



2009 STATE ANIMAL PROTECTION LAWS RANKINGS

December 2009

The Animal Legal Defense Fund announces the release of its fourth annual report ranking the animal protection laws of every state and territory of the U.S.A. based on their relative strength and general comprehensiveness. This report – the only one of its kind – encompasses more than 3,800 pages of statutes, and is based on a detailed comparative analysis of each jurisdiction in which fourteen distinct categories of animal protection laws were researched.* The ranking groups each jurisdiction into a top, middle or bottom tier, and includes a listing of the best five and worst five states.

Overall, 2009 was a very active year for animal protection legislation. Hundreds of bills were introduced in legislatures across the country, resulting in dozens of enacted laws. Many of these new laws attempt to make the penalties for animal abuse more accurately reflect the severity of the crimes committed. Other laws are helping to provide communities with important legal tools to combat the economic toll of animal cruelty, such as measures to both minimize and recoup the exorbitant costs of caring for rescued animals, and ways to decrease the number of potential new animal victims.

For this year's rankings, Illinois is the overall top state in the nation for its animal protection laws. Joining Illinois in the best five states list are Maine, Michigan, Oregon and California. At the other end, Kentucky, once again, has the infamous distinction of having the weakest laws. Along with Kentucky, the other four states with the worst scores are Mississippi, Idaho, Hawaii and North Dakota.

* See page 10 for a summary of the methodology used in this report.

“Many states and territories are continuing to make substantial progress with their animal protection laws. Arkansas, for example, was one of the worst five states last year, but jumped up to 25th overall in the country this year, due to a host of statutory improvements. Washington, D.C. and Indiana, among others, also made significant advances. Unfortunately, there are still many places where the laws are incapable of providing the legal protections that our country’s animals need and deserve,” says Stephan Otto, Animal Legal Defense Fund's director of legislative affairs and author of the report. “Yet even in those jurisdictions that have today’s best laws, there remain many opportunities for improvement. While animals certainly do not vote, those who love and care about them do, so we encourage lawmakers throughout the country to take heed and commit to working to improve these critical laws.”

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



2009 STATE ANIMAL PROTECTION LAWS RANKINGS*
Comparing Overall Strength & Comprehensiveness

BEST FIVE	WORST FIVE
1. Illinois 2. Maine 3. Michigan 4. Oregon 5. California	1. Kentucky 2. North Dakota 3. Hawaii 4. Idaho 5. Mississippi

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

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

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

Kentucky	<ul style="list-style-type: none"> - Felony provision available only for cruelty against select animals - No felony provisions for extreme neglect or abandonment - Inadequate definitions/standards of basic care - Principal protections apply only to select types of animals - No mental health evaluations or counseling for offenders - No cost mitigation & recovery provisions for impounded animals (e.g. cost-of-care bonds, other reimbursement of costs, liens, restitution provisions) - No forfeiture of abused animals - No restrictions on future ownership or possession of animals following a conviction - Veterinarians are prohibited from reporting suspected cruelty or fighting - No provisions for select non-animal-related agencies/professionals to report suspected animal abuse - Inadequate humane agent provisions and no duty on peace officers to enforce animal protection laws - No separate crime for the sexual assault of an animal - No statutory authority to allow protective orders to include animals - Inadequate animal fighting provisions
North Dakota	<ul style="list-style-type: none"> - No felony animal cruelty/neglect/abandonment provisions - Inadequate definitions/standards of basic care - No increased penalties for repeat offenders - No mental health evaluations or counseling for offenders - Inadequate cost mitigation & recovery provisions for impounded animals (e.g. cost-of-care bonds, other reimbursement of costs, restitution provisions) - No forfeiture of abused animals - No restrictions on future ownership or possession of animals following a conviction - No provisions for veterinarians and other select non-animal-related agencies/professionals to report suspected animal abuse - No statutory authority to allow protective orders to include animals - No humane agents and no duty on peace officers to enforce animal protection laws
Hawaii	<ul style="list-style-type: none"> - Felony provision available only for cruelty against select animals - No felony provisions for extreme neglect or abandonment - No mental health evaluations or counseling for offenders - Inadequate cost mitigation & recovery provisions for impounded animals (e.g. cost-of-care bonds, other reimbursement of costs, liens, restitution provisions) - No restrictions on future ownership or possession of animals following a conviction - No provisions for veterinarians and other select non-animal-related agencies/professionals to report suspected animal abuse - Inadequate humane agent provisions and no duty on peace officers to enforce animal protection laws - No separate crime for the sexual assault of an animal - No statutory authority to allow protective orders to include animals - Inadequate animal fighting provisions

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

Idaho	<ul style="list-style-type: none"> - No felony animal cruelty/neglect/abandonment provisions - Inadequate definitions/standards of basic care - No mental health evaluations or counseling for offenders - No restrictions on future ownership or possession of animals following a conviction - No provisions for veterinarians and other select non-animal-related agencies/professionals to report suspected animal abuse - Inadequate cost mitigation & recovery provisions for impounded animals - No statutory authority to allow protective orders to include animals - Inadequate animal fighting provisions - Inadequate humane agent provisions and no duty on peace officers to enforce animal protection laws
Mississippi	<ul style="list-style-type: none"> - No felony animal cruelty/neglect/abandonment provisions - Inadequate range of prohibitions and definitions/standards of basic care - No mental health evaluations or counseling for offenders - No statutory authority to allow protective orders to include animals - Inadequate cost mitigation & recovery provisions for impounded animals - Inadequate reporting provisions for suspected animal abuse - No humane agents and no duty on peace officers to enforce animal protection laws - Inadequate animal fighting provisions

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

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

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

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

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

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

Methodology summary

The fifty-six jurisdictions included in the 2009 STATE ANIMAL PROTECTION LAWS RANKINGS report were numerically ranked based on their cumulative scores to thirty-eight study questions covering fourteen distinct animal protection laws categories. The report analyzed enacted laws only and did not review the separate issue of how these laws are enforced. Answers to the study questions were based primarily on the statutory data contained in the 3,800+ page compendium ANIMAL PROTECTION LAWS OF THE USA & CANADA (FIFTH EDITION).^{*} The study questions were close-ended and the choices exhaustive and mutually exclusive. The questions were limited to the following categories:

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

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