



2010 State Animal Protection Laws Rankings™

ALDF 2010 State Animal Protection Laws Rankings™

The Best & Worst Places to Be an Animal Abuser

December 2010

The Animal Legal Defense Fund (ALDF) announces the release of its new study that underscores the often-considerable differences that exist between the animal protection laws of the states and territories of the United States of America. ALDF's fifth annual report, the longest-running and most authoritative report of its kind, ranked each jurisdiction on the relative strength and comprehensiveness of their current animal protection laws. The ranking was based on a detailed comparative analysis of the animal protection laws of each jurisdiction, researching fourteen broad categories of provisions, throughout more than 4,000 pages of statutes.* Each jurisdiction received a numerical ranking based upon its combined score and was grouped into a top, middle or bottom tier. The ranking also highlights the best five and worst five states overall.

For the third consecutive year, Illinois held the top spot alone in the rankings due to its wide array of animal protection laws. Alaska showed the most improvement, moving from 44th last year to 37th overall this year. Alaska's improved ranking was due to enactment of stronger felony penalties and for criminalizing the sexual assault of animals. West Virginia, Minnesota, Oklahoma and Arizona all improved their standings due, in part, to the adoption of laws that allow animals to be included in domestic violence protective orders. Many other states moved up in this year's report as well. Nevertheless, Kentucky, once again, had the infamous distinction of having the weakest laws in the nation—a position it has held since 2007.

"This study identifies what each state and territory is doing individually with respect to animal protection laws," says Stephan Otto, ALDF's director of legislative affairs and author of the report, "and we continue to see a wide range of disparity across the country. While many continue to make positive steps forward, others unfortunately are not. Yet irrespective of where each state and territory currently ranks in the report, everyone has ample room for improvement. It is our hope that these ongoing reviews continue to shed light on this important issue and garner support for both the strengthening and enforcement of animal protection laws throughout the country."

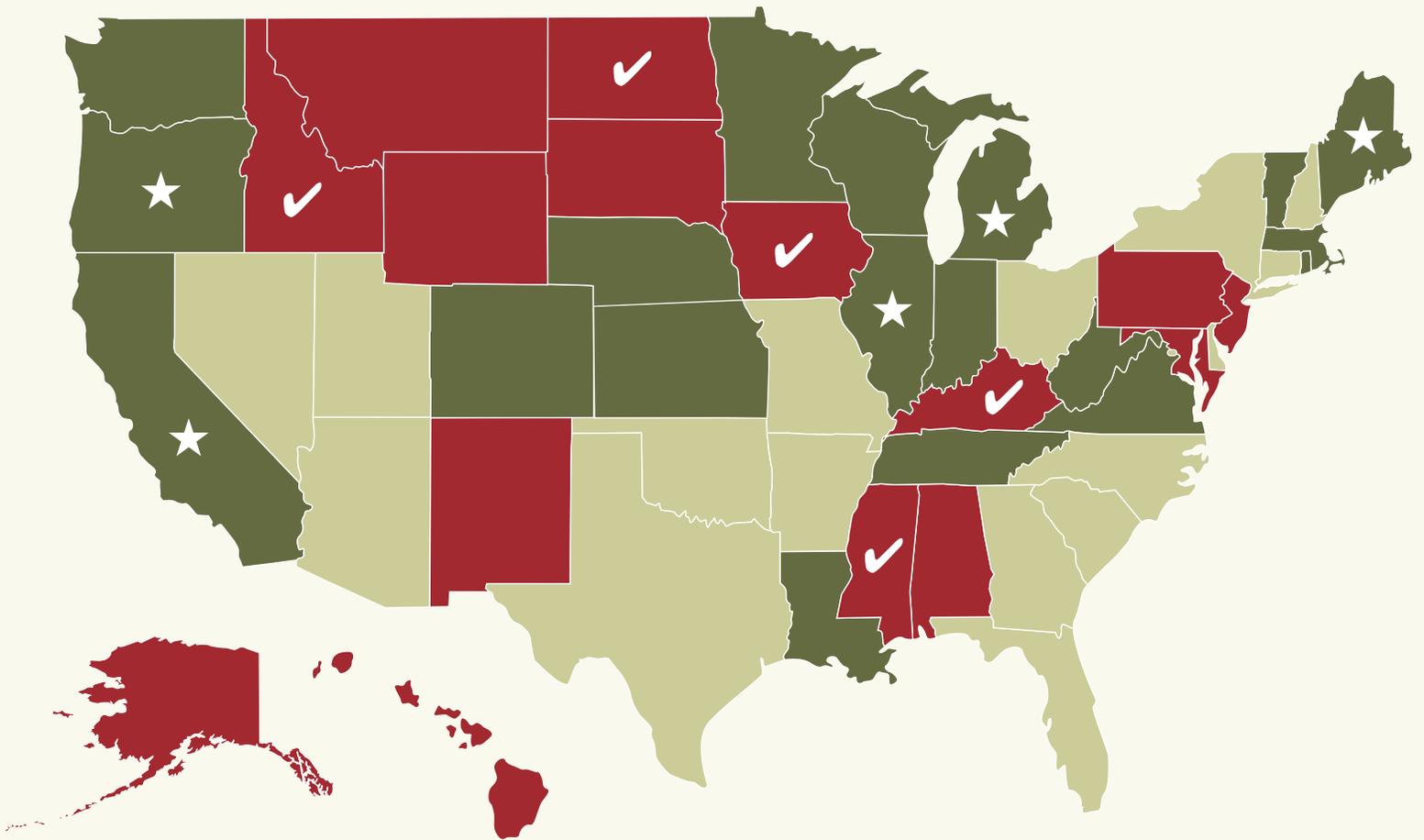
For additional information, including the ANIMAL PROTECTION LAWS OF THE USA & CANADA compendium, MODEL ANIMAL PROTECTION LAWS collection, and more, visit aldf.org.

* See page 11 of the report for a summary of the methodology used.



2010 State Animal Protection Laws Rankings™

Comparing Overall Strength & Comprehensiveness



★ Best Five
✓ Worst Five

■ Top Tier
■ Middle Tier
■ Bottom Tier



2010 State Animal Protection Laws Rankings™

Comparing Overall Strength & Comprehensiveness

| BEST FIVE | WORST FIVE |
|--|--|
| <ol style="list-style-type: none"> 1. Illinois 2. Maine 3. Michigan 4. Oregon 5. California | <ol style="list-style-type: none"> 46. Iowa 47. Mississippi 48. Idaho 49. North Dakota 50. Kentucky |

| | RANK | JURISDICTION |
|-----------------|------|---------------|
| TOP TIER | 1 | Illinois |
| | 2 | Maine |
| | 3 | Michigan |
| | 4 | Oregon |
| | 5 | California |
| | 6 | Kansas |
| | 7 | Indiana |
| | 8 | Tennessee |
| | 9 | West Virginia |
| | 10 | Vermont |
| | 11 | Minnesota |
| | 12 | Washington |
| | 13 | Massachusetts |
| | 14 | Rhode Island |
| | 15 | Colorado |
| | 16 | Virginia |
| | 17 | Nebraska |
| | 18 | Wisconsin |
| | 19 | Louisiana |

Note: The District of Columbia, Puerto Rico, Virgin Islands and other territories are included in this report and are *italicized*. The *Best Five* and *Worst Five* categories are limited to states.

| MIDDLE TIER | RANK | JURISDICTION |
|--------------------|----------------|-----------------------------|
| | 20 | Delaware |
| | 21 | Oklahoma |
| | 22 | Florida |
| | 23 | <i>District Of Columbia</i> |
| | 24 | <i>Puerto Rico</i> |
| | 25 | New Hampshire |
| | 26 | Arkansas |
| | 27 | <i>Virgin Islands</i> |
| | 28 | Nevada |
| | 29 | Ohio |
| | 30 | Arizona |
| | 31 | North Carolina |
| | 32 | Missouri |
| | 33 | New York |
| | 34 | Texas |
| | 35 | Connecticut |
| | 36 | Georgia |
| | 37 | Utah |
| 38 | South Carolina | |

| BOTTOM TIER | RANK | JURISDICTION |
|--------------------|-------------|---------------------------------|
| | 39 | Alaska |
| | 40 | Montana |
| | 41 | Pennsylvania |
| | 42 | Wyoming |
| | 43 | Maryland |
| | 44 | Alabama |
| | 45 | New Mexico |
| | 46 | Hawaii |
| | 47 | New Jersey |
| | 48 | South Dakota |
| | 49 | Iowa |
| | 50 | Mississippi |
| | 51 | Idaho |
| | 52 | <i>Guam</i> |
| | 53 | North Dakota |
| | 54 | Kentucky |
| | 55 | <i>Northern Mariana Islands</i> |
| | 56 | <i>American Samoa</i> |

Table: “Best Five” States

| Select provisions | Illinois | Maine | Michigan | Oregon | California |
|---|---------------|---------------|---------------|--------|------------|
| <ul style="list-style-type: none"> Felony penalties available: Cruelty (C), Neglect (N), Fighting (F) Abandonment (A), Sexual Assault (S) | C, N, F, A, S | C, N, F, A, S | C, N, F, A, S | C, F | C, N, F* |
| <ul style="list-style-type: none"> Adequate definitions/standards of basic care | ✓ | ✓ | ✓ | ✓ | |
| <ul style="list-style-type: none"> Full range of statutory protections (cruelty, neglect, abandonment, sexual assault, fighting) | ✓ | ✓ | ✓ | ✓ | ✓ |
| <ul style="list-style-type: none"> Increased penalties for repeat abusers and/or animal hoarders | ✓ | ✓ | ✓ | ✓ | |
| <ul style="list-style-type: none"> Increased penalties when abuse is committed in the presence of a minor | | | | ✓ | |
| <ul style="list-style-type: none"> Courts may order forfeiture of abused animals | ✓ | ✓ | ✓ | ✓ | ✓ |
| <ul style="list-style-type: none"> Mandatory forfeiture of animals upon conviction | ✓ | | | ✓ | ✓ |
| <ul style="list-style-type: none"> Mandatory reporting of suspected cruelty by veterinarians and/or select non-animal-related agencies/professionals | ✓ | ✓ | | ✓ | ✓ |
| <ul style="list-style-type: none"> Police officers have an affirmative duty to enforce animal protection laws | | ✓ | ✓ | ✓ | |
| <ul style="list-style-type: none"> Humane officers have broad law enforcement authority | | | ✓ | ✓ | ✓ |
| <ul style="list-style-type: none"> Broad measures to mitigate and recover costs of care for abused pets seized by animal welfare agencies | ✓ | ✓ | ✓ | ✓ | ✓ |
| <ul style="list-style-type: none"> Court may restrict ownership of animals after a conviction | ✓ | ✓ | ✓ | ✓ | ✓ |
| <ul style="list-style-type: none"> Mental health evaluations and/or counseling for offenders | ✓ | ✓ | ✓ | ✓ | ✓ |
| <ul style="list-style-type: none"> Animals may be included in domestic violence protection orders | ✓ | ✓ | | | ✓ |

* Limited to select species

Table: “Worst Five” States

| Select provisions | Kentucky | North Dakota | Idaho | Mississippi | Iowa |
|---|----------|--------------|-------|-------------|------|
| <ul style="list-style-type: none"> Felony penalties available: Cruelty (C), Neglect (N), Fighting (F) Abandonment (A), Sexual Assault (S) | C, F* | F | F* | F* | C, F |
| <ul style="list-style-type: none"> Adequate definitions/standards of basic care | | | | | |
| <ul style="list-style-type: none"> Full range of statutory protections (cruelty, neglect, abandonment, sexual assault, fighting) | | ✓ | | | ✓ |
| <ul style="list-style-type: none"> Increased penalties for repeat abusers and/or animal hoarders | ✓ | | ✓ | | ✓ |
| <ul style="list-style-type: none"> Increased penalties when abuse is committed in the presence of a minor | | | | | |
| <ul style="list-style-type: none"> Courts may order forfeiture of abused animals | | | ✓ | ✓ | ✓ |
| <ul style="list-style-type: none"> Mandatory forfeiture of animals upon conviction | | | | | |
| <ul style="list-style-type: none"> Mandatory reporting of suspected cruelty by veterinarians and/or select non-animal-related agencies/professionals | † | | | | |
| <ul style="list-style-type: none"> Police officers have an affirmative duty to enforce animal protection laws | | | | | |
| <ul style="list-style-type: none"> Humane officers have broad law enforcement authority | | | | | |
| <ul style="list-style-type: none"> Broad measures to mitigate and recover costs of care for abused pets seized by animal welfare agencies | | | | | |
| <ul style="list-style-type: none"> Court may restrict ownership of animals after a conviction | | | | ✓ | |
| <ul style="list-style-type: none"> Mental health evaluations and/or counseling for offenders | | | | | ✓ |
| <ul style="list-style-type: none"> Animals may be included in domestic violence protection orders | | | | | |

* Limited to select species

† Veterinarians are prohibited from reporting suspected cruelty or fighting

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 |

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 - Inadequate animal fighting provisions |
| 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 |

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

| | |
|---------------------------|---|
| <p>Mississippi</p> | <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 |
| <p>Iowa</p> | <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 - 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 - No humane agents and no duty on peace officers to enforce animal protection laws - No statutory authority to allow protective orders to include animals - Inadequate animal fighting provisions |

Methodology summary

The fifty-six jurisdictions included in the 2010 STATE ANIMAL PROTECTION LAWS RANKINGS report were numerically ranked based on their cumulative scores to forty-one 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 4,000+ page compendium ANIMAL PROTECTION LAWS OF THE USA & CANADA (SIXTH 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 (SIXTH EDITION) will soon be available at aldf.org. For any report-related questions, comments, or additional information, contact legislation@aldf.org