



**ANIMAL LEGAL  
DEFENSE FUND**

# ANIMAL PROTECTION

U.S. STATE ANIMAL PROTECTION LAWS RANKING REPORT<sup>SM</sup>

# 2022

COMPARING OVERALL  
STRENGTH AND  
COMPREHENSIVENESS





## 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. STATE ANIMAL PROTECTION LAWS RANKING REPORT<sup>SM</sup>

The Animal Legal Defense Fund has published the 17<sup>th</sup> annual U.S. State Animal Protection Laws Ranking Report.<sup>SM</sup> 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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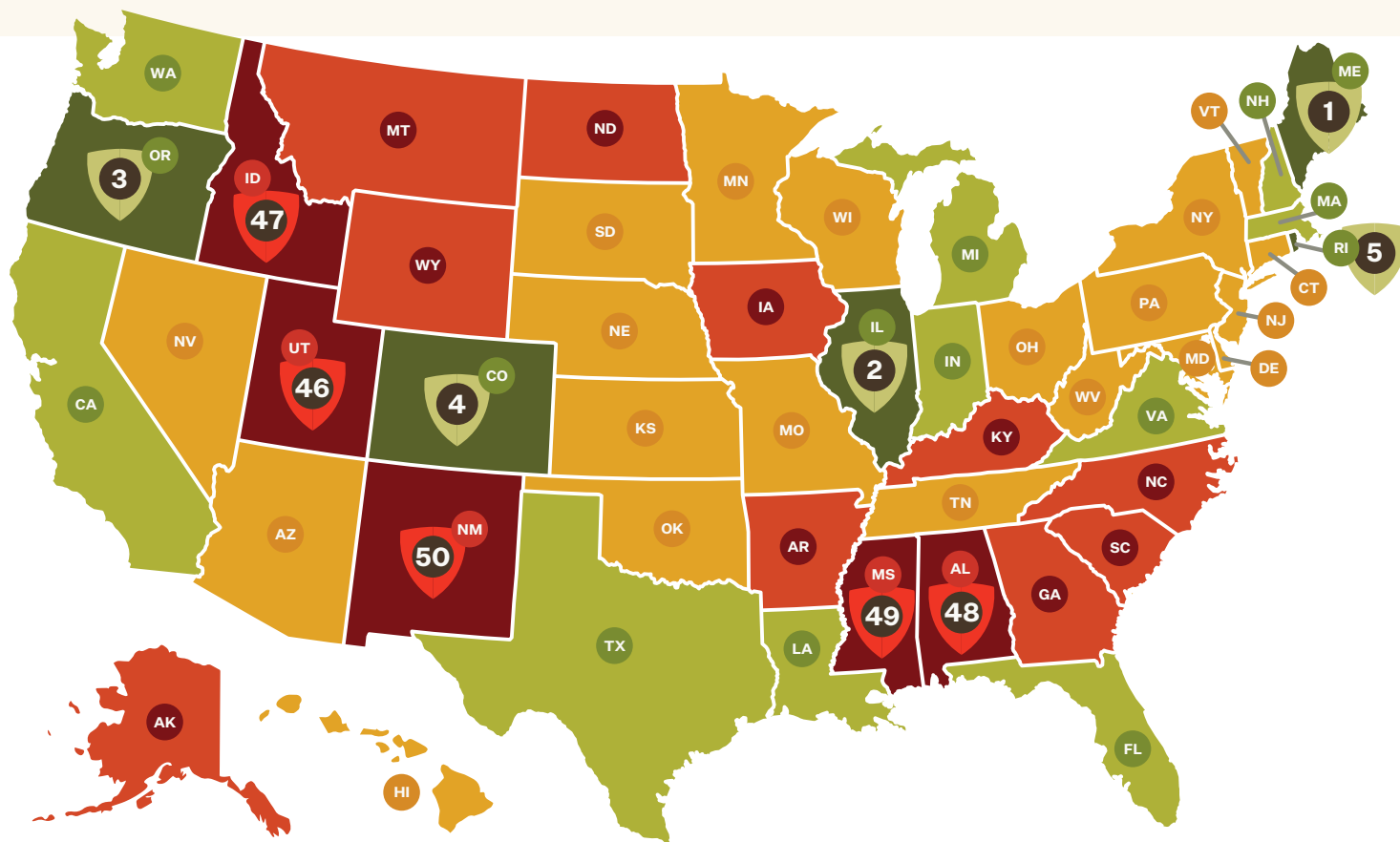
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# ANIMAL PROTECTION LAWS: 2022 STATE RANKINGS

The Animal Legal Defense Fund's 17<sup>th</sup> annual U.S. State Animal Protection Laws Ranking Report<sup>SM</sup> 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 maintains its number 1 spot while New Mexico remains at the bottom of the list for the third year in a row.



## RANKINGS BEST TO WORST:

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

### Territories

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

[aldf.org/staterankings](https://aldf.org/staterankings)







## ANALYSIS

### ANIMAL LEGAL DEFENSE FUND ANNUAL STUDY RANKS LAWS ACROSS THE COUNTRY

#### JANUARY 2023

The Animal Legal Defense Fund announces the publication of the 2022 U.S. State Animal Protection Laws Ranking Report<sup>SM</sup>. The longest-running and most authoritative report of its kind, the U.S. State Animal Protection Laws Ranking Report<sup>SM</sup> assesses the relative strengths and weaknesses of each U.S. state and territory's animal protection laws, and ranks them accordingly. For the third year in a row, Maine held its spot at the top of the rankings, followed by Illinois (2), Oregon (3), Colorado (4), and Rhode Island (5). New Mexico, also for a third year in a row, ranks last, having the country's weakest animal protection laws on the books, followed closely by Mississippi (49), Alabama (48), Idaho (47), and Utah (46). The most-improved state is Maryland, which rose four ranks from 32<sup>nd</sup> to 28<sup>th</sup> place. The main trends in 2022 were laws including animals in protection orders, and laws prohibiting sexual assault of animals.

## INTRODUCTION

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**MAINE**  
MAINTAINS ITS  
TOP RANK

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**NEW MEXICO**  
RANKED LAST FOR  
THIRD YEAR IN A ROW

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**MOST IMPROVED:**  
MARYLAND

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**2022 TRENDS:**  
ANIMALS INCLUDED IN  
PROTECTION ORDERS,  
LAWS PROHIBITING  
SEXUAL ASSAULT  
OF ANIMALS



## MAINE MAINTAINS ITS TOP RANK

Maine has ranked at the top of the U.S. State Animal Protection Laws Ranking Report<sup>SM</sup> since 2020, when it overtook the previous titleholder, Illinois. Maine has consistently had strong animal cruelty laws, particularly its laws prohibiting animal neglect, which are the most comprehensive in the country. In 2020, Maine passed Frankie's Law, which created the second Courtroom Animal Advocate Program (CAAP) in the country. CAAP laws allow the court to appoint an attorney to serve as a third-party advocate in animal cruelty cases to voice the interests of the animal victim. The passage of Frankie's Law helps Maine courts better address the needs of animal victims, and enabled Maine to catapult to the top of the Rankings Report.

*Even though Maine has the overall strongest animal protection laws in the country, like every jurisdiction, it still has room to improve. Maine could improve its protections for animals by bolstering certain important sentencing measures that are currently left up to the court's discretion rather than mandated, including restitution for animals' costs of care, and psychological evaluations for convicted offenders. These sentencing provisions are key to ensuring that animal victims receive the care they need and to preventing harm to future animals who might suffer at the hands of known offenders."*

**Lora Dunn**

Animal Legal Defense Fund  
Criminal Justice Program Director





## NEW MEXICO RANKED LAST FOR THIRD YEAR IN A ROW

Since 2020, New Mexico has consistently ranked at the bottom of the U.S. State Animal Protection Laws Ranking Report<sup>SM</sup>, having the weakest laws out of the 50 states. One of the primary reasons for New Mexico's low rank is the state's narrow definition of the word "animal." New Mexico's animal cruelty laws exclude reptiles and uncaptured wild animals from their protections. Even if a species does happen to be within the sphere of New Mexico's legal protections, those protections are meager. For example, New Mexico is one of just two remaining states that still do not prohibit sexual assault of animals, despite the fact that such laws were one of the main trends of 2022.

New Mexico's animal neglect laws are also in need of improvement. In most states, an animal's guardian is required by law to provide certain standards of minimum care, typically consisting of sufficient food, water, shelter, and veterinary care to sustain the animal's health. In highly ranked states, these standards tend to be well-defined.

New Mexico's law merely states that an animal's guardian must provide "necessary sustenance" for their animal, without defining what that term entails. Because the law is so vague, it can be difficult to enforce consistently.

Additionally, New Mexico's laws lack many basic procedural mechanisms which help to enforce animal protection laws. For example, veterinarians and social services workers are not required to report suspected animal cruelty, and do not have civil immunity for doing so. Its laws likewise do not grant civil immunity to Good Samaritans who rescue animals from dire conditions, like dogs who are trapped in hot cars.

*“Specificity helps law enforcement officers to easily discern whether a particular situation constitutes criminal animal cruelty, and allows them to enforce the laws more efficiently and effectively. Such laws also give animal guardians proper notice of the standard of care they are legally required to provide for their animals.”*

**Emily Lewis**

Animal Legal Defense Fund  
Managing Attorney



## MOST IMPROVED: MARYLAND

In 2022, Maryland made several important improvements in its animal protection laws. Chief among them was the enactment of a pre-conviction forfeiture law.

When animals are seized pursuant to a cruelty investigation, the shelter or agency caring for those animals can incur huge expenses. In addition to shelter and sustenance, many abused and neglected animals require extensive medical treatment. At the same time, the defendant may still technically be the animals' "owner," even though they do not have physical custody of them. Seized animals are left in a kind of legal limbo; they are still the defendant's property, so they cannot be adopted out into new homes, but they also cannot — and should not — be returned to an abusive owner.

Maryland's new pre-conviction forfeiture law resolves that issue. Under Maryland's new law, the defendant in an animal cruelty case has 10 days after the animal's seizure to request a hearing. At that hearing, a law enforcement officer or a humane society agent has the opportunity to present evidence to the court, arguing that the defendant should be made to pay for the animal's costs of care. If the

defendant fails to request a hearing, or if they fail to pay the costs ordered by the court, then the animal will be forfeited.

*Making the decision to have an animal means agreeing to be responsible for that animal's legally required care. Pre-conviction forfeiture statutes such as Maryland's new law prevent defendants from fobbing that responsibility off onto the community. Plus, when seized animals remain in shelters for long periods of time awaiting the resolution of a case, it puts psychological strain on the animals themselves. Once an animal is forfeited, they can be adopted out into a new forever home."*

**David Rosengard**

Animal Legal Defense Fund  
Managing Attorney



The same new law ensures that, if a defendant is convicted of animal cruelty, the animal victim will not be forced to return to their abusive owner. If the cruelly-treated animal was not previously surrendered or forfeited, then the animal victim may still technically be the defendant's property up until the point of conviction. Maryland's new law requires courts to order animal victims be forfeited if their owner is convicted of neglecting or abusing them.

Maryland also made other significant advancements in animal protection during 2022. Maryland became the second state in the nation to prohibit unnecessary cat declawing — an invasive amputation surgery that causes serious physical and psychological damage to cats. Maryland also passed a law which prohibits leaving a dog unattended outside in severe weather conditions without access to proper shelter.

Despite these advancements, Maryland still has plenty of room for improvement. Maryland's felony animal cruelty laws only apply to offenses committed "intentionally," meaning that the defendant intended to cause the animal's injury or death. It is not enough to prove that the defendant acted negligently, or even that the defendant *knew* their actions were going to cause the animal to suffer. As a result, there are many egregious crimes — including knowingly starving an animal to death — that are punishable only as a low-level misdemeanor, which does not reflect the severity of the crimes or the degree of suffering caused. Additionally, Maryland does not have any laws regarding cross-reporting, which would explicitly permit or require social service workers to report suspected animal cruelty. For these reasons, Maryland is still relegated to the second tier.











## NEW TREND: ANIMALS INCLUDED IN PROTECTION ORDERS

One new trend in 2022 was the passage of laws which allow courts to include animals in protection orders. Protection orders, more commonly known as restraining orders, are court orders protecting domestic violence victims from their abusers. Numerous studies have documented the link between animal cruelty and domestic violence. Offenders often use animals as tools in their abuse, exploiting the close bond victims have with their companion animals. Abusers may threaten or harm an animal in order to control or psychologically torment the animal's guardian. Sadly, this form of coercive control is extremely effective.

As of December 2022, 38 of the 50 states, and 3 of the 6 territories, specifically permit courts to include animals in protection orders. In 2022 four states – Connecticut, Kentucky, Utah, and Washington – plus the District of Columbia and Puerto Rico created or strengthened laws relating to animals in protection orders.

Not all of these laws are created equal. The vast majority of those 38 state laws permit the court to grant custody of the animal to the domestic violence victim who is seeking the protection order. However, a handful merely provide that

the court may prohibit the abuser from harming the animal — which is something that is already proscribed by state animal cruelty laws. Additionally, many of these laws are limited by species. Twenty-two of the states that explicitly permit animals to be included in protection orders are limited to companion animals like dogs or cats.

*According to several studies, approximately 50% of women in domestic violence shelters report they delayed their escape from their abuser out of fear for their animals. Therefore it is imperative that the law assist victims of abuse — both human and animal — to safely flee abusive situations.”*

**Kathleen Wood**

Animal Legal Defense Fund  
Staff Attorney



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- INCLUDES ALL ANIMALS
- INCLUDES COMPANION ANIMALS
- DOES NOT EXPLICITLY INCLUDE ANIMALS

## NEW TREND: LAWS PROHIBITING SEXUAL ASSAULT OF ANIMALS

Another trend of 2022 was the enactment of laws prohibiting the sexual assault of animals. In 2022 three states — Florida, Idaho, and Virginia — all updated their antiquated laws to effectively address the issue of sexual assault of animals. In fact, Virginia’s new law helped the state climb back into the U.S. State Animal Protection Laws Ranking Report’s<sup>SM</sup> top tier for the first time in four years.

As of 2022, 48 states criminalize the sexual assault of animals. New Mexico and West Virginia are the only two states that still do not

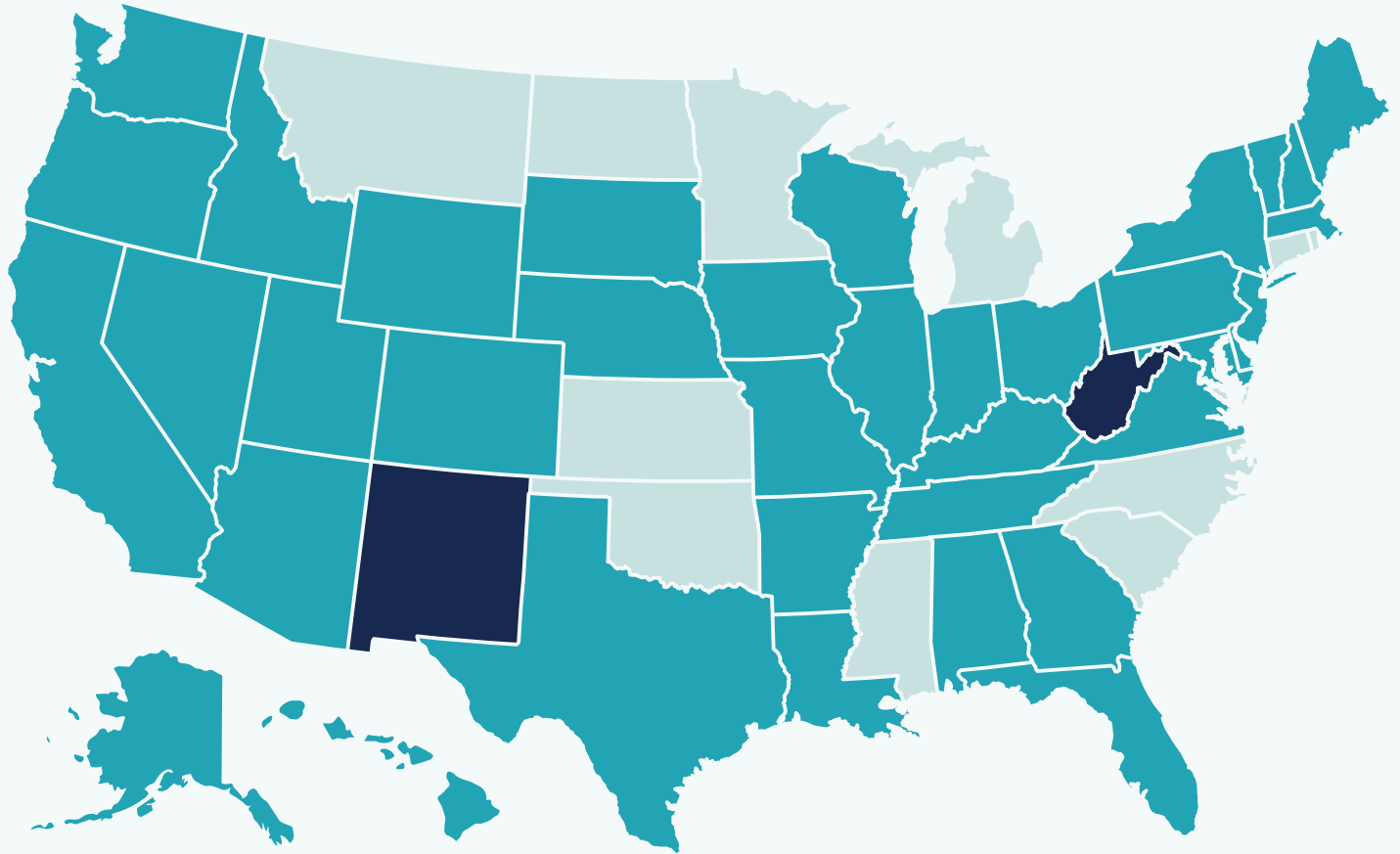
have any laws protecting animals from sexual assault. In those states, sexual assault could still be prosecuted as animal cruelty if the animal suffers some physical harm, but that is still grossly insufficient to address the issue.

However, 11 of those 48 states have outdated 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.








# SEXUAL ASSAULT



## ANIMAL SEXUAL ASSAULT AND CRUELTY

-  HAS A LAW BANNING SEXUAL ABUSE OF ANIMALS
-  HAS A LAW CRIMINALIZING "CRIMES AGAINST NATURE" OR OTHERWISE INADEQUATELY DEFINED BESTIALITY STATUTE
-  HAS NO LAW ADDRESSING SEXUAL ASSAULT OF ANIMALS

For the past several years, states have slowly but surely been updating their laws, making their provisions clear and enforceable. Most of these updated laws not only criminalize sexual assault, but also address related crimes such as the production of obscene recordings of animal sexual assault. Updated laws also typically contain comprehensive sentencing provisions which prohibit a convicted offender from owning or possessing an animal for a set period of time, and which require convicted offenders to undergo psychological evaluations and treatment. Such provisions help to reduce recidivism and protect potential future animal victims.



## METHODOLOGY SUMMARY

The 56 jurisdictions included in the 2022 U.S. State Animal Protection Laws Ranking Report<sup>SM</sup> were numerically ranked based on their cumulative scores to 49 study questions covering 20 distinct animal protection law categories. The Rankings Report analyzed enacted laws only and did not review the separate issue of how these laws are

enforced. Answers to the study's questions were based primarily on the statutory data contained in the 3,400+ page compendium Animal Protection Laws of the United States (Seventeenth Edition)<sup>SM</sup>. The study's questions were close-ended and the choices exhaustive and mutually exclusive. The questions were limited to the following categories:

### SUBSTANTIVE PROHIBITIONS

*Laws that prohibit certain cruel practices and acts*

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

### PROCEDURAL MATTERS

*Laws that facilitate the enforcement of substantive prohibitions and their sentencing*

7. Maximum Penalties and Statute of Limitations
8. Cross Enforcement and Reporting
9. Veterinarian Reporting and Immunity

10. Law Enforcement Policies

11. Seizure
12. Courtroom Animal Advocate Program
13. Protection Orders
14. Restitution
15. Forfeiture and Possession Bans
16. Mental Health Treatment Sentencing

### MISCELLANEOUS PROVISIONS

*Additional laws tangentially related to criminal animal cruelty laws*

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



The 2022 U.S. State Animal Protection Laws Ranking Report<sup>SM</sup> focuses primarily on criminal animal cruelty laws. It's centered around the understanding that all animals — including companion animals, farmed animals, and wild animals — are individuals, and are sentient beings who deserve to be protected from cruel abuse and neglect. Because of this focus on the individual animal victim, the Rankings Report does not include certain laws — such as endangered species protections, or certain hunting or trapping limits — which are broadly concerned with preserving a species. Such laws are incontrovertibly important, but are outside the scope of the Rankings Report. The 2022 U.S. State Animal Protection Laws Ranking Report<sup>SM</sup> also only includes civil laws insofar as they relate to criminal animal cruelty laws. For example, the Rankings Report contains a section on “Civil Nuisance Abatement,” which is a mechanism in civil law to help civilians enforce criminal animal cruelty laws. This focus on criminal animal cruelty laws allows the Rankings Report to accurately identify which states prioritize animal rights and wellness by making the experience of animal victims central to their justice systems.



# BEST FIVE STATES

## SELECT PROVISIONS

Not a comprehensive list of rubrics used in the Rankings Report, see Methodology section for more information

	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

Not a comprehensive list of rubrics used in the Rankings Report, see Methodology section for more information

46 **UTAH** 47 **IDAHO** 48 **ALABAMA** 49 **MISSISSIPPI** 50 **NEW MEXICO**

Felony penalties available: Cruelty (C), Neglect (N), Fighting (F), Abandonment (A), Sexual Assault (S)	C*, F*	F*, S	C, F*	C*, F*, S	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

# BEST FIVE STATES

## 1 | MAINE



### EXISTING STRENGTHS

#### DEFINITIONS

- Definition of “animal” includes most nonhuman animal species, including fish, wild animals, and farmed animals
- Thorough definitions for the standards of minimum care that guardians must provide to their animals, such as what constitutes adequate food, water, shelter, and veterinary care

#### OFFENSE LEVEL

- Felony penalties for cruelty, neglect, fighting, and abandonment
- Increased penalties for repeat animal cruelty offenses

#### REPORTING

- Social service workers may report suspected animal cruelty and have civil and criminal immunity for doing so
- Veterinarians are required to report aggravated animal cruelty, and have civil and criminal immunity for doing so

#### SENTENCING

- Upon conviction for animal cruelty, the court may order the defendant to reimburse the costs of caring for seized animals
- Upon conviction for animal cruelty, the court may order the defendant to forfeit cruelly treated animals
- Mandatory restrictions on future ownership or possession of animals following a conviction for animal cruelty
- A court may order convicted offenders to undergo a psychological evaluation and, if necessary, treatment

#### OTHER

- Courtroom Animal Advocate Program
- Domestic violence protection orders may include animals
- Peace officers have an affirmative duty to investigate animal protection law violations
- Prior to conviction, a court may order a defendant to post a bond covering a seized animal’s costs of care

### POTENTIAL IMPROVEMENTS

#### OFFENSE LEVEL

- Felony penalty on first-offense sexual assault

#### REPORTING

- Mandatory reporting of suspected animal cruelty by social service workers
- Mandatory reporting of all suspected animal cruelty by veterinarians

#### SENTENCING

- Mandatory forfeiture of an animal upon conviction
- Mandatory cost mitigation and recovery measures for impounded animals, and restitution upon conviction

#### OTHER

- Stronger animal fighting provisions
- Animal cruelty as an abatable nuisance



# BEST FIVE STATES

## 2 | ILLINOIS



### EXISTING STRENGTHS

#### DEFINITIONS

- Definition of “animal” includes most nonhuman animal species, including fish, wild animals, and farmed animals
- Adequate definitions for the standards of minimum care that guardians must provide to their animals, such as what constitutes adequate food, water, shelter, and veterinary care

#### OFFENSES

- Dogfighting is a predicate offense under state racketeering laws

#### OFFENSE LEVEL

- Felony penalties for cruelty, neglect, fighting, abandonment, and sexual assault
- Increased penalties for repeat animal cruelty offenses

#### REPORTING

- Veterinarians are required to report aggravated animal cruelty, and have civil and criminal immunity for doing so
- Social service workers are required to report suspected animal cruelty, and have criminal and civil immunity for doing so

#### SENTENCING

- The court may order convicted offenders to reimburse the costs of caring for seized animals
- The court may order convicted offenders to forfeit cruelly treated animals
- The court may prohibit convicted offenders from owning or possessing animals for a specified period of time
- Mandatory psychological evaluation and, if necessary, treatment, for certain offenders

#### OTHER

- Domestic violence protective orders may include animals
- Law enforcement officers may rescue animals trapped in hot cars
- Prior to conviction, a court may order a defendant to post a bond covering a seized animal’s costs of care

### POTENTIAL IMPROVEMENTS

#### DEFINITIONS

- More comprehensive definitions/standards of basic care

#### SENTENCING

- Broader cost mitigation and recovery measures
- Mandatory forfeiture of any type of animal upon conviction
- Mandatory restrictions on future ownership or possession of animals following a conviction

#### OTHER

- Courtroom Animal Advocate Program
- Animal cruelty declared an abatable nuisance
- Immunity for civilians rescuing animals from hot cars

# BEST FIVE STATES

## 3 | OREGON



### EXISTING STRENGTHS

### POTENTIAL IMPROVEMENTS

<p><b>DEFINITIONS</b></p> <ul style="list-style-type: none"> <li>• Definition of “animal” includes most nonhuman animal species, including fish, wild animals, and farmed animals</li> <li>• Thorough definitions for the standards of minimum care that guardians must provide to their animals, such as what constitutes adequate food, water, shelter, and veterinary care</li> </ul>	
<p><b>OFFENSES</b></p> <ul style="list-style-type: none"> <li>• Animal fighting is a predicate offense under state racketeering laws</li> <li>• Strong animal fighting provisions</li> <li>• Comprehensive prohibiting of sexual assault of animals and possession of obscene recordings</li> </ul>	
<p><b>OFFENSE LEVEL</b></p> <ul style="list-style-type: none"> <li>• Felony penalties for cruelty, neglect, and fighting</li> <li>• Increased penalties for repeat animal abusers, repeat domestic violence offenders, when abuse committed in the presence of a minor, and cases involving multiple animals</li> </ul>	<p><b>OFFENSE LEVEL</b></p> <ul style="list-style-type: none"> <li>• Felony penalties for abandonment</li> </ul>
<p><b>REPORTING</b></p> <ul style="list-style-type: none"> <li>• Veterinarians are required to report aggravated animal cruelty, and have civil and criminal immunity for doing so</li> <li>• Social service workers are explicitly permitted to report suspected animal cruelty, and have civil immunity for doing so</li> </ul>	<p><b>REPORTING</b></p> <ul style="list-style-type: none"> <li>• Mandatory reporting of suspected animal cruelty by social service workers</li> <li>• Mandatory reporting of all suspected animal cruelty by veterinarians</li> </ul>
<p><b>SENTENCING</b></p> <ul style="list-style-type: none"> <li>• A court may order convicted offenders to undergo a psychological evaluation and, if necessary, treatment</li> <li>• The court may order convicted offenders to reimburse the costs of caring for seized animals</li> <li>• The court may order convicted offenders to forfeit cruelly treated animals</li> <li>• Mandatory restrictions on future ownership or possession of animals upon conviction</li> </ul>	<p><b>SENTENCING</b></p> <ul style="list-style-type: none"> <li>• Mandatory psychological evaluation and, if necessary, treatment, for convicted offenders</li> <li>• Mandatory restitution for costs of caring for seized animals</li> <li>• Mandatory forfeiture of cruelly treated animals upon conviction</li> </ul>
<p><b>OTHER</b></p> <ul style="list-style-type: none"> <li>• Protective orders may include animals</li> <li>• Prior to conviction, a court may order a defendant to post a bond covering a seized animal’s costs of care</li> <li>• Peace officers have an affirmative duty to enforce animal protection laws</li> <li>• Animal cruelty is an abatable nuisance</li> <li>• Civilians have civil immunity for rescuing animals trapped in unattended vehicles</li> </ul>	<p><b>OTHER</b></p> <ul style="list-style-type: none"> <li>• Courtroom Animal Advocate Program</li> </ul>



# BEST FIVE STATES

## 4 | COLORADO



### EXISTING STRENGTHS

#### DEFINITIONS

- Definition of “animal” includes most nonhuman animal species, including fish, wild animals, and farmed animals
- Adequate definitions for the standards of minimum care that guardians must provide to their animals, such as what constitutes adequate food, water, shelter, and veterinary care

#### OFFENSE LEVEL

- Felony penalties for cruelty, neglect, fighting, and abandonment
- Increased penalties for repeat animal abusers

#### REPORTING

- Any person reporting suspected animal cruelty has civil immunity for doing so
- Veterinarians are required to report suspected animal cruelty and have immunity for doing so

#### SENTENCING

- Mandatory restrictions on future ownership or possession of animals following a conviction
- Mandatory mental health evaluation following a conviction, statutes recognize that mental health treatment should target root causes of the offense
- Mandatory restitution for costs of caring for animal victims upon conviction

#### OTHER

- Domestic violence protection orders may include animals
- Prior to conviction, a court may order a defendant to post a bond covering a seized animal’s costs of care
- Mandatory forfeiture of seized animals if the court determines the person is not able to adequately provide for the animal
- Civilians have civil immunity for rescuing animals trapped in unattended vehicles

### POTENTIAL IMPROVEMENTS

#### DEFINITIONS

- More comprehensive definitions/standards of basic care

#### OFFENSE LEVEL

- Felony penalty on first-offense sexual assault
- Increased penalties for crimes when abuse is committed in the presence of a minor

#### REPORTING

- Mandatory reporting of suspected animal cruelty by select non-animal-related agencies

#### SENTENCING

- Mandatory forfeiture of an animal upon conviction

#### OTHER

- Animal fighting as racketeering predicate offense
- Courtroom Animal Advocate Program
- Animal cruelty as an abatable nuisance
- Peace officers have an affirmative duty to investigate animal protection law violations

# BEST FIVE STATES

## 5 | RHODE ISLAND



### EXISTING STRENGTHS

#### DEFINITIONS

- Definition of “animal” includes most nonhuman animal species, including fish, wild animals, and farmed animals
- Adequate definitions for the standards of minimum care that guardians must provide to their animals, such as what constitutes adequate food, water, shelter, and veterinary care

#### OFFENSE LEVEL

- Felony penalties for cruelty, neglect, abandonment, sexual assault, and fighting

#### REPORTING

- Veterinarians are required to report suspected animal cruelty and have civil and criminal immunity for doing so

#### SENTENCING

- The court may require convicted offenders to undergo psychological evaluation and, if necessary, treatment
- Mandatory restitution for costs of caring for animal victims upon conviction
- Mandatory forfeiture of animals who were seized by RSPCA upon conviction
- Mandatory post-conviction ownership and possession ban

#### OTHER

- Peace officers have an affirmative duty to enforce animal protection laws
- Humane agents have broad law enforcement authority
- Domestic violence protection orders may include animals

### POTENTIAL IMPROVEMENTS

#### DEFINITIONS

- More comprehensive definitions/standards of basic care

#### OFFENSES

- More comprehensive and less antiquated law prohibiting sexual assault of an animal

#### OFFENSE LEVEL

- Increased penalties when abuse committed in the presence of a minor

#### REPORTING

- Mandatory reporting of suspected animal cruelty by social service workers, and civil immunity for reporting

#### SENTENCING

- Mandatory mental health evaluation and/or counseling
- Mandatory forfeiture of animals who were seized by law enforcement or animal control upon conviction





# WORST FIVE STATES

46 | UTAH



## MAJOR AREAS NEEDING IMPROVEMENT

Definition of “animal” excludes “livestock,” wild animals, and other categories

No felony provisions for negligent or reckless abandonment or neglect of an animal

Veterinarians and social service workers are not required to report suspected animal abuse

No statute permitting pre-conviction forfeiture

Sexual assault of an animal is a misdemeanor

No mandatory forfeiture of cruelly treated animals after conviction

No mandatory provisions to prohibit convicted offenders from owning or possessing an animal for a specific period of time

Has an Ag-Gag law\*

*\*As the result of litigation led by the Animal Legal Defense Fund, the current law was ruled unconstitutional and unenforceable.*



# WORST FIVE STATES

47 | IDAHO



## MAJOR AREAS NEEDING IMPROVEMENT

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Care requirements (such as what constitutes adequate food, water, and shelter) are not well defined

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No requirement to provide necessary veterinary care

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No felony provisions for negligent or reckless animal abandonment or neglect

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No provisions to prohibit convicted offenders from owning or possessing an animal for a specific period of time

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No statutory authority to allow protective orders to include animals

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Veterinarians and social service workers are not required to report suspected animal abuse

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Has an Ag-Gag law\*

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*\*As the result of litigation led by the Animal Legal Defense Fund, the current law was ruled partially unconstitutional and unenforceable.*

# WORST FIVE STATES

48 | ALABAMA



## MAJOR AREAS NEEDING IMPROVEMENT

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Care requirements (such as what constitutes adequate food, water, and shelter) are not well defined

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No felony provisions for negligent or reckless animal abandonment or neglect

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Social service workers are not required to report suspected animal cruelty

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No statutorily authorized sentencing to mental health evaluation or treatment

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Cockfighting is a misdemeanor resulting in a maximum \$50 fine

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Sexual assault of an animal is a misdemeanor

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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

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No statutory authority to allow domestic violence protection orders to include animals

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No statute permitting pre-conviction forfeiture

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No mandatory forfeiture of cruelly treated animals after conviction

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No mandatory possession bans restricting convicted offenders from owning or residing with animals

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Has an Ag-Gag law

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# WORST FIVE STATES

## 49 | MISSISSIPPI



### MAJOR AREAS NEEDING IMPROVEMENT

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Felony provisions available only for cruelty against select animals and fighting select animals

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No felony provisions for negligent or reckless animal abandonment or neglect

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Care requirements (such as what constitutes adequate food, water, and shelter) are not well defined for most species

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No increased penalties when abuse is committed in the presence of a minor

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No statutory authority to allow domestic violence protection orders to include animals

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Mandatory forfeiture of animals upon conviction only available for select animals

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Pre-conviction restitution only available for select animals

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Restrictions on future ownership or possession of animals following a conviction only available for select animals

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Veterinarians and social service workers are not required to report suspected animal abuse

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No duty for peace officers to enforce animal protection laws

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Sexual assault statute poorly defined

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Mental health evaluation and treatment only available in cases involving select species

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# WORST FIVE STATES

50 | NEW MEXICO



## MAJOR AREAS NEEDING IMPROVEMENT

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Definition of “animal” excludes reptiles and uncaptured wild animals

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Felony provisions for fighting only available for crimes against select species

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No felony provisions for negligent or reckless animal abandonment or neglect

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Care requirements (such as what constitutes adequate food, water, and shelter) are not well defined

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No increased penalties when abuse is committed in the presence of a minor

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No statutory authority to allow protective orders to include animals

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No provisions to prohibit convicted offenders from owning or possessing an animal for a specific period of time

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Veterinarians and social service workers are not required to report suspected animal abuse

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No prohibition on sexually assaulting an animal

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