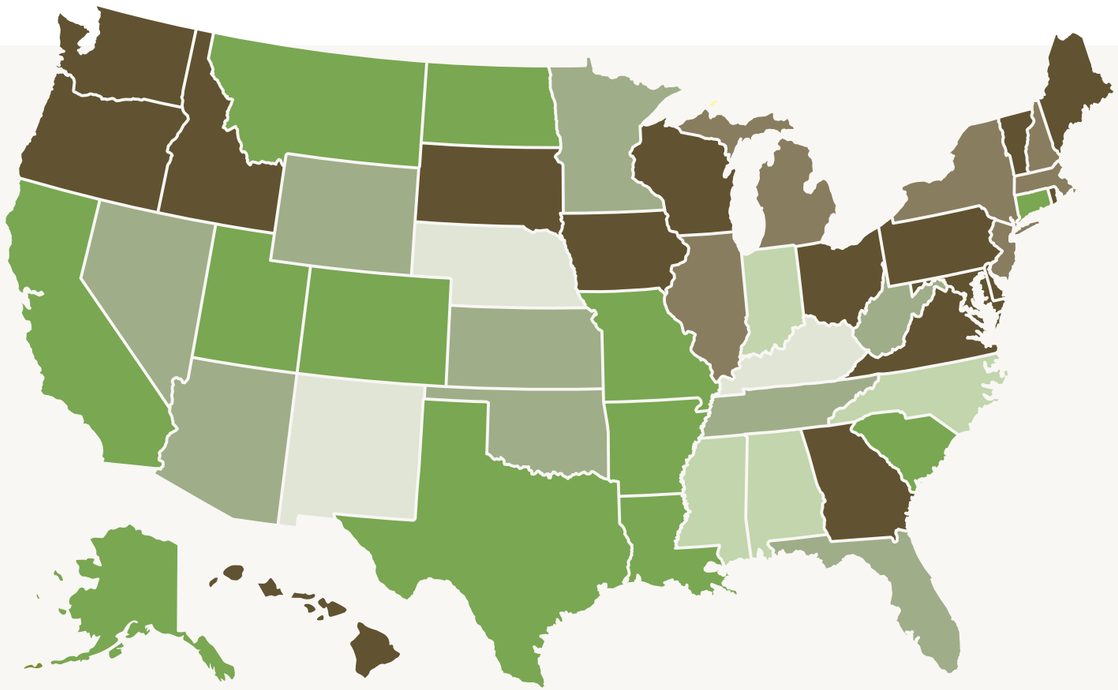
For the third year in a row, possession bans continue to be a major legislative trend. "Possession ban" is a broad term used to describe prohibitions the court places on convicted animal abusers, preventing them from owning, possessing, or residing with an animal for a specified period of time. Currently 38 states and D.C. have some form of a possession ban for convicted offenders. Between 2018 and 2019, twelve states created or strengthened their existing possession ban statutes. In 2020, four states — California, Mississippi, Tennessee, and Washington — expanded their existing possession ban laws. California and Tennessee both now require possession bans following a conviction for sexual abuse of an animal. Additionally, Tennessee now requires courts to order possession bans in cases of animal fighting and aggravated animal cruelty, such as torture. Mississippi amended its laws concerning cruelty to a dog or cat, providing that the court may order a possession ban for up to 5 years following a misdemeanor conviction, and up to 15 years following a felony; the court can also prohibit an offender from working in a place where dogs and cats are kept. Finally, Washington previously prohibited convicted offenders from owning or residing with animals who were "similar" species to those involved in the underlying offense, and in 2020 expanded their possession ban statute to prohibit owning or residing with animals of any species.

A new trend this year was an increase in the level of detail in state laws regarding the type of shelter that guardians must provide for their animals. Four states — Iowa, Vermont, Virginia, and Washington — all provided much greater specificity as to what constitutes "adequate shelter."

For example, Vermont previously required that "livestock and animals that are to be predominantly maintained in an outdoor area" be provided with shelter to protect them from "injury and environmental hazards." Now, Vermont requires that all such animals be provided with natural or constructed shelter which is "a well-drained area of sufficient size to provide a windbreak and protection from exposure to [weather elements]" and which offers space to accommodate all animals. For farmed animals in enclosed areas, the shelter must also provide "adequate ventilation… sufficient to control excessive ambient temperatures and humidity and to prevent the accumulation of toxic gases, such as ammonia," as well as adequate space for exercise.

These specific provisions remove ambiguity, making the legal requirements clear for both animal guardians and law enforcement. The heightened standards also ensure that animals are provided with higher quality of care and protection from extreme weather. This is particularly important due to climate change and the resulting increase in the number of natural disasters and extreme weather conditions.

SHELTER REQUIRED

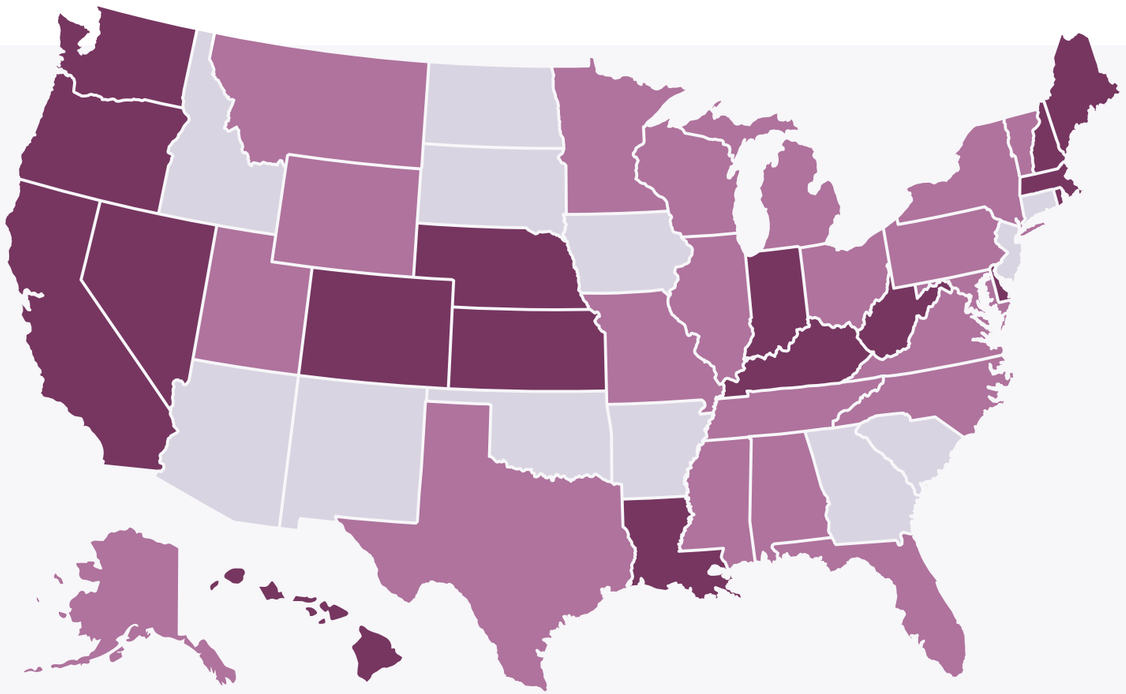


SHELTER REQUIRED FOR ANIMALS

NOTHING
SHELTER DOGS AND CATS
NECESSARY/PROPER SHELTER
NECESSARY TO MAINTAIN ANIMAL'S HEALTH
SHELTER & DETAILED REQUIREMENT FOR DOGS
DETAILED REQUIREMENTS FOR MOST ANIMALS

From state to state, there is a vast difference between what kind and quality of shelter guardians must provide to their animals. Three states — Kentucky, Nebraska, and New Mexico — do not have any law requiring guardians to provide shelter for their animals. Four others only require guardians to provide shelter to dogs and cats. Nine states have statutes requiring "necessary" or "proper" shelter but do not define what that entails. Twelve states require that guardians provide animals with shelter that is necessary to maintain the health of the animal, usually specific to the breed, species, and age of the animal. This extra level of specificity makes it easier for shelter laws to be enforced and better protects species like reptiles who often have very specific environmental needs. Twenty-two states, and the District of Columbia, have laws that go beyond merely requiring shelter. These states include additional requirements, such as ventilation, sanitation, space, windbreaks, or bedding. Unfortunately, in six of those 22 states, those additional requirements only apply to dogs and cats. In 2020, four states — Iowa, Washington, Vermont, and Virginia — strengthened their shelter laws to provide greater levels of specificity.

POSSESSION BAN



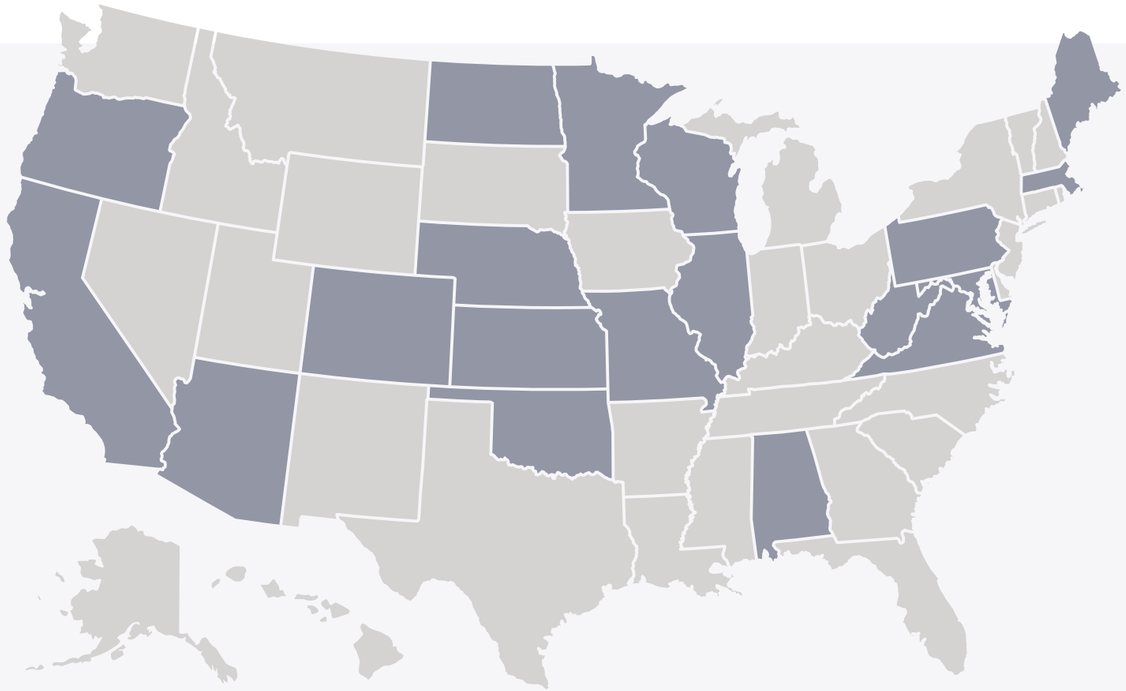
POSSESSION BAN ON ANIMAL OWNERSHIP

MANDATORY
PERMISSIVE
NONE

After a person is convicted of animal cruelty, the court may prohibit the defendant from owning or possessing any animal for a period of time. In many states, this prohibition is statutorily authorized, or even mandated. These possession bans are one of the most effective ways to prevent repeat offenses. They restrict an abuser's access to animals, drastically limiting the pool of potential victims. They also allow law enforcement to intervene quickly to protect at-risk animals.

As of 2020, only 17 states mandate possession bans after a conviction for animal cruelty — and several of those state statutes are limited to specific species or crimes, such as the sexual assault of an animal. Additionally, 21 states and D.C. statutorily authorize possession bans, but those are ultimately left up to the court's discretion. Fortunately these numbers are trending upward — in 2020 four states strengthened their possession ban laws.

VETERINARY REPORTING



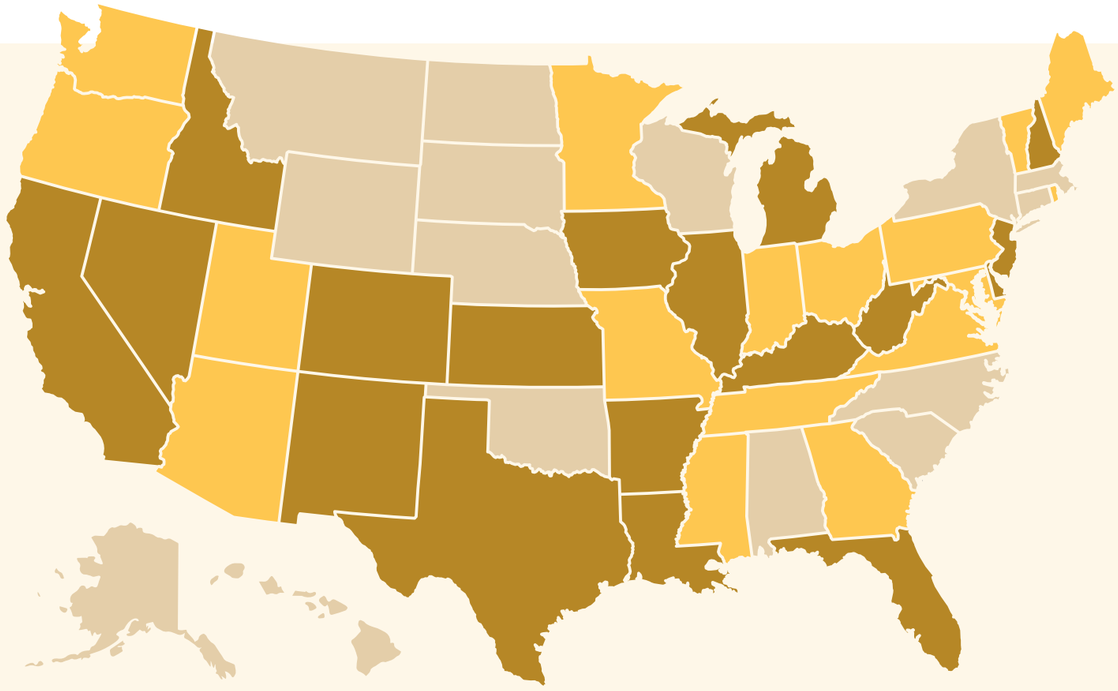
VETERINARY REPORTING OF ANIMAL CRUELTY

MANDATORY PERMISSIVE

It is crucial that the law empower veterinarians to report suspected animal cruelty when they encounter signs of abuse in their practice. Not only are veterinarians often the only witnesses to animal abuse, but they are uniquely qualified to identify the signs of cruelty.

As of 2020, 19 states require veterinarians to report suspected animal cruelty, and most of those states also grant civil immunity to veterinarians who report. Thirty-one states, either explicitly or implicitly, permit veterinarians to report suspected animal cruelty. Until 2020, Kentucky was the only state that actually prohibited veterinarians from reporting suspected animal cruelty. However that issue was remedied with the passage of Senate Bill 21, which empowers veterinarians to report suspected abuse and gives them civil immunity for doing so.

PSYCHOLOGICAL EVALUATION



COURT-ORDERED PSYCHOLOGICAL EVALUATION AND, IF NECESSARY, TREATMENT

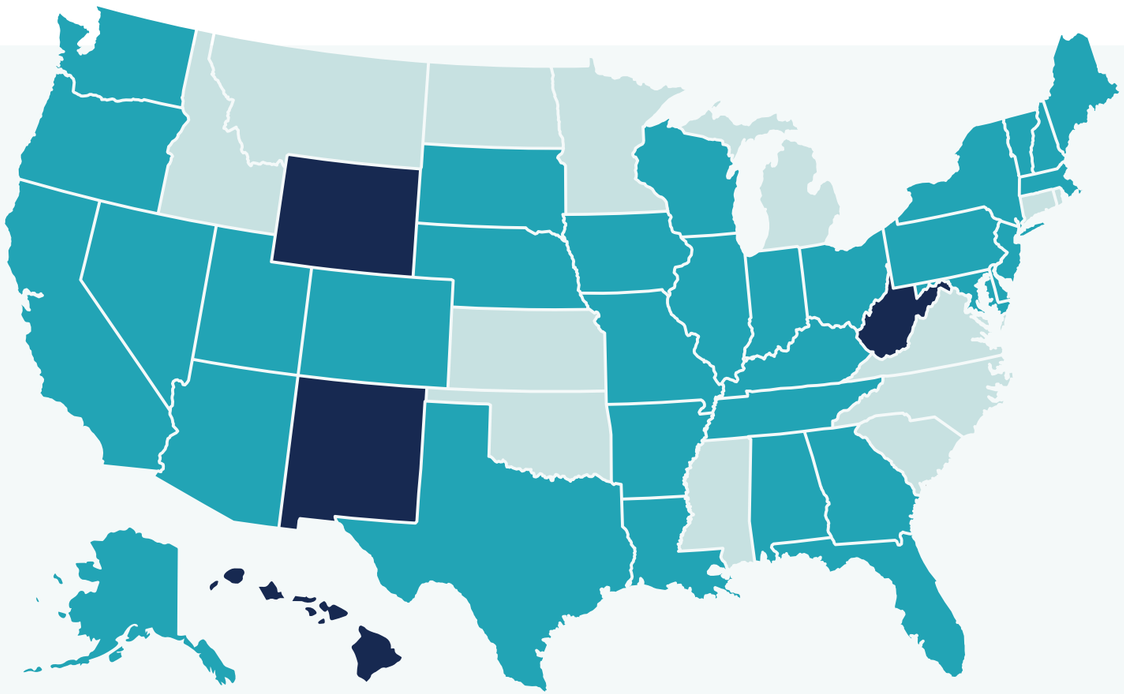
MANDATORY PERMISSIVE NONE

Court-ordered treatment is an effective way to address the roots of animal cruelty and provide sustainable solutions and rehabilitation for convicted offenders. Such treatment will often entail a psychological evaluation and, if deemed necessary, further counseling. Treatment may also take the form of anger management or educational courses.

As of 2020, 16 states and the Northern Mariana Islands statutorily authorize the court in its discretion to order psychological evaluation and, if necessary, treatment for convicted animal abusers. An additional 20 states and the U.S. Virgin Islands require psychological evaluation/treatment for certain convicted animal abusers. However almost every one of those 20 states limits its mandatory counseling statute to certain abusers — typically people who committed torture or sexual assault of an animal, or those who were a juvenile at the time of the offense.

In 2020, Iowa overhauled their animal cruelty code and now requires courts to order psychological evaluations in cases involving animal torture or juveniles and explicitly permits courts to order evaluations in other animal cruelty cases. Also this year, the Northern Mariana Islands enacted their first animal protection laws and now permit courts to order convicted offenders to participate in animal cruelty prevention programs or psychological counseling.

SEXUAL ASSAULT



ANIMAL SEXUAL ASSAULT AND CRUELTY

HAS A LAW BANNING SEXUAL ABUSE OF ANIMALS

HAS NO LAW ADDRESSING SEXUAL ASSAULT OF ANIMALS

HAS A LAW CRIMINALIZING "CRIMES AGAINST NATURE" OR OTHERWISE INADEQUATELY DEFINED BESTIALITY STATUTE

Laws prohibiting the sexual assault of animals vary widely from state to state. Four states — Hawaii, New Mexico, West Virginia, and Wyoming — still do not have any laws prohibiting the sexual assault of animals. In those states, sexual assault could still be prosecuted as animal cruelty if the animal suffers some physical harm, but that is still grossly insufficient to address the issue.

Even if the state prohibits sexual assault of animals, the laws may be weak. Thirteen states have antiquated laws which prohibit vague, undefined crimes such as the "abominable crime against nature," or otherwise fail to adequately define the crime. Not only are such statutes difficult to enforce due to their vagueness, but they are also usually closely tied to unconstitutional sodomy laws.

A growing number of states are updating and strengthening their bestiality laws, bringing them into the 21st century. In 2020, five states strengthened their laws addressing sexual assault of animals. In particular, Wisconsin completely overhauled their bestiality law, providing comprehensive definitions and elevating the crime from a misdemeanor to a felony.

“BEST FIVE” STATES

SELECT PROVISIONS	1 MAINE	2 ILLINOIS	3 OREGON	4 COLORADO	5 RHODE ISLAND
Felony penalties available: Cruelty (C), Neglect (N), Fighting (F), Abandonment (A), Sexual Assault (S)	C, N, F, A	C, N, F, A, S	C, N, F, S	C, N, F, A	C, N, F, A, S
Adequate definitions/standards of basic care	●	●	●	●	●
Full range of statutory protections (cruelty, neglect, abandonment, sexual assault, fighting)	●	●	●	●	●
Increased penalties for repeat abusers and/or animal hoarders	●	●	●	●	●
Increased penalties when abuse is committed in the presence of a minor		●	●		
Courts may order forfeiture of abused animals	●	●	●	●	●
Mandatory forfeiture of animals upon conviction		●*	●*		●*
Mandatory reporting of suspected cruelty by veterinarians and/or select non-animal-related agencies/professionals		●	●*	●	●
Police officers have an affirmative duty to enforce animal protection laws	●		●		●
Broad measures to mitigate and recover costs of care for abused animals seized by animal welfare agencies	●	●	●	●	●
Court may restrict ownership of animals after a conviction	●	●	●	●	●
Mental health evaluations and/or counseling for offenders	●	●	●	●	●
Animals may be included in domestic violence protective orders	●	●	●	●	
Courtroom Animal Advocate Program	●				
“Hot car” law	●*	●*	●*	●*	●
Animal cruelty is an abatable civil nuisance			●		

**Limited to select species or crimes*

“WORST FIVE” STATES

SELECT PROVISIONS	46 ALABAMA**	47 MISSISSIPPI	48 IDAHO**	49 WYOMING	50 NEW MEXICO
Felony penalties available: Cruelty (C), Neglect (N), Fighting (F), Abandonment (A), Sexual Assault (S)	C, F*	C*, F*, S	F*, S	C, F*	C, F*
Adequate definitions/standards of basic care		●*			
Full range of statutory protections (cruelty, neglect, abandonment, sexual assault, fighting)	●*		●		
Increased penalties for repeat abusers and/or animal hoarders	●	●	●	●	●
Increased penalties when abuse is committed in the presence of a minor					
Courts may order forfeiture of abused animals	●*	●*	●	●	●
Mandatory forfeiture of animals upon conviction					●
Mandatory reporting of suspected cruelty by veterinarians and/or select non-animal-related agencies/professionals	●				
Police officers have an affirmative duty to enforce animal protection laws					
Broad measures to mitigate and recover costs of care for abused animals seized by animal welfare agencies	●	●*	●	●	●
Court may restrict ownership of animals after a conviction	◊	●*		●	
Mental health evaluations and/or counseling for offenders		●*	●		●
Animals may be included in domestic violence protective orders				●	
Courtroom Animal Advocate Program					
“Hot car” law					
Animal cruelty is an abatable civil nuisance					

**Limited to select species or crimes*
***Ag-Gag statute*
◊ Unconstitutional statute

“BEST FIVE” STATES

1 | MAINE

EXISTING STRENGTHS	POTENTIAL IMPROVEMENTS
Courtroom Animal Advocate Program	Stronger felony provisions for neglect
Felony penalties for cruelty, neglect, fighting, and abandonment	Increased penalties for crimes involving multiple animals, offenders with prior domestic violence offenses, and when abuse is committed in the presence of a minor
Inclusive definition of “animal”	Mandatory cost mitigation & recovery measures for impounded animals and restitution upon conviction
Thorough definitions/standards of basic care	Mandatory forfeiture of an animal upon conviction
Increased penalties for repeat animal abusers	Mandatory reporting of suspected animal cruelty by select non-animal-related agencies
Limited pre-sentence mental health evaluations	Mandatory reporting of all suspected animal cruelty by veterinarians
Permissive court order for counseling/anger management	Felony penalty on first-offense sexual assault
Protective orders may include animals	Stronger animal fighting provisions
Court may order cost recovery measures on conviction	Animal fighting as RICO (Racketeer Influenced and Corrupt Organization) predicate offense
Court permitted to order forfeiture of animals pre- and post-conviction	Animal cruelty as an abatable nuisance
Mandatory restrictions on future ownership or possession of animals following a conviction	
Permissive reporting of animal cruelty by select non-animal-related agencies	
Mandatory reporting of suspected aggravated animal cruelty by veterinarians	

“BEST FIVE” STATES

2 | ILLINOIS

EXISTING STRENGTHS	POTENTIAL IMPROVEMENTS
Felony penalties for cruelty, neglect, fighting, abandonment, and sexual assault	More comprehensive definitions/standards of basic care
Inclusive definition of “animal”	Stronger felony provisions for neglect and abandonment
Adequate definitions/standards of basic care	Increased penalties for offenders with prior domestic violence offenses
Increased penalties for repeat animal abusers	Broader cost mitigation & recovery measures
Mental health evaluations prior to sentencing	Mandatory forfeiture of any type of animal upon conviction
Mandatory counseling/anger management for certain offenders	Mandatory restrictions on future ownership or possession of animals following a conviction
Protective orders may include animals	Animal fighting as RICO (Racketeer Influenced and Corrupt Organization) predicate offense
Some mandatory cost-recovery measures for impounded animals	Court-calendar priority when animals are in custody
Pre-conviction forfeiture allowed	Courtroom Animal Advocate Program
Court may order forfeiture of animals on conviction	Animal cruelty declared an abatable nuisance
Court may order restrictions on future ownership or possession of animals upon conviction	Immunity for civilians rescuing animals from hot cars
Mandatory reporting of suspected animal cruelty by veterinarians	
Law enforcement officers may rescue animals trapped in hot cars	

3 | OREGON

EXISTING STRENGTHS

Felony penalties for cruelty, neglect, and fighting
Thorough definitions/standards of basic care
Inclusive definition of “animal”
Increased penalties for repeat animal abusers, repeat domestic violence offenders, when abuse committed in the presence of a minor, and cases involving multiple animals
Limited pre-sentence mental health evaluations
Permissive court order for counseling/anger management
Protective orders may include animals
Court may order cost mitigation & recovery measures for impounded animals
Pre-conviction forfeiture allowed
Court may order forfeiture of animals on conviction
Mandatory restrictions on future ownership or possession of animals upon conviction
Mandatory reporting of suspected aggravated animal cruelty by veterinarians
Peace officers have an affirmative duty to enforce animal protection laws
Animal fighting is a predicate offense under state RICO (Racketeer Influenced and Corrupt Organization) laws
Strong animal fighting provisions
Comprehensive sexual assault of animals law
Animal cruelty is an abatable nuisance
Civilians have civil immunity for rescuing animals trapped in unattended vehicles

POTENTIAL IMPROVEMENTS

Felony penalties for abandonment
Broader pre-sentence mental health evaluations
Mandatory cost mitigation & recovery measures for impounded animals
Mandatory forfeiture on conviction
Mandatory reporting of suspected animal cruelty by select non-animal-related agencies
Mandatory reporting of all suspected animal cruelty by veterinarians
Court-calendar priority when animals are in custody
Courtroom Animal Advocate Program

“BEST FIVE” STATES

4 | COLORADO

EXISTING STRENGTHS

Felony penalties for cruelty, neglect, fighting, and abandonment
Inclusive definition of “animal”
Adequate definitions/standards of basic care
Increased penalties for repeat animal abusers
Mandatory mental health evaluation following a conviction, statutes recognize that mental health treatment should target root causes of the offense
Protective orders may include animals
Court may order cost recovery measures on conviction
Pre-conviction forfeiture allowed
Court may order forfeiture on conviction
Permissive reporting of animal cruelty by select non-animal-related agencies
Mandatory reporting of suspected animal cruelty by veterinarians
Civilians have civil immunity for rescuing animals trapped in unattended vehicles
Mandatory restrictions on future ownership or possession of animals following a conviction
Mandatory cost mitigation & recovery measures for impounded animals and restitution upon conviction

POTENTIAL IMPROVEMENTS

Peace officers have an affirmative duty to investigate animal protection law violations
Stronger felony provisions for neglect
Increased penalties for crimes involving multiple animals, offenders with prior domestic violence offenses, and when abuse is committed in the presence of a minor
Mandatory forfeiture of an animal upon conviction
Mandatory reporting of suspected animal cruelty by select non-animal-related agencies
Court-calendar priority when animals are in custody
Felony penalty on first-offense sexual assault
Animal fighting as RICO (Racketeer Influenced and Corrupt Organization) predicate offense
Courtroom Animal Advocate Program
Animal cruelty as an abatable nuisance

“BEST FIVE” STATES

5 | RHODE ISLAND

EXISTING STRENGTHS	POTENTIAL IMPROVEMENTS
Felony penalties for cruelty, neglect, abandonment, sexual assault, and fighting	Increased penalties when abuse committed in the presence of a minor
Principal protections apply to most animals	Mandatory mental health evaluation and/or counseling
Full range of statutory protections	Include animals in protective orders
Mandatory forfeiture of animals who were seized by Rhode Island SPCA upon conviction	Mandatory forfeiture of animals who were seized by law enforcement or animal control upon conviction
Peace officers have an affirmative duty to enforce animal protection laws	Mandatory seizure of abused animals
Humane agents have broad law enforcement authority	Court-calendar priority when animals are in custody
Permissive post-conviction ownership and possession ban	Animal fighting as RICO (Racketeer Influenced and Corrupt Organization) predicate offense
Mandatory restitution	
Permissive court order for counseling/anger management	
Mandatory post-conviction cost of care	
Prohibits breed-specific legislation	
Mandatory post-conviction ownership and possession ban	

46 | ALABAMA

MAJOR AREAS NEEDING IMPROVEMENT

- Care requirements (such as what constitutes adequate food, water, and shelter) are not well-defined
- No felony provisions for animal abandonment or neglect
- Social services agencies or departments are not required to report suspected animal cruelty
- No statutorily authorized sentencing to mental health evaluation or treatment
- Cockfighting is a misdemeanor resulting in a maximum $50 fine
- Sexual assault of an animal is a misdemeanor
- Though veterinarians are required to report suspected animal cruelty under state administrative regulations, there is no such requirement in the statutory code and veterinarians do not have civil immunity for reporting
- No statutory authority to allow protective orders to include animals
- Only statute permitting pre-conviction forfeiture of victim animals has been held unconstitutional and not been remedied
- No mandatory forfeiture of cruelly treated animals after conviction
- No mandatory possession bans restricting convicted offenders from owning or residing with animals
- Has an Ag-Gag law

47 | MISSISSIPPI

MAJOR AREAS NEEDING IMPROVEMENT

- Felony provisions available only for cruelty against select animals and fighting select animals
- No felony neglect or abandonment provisions
- Inadequate definitions/standards of basic care for most species
- No increased penalties when abuse is committed in the presence of a minor or involves multiple animals
- No statutory authority to allow protective orders to include animals
- Mandatory forfeiture of animals upon conviction only available for select animals
- Pre-conviction restitution only available for select animals
- Restrictions on future ownership or possession of animals following a conviction only available for select animals
- No mandatory reporting for veterinarians or other select non-animal-related agencies/professionals who suspect animal abuse
- No duty for peace officers to enforce animal protection laws
- Sexual assault statute poorly defined
- Mental health evaluation and treatment only available in cases involving select species

48 | IDAHO

MAJOR AREAS NEEDING IMPROVEMENT

- Care requirements (such as what constitutes adequate food, water, and shelter) are not well-defined
- No requirement to provide necessary veterinary care
- No felony provisions for animal abandonment or neglect
- No statutorily authorized post-conviction possession bans
- No statutory authority to allow protective orders to include animals
- Statute prohibiting sexual assault of an animal is vague and antiquated
- Social services agencies or departments are not required to report suspected animal cruelty
- Veterinarians are not required to report suspected animal cruelty
- Has an Ag-Gag law

49 | WYOMING

MAJOR AREAS NEEDING IMPROVEMENT

- Felony provisions available only for fighting select animals
- No felony neglect or abandonment provisions
- Inadequate definitions/standards of basic care
- No increased penalties when abuse is committed in the presence of a minor or for repeat domestic violence offenders
- No mental health evaluations or counseling for offenders
- Pre-conviction restitution only available for certain species
- No mandatory forfeiture of animals upon conviction
- No provisions for veterinarians or other select non-animal-related agencies/professionals to report suspected animal abuse
- No duty for peace officers to enforce animal protection laws
- No prohibition on sexually assaulting an animal

“WORST FIVE” STATES

48 | NEW MEXICO

MAJOR AREAS NEEDING IMPROVEMENT

Definition of “animal” excludes reptiles and uncaptured wild animals

Felony provisions for fighting only available for crimes against select species

No felony neglect or abandonment provisions

Inadequate definitions/standards of basic care

No increased penalties when abuse is committed in the presence of a minor, for repeat domestic violence offenders, or for cases involving multiple animals

No statutory authority to allow protective orders to include animals

No provisions for possession or ownership bans after a conviction

Social services agencies or departments are not required to report suspected animal cruelty

Veterinarians are not required to report suspected animal cruelty

No prohibition on sexually assaulting an animal

METHODOLOGY SUMMARY

The 56 jurisdictions included in the 2020 U.S. Animal Protection Laws Rankings Report℠ were numerically ranked based on their cumulative scores to 49 study questions covering 20 distinct animal protection law categories. The report analyzed enacted laws only and did not review the separate issue of how these laws are enforced. Answers to the study questions were based primarily on the statutory data contained in the 3,400+ page compendium Animal Protection Laws of the United States (Fifteenth Edition).℠ The study questions were closed-ended and the choices exhaustive and mutually exclusive. The questions were limited to the following categories:

SUBSTANTIVE PROHIBITIONS

1. Definition of “Animal”
2. General Cruelty
3. Exemptions
4. Fighting & Racketeering
5. Sexual Assault
6. Cruelty to Working Animals

PROCEDURAL MATTERS

7. Maximum Penalties & Statute of Limitations
8. Cross-Enforcement & Reporting
9. Veterinarian Reporting & Immunity
10. Law Enforcement Policies
11. Seizure
12. Courtroom Animal Advocate Program
13. Protection Orders
14. Restitution
15. Forfeiture & Possession Bans
16. Mental Health Treatment Sentencing

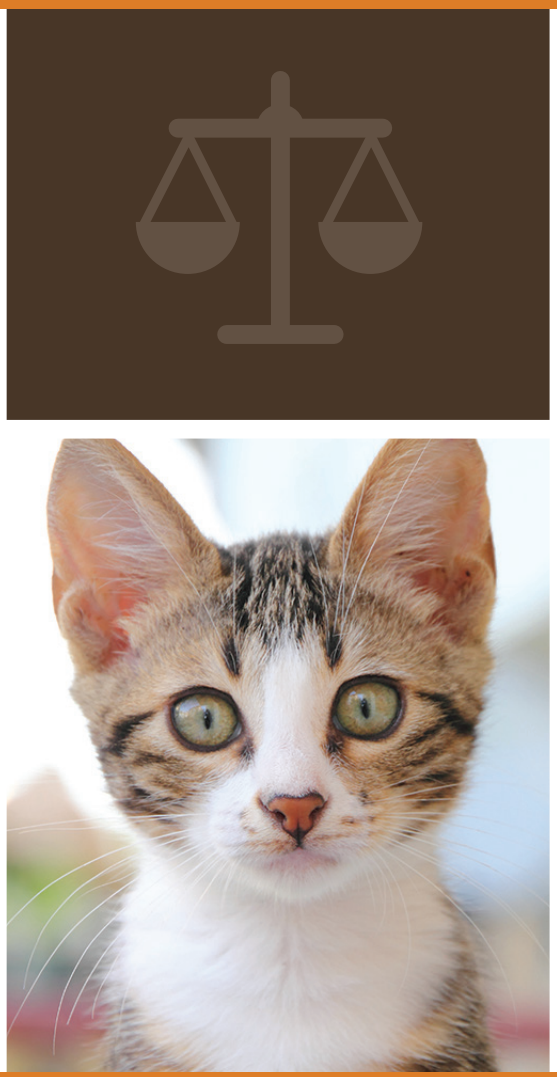
MISCELLANEOUS PROVISIONS

17. Hot Cars
18. Civil Nuisance Abatement
19. Ag-Gag Laws
20. Breed-Specific Legislation

NEW CATEGORY

This year we added one new category, addressing “Cruelty to Working Animals,” such as police animals or service animals. Such laws were previously placed in the “General Cruelty” section. The new category was created in order to separate out those laws applicable to working animals, making our state and territory Compendiums of animal protection laws more user-friendly. The addition of the new categorization did not affect the study questions or scoring used to rank states and territories.

ANIMAL LEGAL DEFENSE FUND



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