

# STATE ANIMAL ANTI-CRUELTY STATUTES: AN OVERVIEW

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*This article provides an introduction to the current status of state animal anti-cruelty laws throughout the United States. Extensive exploration of the similarities and differences between these statutes, combined with detailed statutory citations, enables this article to serve as a useful resource for research and statistical purposes. Additionally, the article offers an opportunity to review many of the provisions contained within these anti-cruelty statutes and to identify those in need of improvement.<sup>1</sup>*

## I. INTRODUCTION

Every state has an animal anti-cruelty statute. Although these laws do not afford animals legal rights, state anti-cruelty statutes provide the principal, and in some cases the only, legal protection available to animals in our society. Most anti-cruelty laws are misdemeanor offenses, although twenty-three states have at least one form of a felony anti-cruelty law.<sup>2</sup> Unfortunately, no national database currently exists to provide a statistical analysis of how many animal cruelty cases are criminally charged and prosecuted each year. There is anecdotal evidence, however, to indicate

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<sup>1</sup> This overview includes information on general state animal cruelty laws as of April 1, 1999. Each state may have other more specific statutes in addition to those referenced within this overview. Additionally, be advised that many states employ similar provisions within their general criminal and civil statutes. Because the law is constantly evolving, please review an official source for the most current version of any statute.

<sup>2</sup> Arizona, California, Connecticut, Delaware, Florida, Indiana, Louisiana, Massachusetts, Michigan, Missouri, Montana, North Carolina, New Hampshire, New Mexico, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, Wisconsin, and Washington.

that some prosecutors are less likely to charge or prosecute animal cruelty compared to other violent crimes, except in the most extreme cases.<sup>3</sup> This apparent reluctance to prosecute stems from many factors including: real or perceived limited resources; inexperienced staff; incomplete or botched investigations; pressure from the community to focus on other crimes; and personal or political bias against taking animal abuse seriously as a violent crime.<sup>4</sup>

In recent years, a number of studies have been conducted showing a critical link between animal abuse and human violence.<sup>5</sup> The results of these studies have been used to educate legislatures about the importance of increasing penalties for violent animal cruelty. Almost half of the states have taken the important first step in strengthening their anti-cruelty laws by passing a felony provision for the most heinous forms of animal abuse.

From the definition of "animal," to what type of activity is considered to be criminal "neglect," "abuse," or "cruelty," each state has developed unique anti-cruelty laws. Notwithstanding the singular nature of each state's law, there are a few common provisions found in anti-cruelty laws throughout the nation. The following section discusses these provisions.

## II. COMMON PROVISIONS

### A. Counseling

Eight states authorize evaluations and psychological or psychiatric treatment within their animal cruelty statutes.<sup>6</sup> Many other states have similar provisions in their general sentencing guidelines. California requires psychological counseling if probation is granted after a conviction for animal abuse.<sup>7</sup> Colorado requires counseling for the second and subse-

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<sup>3</sup> Joshua Marquis, District Attorney for Clatsop County, Or. & Don Coceck, Deputy City Attorney for the City of Los Angeles, Cal., *Helping Prosecutors Put a Case Together*, Presentation at the American Humane Association National Conference (Oct. 7, 1998); Interview with William Gardner, Chief Deputy City Attorney for the City of Reno, Nev., in Ixtapa, Mex. (Feb. 28, 1999).

<sup>4</sup> Joshua Marquis, *supra* note 3; Interview with William Gardner, *supra* note 3.

<sup>5</sup> Some examples include: CARTER LUKE ET AL., *CRUELTY TO ANIMALS AND OTHER CRIMES: A STUDY BY THE MSPCA AND NORTHEASTERN UNIVERSITY* (1997); Elizabeth Deviney et al., *The Care of Pets Within Child Abusing Families*, 4 INT'L J. FOR STUDY ANIMAL PROBS. 321-29 (1983); Alan R. Felthous & Stephen R. Keller, *Childhood Cruelty Toward Animals Among Criminals and Noncriminals*, 38 HUM. REL. § 12 (1985); Alan R. Felthous & Stephen R. Keller, *Violence Against Animals and People: Is Aggression Against Living Creatures Generalized?*, 14 BULL. AM. ACAD. PSYCHIATRY L. § 1 (1986); Daniel Hellman & Nathan Blackman, *Enuresis, Firesetting and Cruelty to Animals: A Triad Predictive of Adult Crime*, 122 AM. J. PSYCHIATRY 1431-35 (1966). For additional resources, see *CRUELTY TO ANIMALS AND INTERPERSONAL VIOLENCE: READINGS IN RESEARCH AND APPLICATION* (Randall Lockwood & Frank R. Ascione eds., 1998).

<sup>6</sup> Colorado, Maine, Michigan, Minnesota, Oregon, Utah, Vermont, and Washington. COLO. REV. STAT. ANN. § 18-9-202(2)(a.5)(II), (III) (West 1998); ME. REV. STAT. ANN. tit. 17, § 1031 (West 1964 & Supp. 1997); MICH. STAT. ANN. § 28.245(b) (Lexis Supp. 1998); MINN. STAT. § 343.21 (Supp. 1999); OR. REV. STAT. § 167.350 (1997); UTAH CODE ANN. § 76-9-301(9)(a) (Supp. 1998); VT. STAT. ANN. tit. 13, § 353(b) (1998); WASH. REV. CODE § 16.52.200(6) (1994).

<sup>7</sup> CAL. PEN. CODE § 597(g) (West 1998).

quent animal abuse offenses.<sup>8</sup> West Virginia requires a psychiatric evaluation as a condition of parole after the second animal abuse offense.<sup>9</sup>

### B. Community Service

Six states have provisions within their animal cruelty laws allowing the judge to order community service as part of the sentencing or as a condition of probation.<sup>10</sup> Minnesota authorizes the court to order community service be completed in an animal shelter.<sup>11</sup> Other states employ similar provisions within their general criminal codes.

### C. Restitution

Eight states have provisions within their animal cruelty laws allowing the judge to order restitution as part of sentencing.<sup>12</sup> Many states employ similar provisions within their general criminal codes. An order for restitution typically means the person convicted must pay the owner of the affected animal for economic loss, damages, or both.

### D. Seizure

Forty-four states and the District of Columbia have provisions within their animal cruelty laws providing for the seizure of animals being cruelly treated or neglected.<sup>13</sup> Thirty-four of these states and the District of Co-

<sup>8</sup> COLO. REV. STAT. ANN. § 18-9-202(2)(a.5)(V) (West 1998).

<sup>9</sup> W. VA. CODE § 61-8-19(g) (1995).

<sup>10</sup> Louisiana, Michigan, Minnesota, New Jersey, Rhode Island, and West Virginia. LA. REV. STAT. ANN. § 14:102.1.A.(2)(b) (West 1986 & Supp. 1999); MICH. STAT. ANN. § 28.245(4) - 28.245(b)(2) (Lexis Supp. 1998); MINN. STAT. § 343.21(10)(3) (Supp. 1999); N.J. STAT. ANN. § 4:22-17(c)(1) (West 1998); R.I. GEN. LAWS § 4-1-5 (1997); W. VA. CODE § 19-20-12 (1995).

<sup>11</sup> MINN. STAT. § 343.21(10)(3) (Supp. 1999).

<sup>12</sup> Alabama, Mississippi, Nevada, New Jersey, Ohio, Rhode Island, West Virginia, and Wisconsin. ALA. CODE § 3-1-10 (1975); MISS. CODE ANN. § 97-41-16 (1994); NEV. REV. STAT. § 574.150 (1997); N.J. STAT. ANN. § 4:22-17(c)(2) (West 1998); OHIO REV. CODE ANN. § 1717.11 (West 1994); R.I. GEN. LAWS § 4-1-5 (1997); W. VA. CODE § 19-20-12 (1995); WIS. STAT. § 951.18 (1996).

<sup>13</sup> Alabama, Arizona, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. ALA. CODE § 3-1-13 (1975); ARIZ. REV. STAT. ANN. § 3-1721 (West 1989); ARK. CODE ANN. §§ 5-62-112, -114, -119 (Michie 1987); CAL. PENAL CODE §§ 597f(a), 599a (West 1998); CONN. GEN. STAT. § 29-108d (1990); DEL. CODE ANN. tit. 3, § 7904(a) (1996), DEL. CODE ANN. tit. 11, § 1325(e) (1996); D.C. CODE ANN. § 22-805, -812 (1996); FLA. STAT. ANN. § 828.073 (West Supp. 1998); HAW. REV. STAT. § 711-1110.5 (1993); IDAHO CODE §§ 25-3505, -3511, -3513 (Supp. 1998); 510 ILL. COMP. STAT. 70/10, 70/12 (West 1993); IND. CODE §§ 35-46-3-6, 35-46-3-6(e), (f) (1994); IOWA CODE ANN. § 717B.5 (West 1993); KAN. STAT. ANN. § 21-4311 (1995); KY. REV. STAT. ANN. § 436.605 (Michie 1985); LA. REV. STAT. ANN. § 14:102.2-102.3 (West Supp. 1999); ME. REV. STAT. ANN. tit. 17, § 1021 (West 1964 & Supp. 1997); MD. ANN. CODE art. 27, § 67 (1996); MASS. GEN. LAWS ch. 272, §§ 82, 83 (1990); MICH. STAT. ANN. § 28.249 (Lexis Supp. 1998); MINN. STAT. §§ 343.12, .22(1), .29(1), .33(2), .235(1) (Supp. 1999); MISS. CODE ANN. § 97-41-2(1) (1998); MISSOURI, MO. ANN. STAT. §§ 578.016, .018(1), .030(1) (West 1995); NEBRASKA, NEB. REV. STAT. § 28-1012(1), (3) (1997);

lumbia permit an authorized humane agent to seize cruelly treated or neglected animals or to obtain a search warrant. In some states, humane agents may remove neglected animals, but only a law enforcement officer may remove abused animals.<sup>14</sup> California and Minnesota make it a duty for peace officers to seize abused or neglected animals.<sup>15</sup> Nevada and West Virginia require humane officers to seize abused or neglected animals.<sup>16</sup> Hawaii and North Carolina authorize seizure only after conviction.<sup>17</sup> Arizona only authorizes seizure of abused or neglected horses.<sup>18</sup>

### *E. Reimbursement for Costs of Care*

Forty-two states and the District of Columbia have some variation of a provision to reimburse expenses for the care of an animal during the

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Nevada, NEV. REV. STAT. § 574.055(1), (6) (1997); New Hampshire, N.H. REV. STAT. ANN. § 105:14 (1990), N.H. REV. STAT. ANN. § 644:8(IV)(a) (1996); New Jersey, N.J. STAT. ANN. §§ 4:22-26.1, -46, -50 (West 1998); New York, N.Y. AGRIC. & MKTS. LAW §§ 372, 373 (McKinney 1998); North Carolina, N.C. GEN. STAT. § 14-363.2 (1997); North Dakota, N.D. CENT. CODE § 36-21.1-06 (1987 & Supp. 1997); Ohio, OHIO REV. CODE ANN. §§ 1717.09, .13 (West 1994); Oklahoma, OKLA. STAT. ANN. tit. 21, §§ 1685, 1686 (West 1983); Oregon, OR. REV. STAT. § 167.345 (1997); Pennsylvania, 18 PA. CONS. STAT. ANN. § 5511(e), (j), (l) (West 1998); Rhode Island, R.I. GEN. LAWS §§ 4-1-18, -19, -22 (1997); South Carolina, S.C. CODE ANN. §§ 47-1-140, -150 (Law Co-op. 1976 & Supp. 1998); South Dakota, S.D. CODIFIED LAWS §§ 40-1-5, -28 (Michie 1991); Tennessee, TENN. CODE ANN. §§ 39-14-202(c), -210(f) (1997); Utah, UTAH CODE ANN. §§ 76-9-301(9)(d), -305(1) (Supp. 1998); Vermont, VT. STAT. ANN. tit. 13, § 354(a), (b)(2), (b)(3), (c) (1998); Virginia, VA. CODE ANN. §§ 3.1-796.113, .115(A) (Michie 1996); Washington, WASH. REV. CODE § 16.52.085(1) (1994); West Virginia, W. VA. CODE §§ 7-10-3, -4(a), -4(c) (1993); W.VA. CODE §§ 19-20-12(c), 61-8-21 (1997); Wisconsin, WIS. STAT. §§ 951.15, .16 (1996); Wyoming, WYO. STAT. ANN. § 11-29-109 (Michie 1997).

<sup>14</sup> The states authorizing humane agents to seize animals in some situations are: Alabama, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Idaho, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming. ALA. CODE § 3-1-13 (1975); ARK. CODE ANN. § 5-62-114 (Michie 1987); CAL. PENAL CODE § 597f(a) (West 1998); CONN. GEN. STAT. § 29-108(d) (1990); DEL. CODE ANN. tit. 3, § 7904(a) (1996); DEL. CODE ANN. tit. 11, § 1325(e) (1996); D.C. CODE ANN. § 22-812 (1996); FLA. STAT. ANN. § 828.073 (West Supp. 1998); IDAHO CODE § 25-3511 (Supp. 1998); 510 ILL. COMP. STAT. 70/12 (West 1993); IND. CODE § 35-46-3-6 (1994); KAN. STAT. ANN. § 21-4311 (1995); KY. REV. STAT. ANN. § 436.605 (Michie 1985); ME. REV. STAT. ANN. tit. 17, § 1021 (West 1964 & Supp. 1997); MD. ANN. CODE. art. 27, § 67 (1996); MASS. GEN. LAWS ch. 272, § 82 (1990); MICH. STAT. ANN. § 28.249 (Law Co-op. 1990); MINN. STAT. § 343.29(1) (Supp. 1999); MO. ANN. STAT. § 578.016 (West 1995); NEV. REV. STAT. § 574.055(1) (1997); N.H. REV. STAT. ANN. § 644:8 (1996); N.J. STAT. ANN. § 4:22-50 (West 1998); N.Y. AGRIC. & MKTS. LAW § 373 (McKinney 1998); N.D. CENT. CODE § 36-21.1-06 (1987 & Supp. 1997); OHIO REV. CODE ANN. § 1717.13 (West 1994); OKLA. STAT. ANN. tit. 21, § 1686 (West 1983); 18 PA. CONS. STAT. ANN. § 5511(e), (j) (West 1998); R.I. GEN. LAWS § 4-1-22 (1997); S.D. CODIFIED LAWS § 40-1-5 (Michie 1991); TENN. CODE ANN. § 39-14-202 (1997); UTAH CODE ANN. § 76-9-305 (1995); VT. STAT. ANN. tit. 13, § 354(b)(3) (1998); VA. CODE ANN. § 3.1-796.115(A) (Michie 1996); WASH. REV. CODE § 16.52.085(1) (1994); W. VA. CODE § 7-10-4(a) (1993); WYO. STAT. ANN. § 11-29-109 (Michie 1997).

<sup>15</sup> CAL. PEN. CODE § 597f(a) (West 1998); MINN. STAT. § 343.12 (1990).

<sup>16</sup> NEV. REV. STAT. § 574.055(1) (1997); W. VA. CODE § 7-10-4(a) (1993).

<sup>17</sup> HAW. REV. STAT. § 711-1110.5 (1993); N.C. GEN. STAT. § 14-363.2 (1997).

<sup>18</sup> ARIZ. REV. STAT. ANN. § 3-1721 (West 1989 & Supp. 1998).

prosecution of an animal cruelty or neglect case. There are three principal methods of obtaining reimbursement for the cost of care: bonding, liens, or court-ordered reimbursement. Some states employ more than one method.

### 1. *Bonding Provisions*

Eleven states have provisions in their animal cruelty laws that allow the defendant to post a bond (sometimes called a security) to prevent the adoption or euthanasia of the animal while the case is being prosecuted.<sup>19</sup>

### 2. *Reimbursement for Costs of Care as a Lien Upon Seized Animals*

Twenty-five states and the District of Columbia have provisions in their animal cruelty laws requiring the defendant to reimburse the cost of care of the animal(s) seized in order to repossess them.<sup>20</sup>

### 3. *Court-ordered Reimbursement*

Thirty-three states have statutory provisions allowing the court to order reimbursement of cost of care.<sup>21</sup>

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<sup>19</sup> The states with bonding provisions are: Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, Oregon, Vermont, and Washington. IOWA CODE ANN. § 717B.4(1) (West 1993); KAN. STAT. ANN. § 21-4311(a) (1995); LA. REV. STAT. ANN. § 14:102.2 (West Supp. 1999); MICH. STAT. ANN. § 28.245 (Lexis Supp. 1998); MINN. STAT. § 343.235 (Supp. 1999); MISS. CODE ANN. § 97-41-2 (1998); MO. ANN. STAT. § 578.018(2) (West 1992); N.Y. AGRIC. & MKTS. LAW § 373 (McKinney 1998); OR. REV. STAT. § 167.347 (1997); VT. STAT. ANN. tit. 13, § 354(f) (1998); WASH. REV. CODE § 16.52.085 (1994).

<sup>20</sup> The states with lien provisions are: Alabama, California, Connecticut, Delaware, District of Columbia, Idaho, Illinois, Maine, Maryland, Massachusetts, Mississippi, Missouri, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Wisconsin, and Wyoming. ALA. CODE § 3-1-13 (1975); CAL. CIV. PROC. CODE § 1208.5 (West 1982); CONN. GEN. STAT. §§ 29-103d, 53-253 (1994); DEL. CODE ANN. tit. 3, § 7904 (1996); D.C. CODE ANN. § 22-804 (1996); IDAHO CODE §§ 25-3511, -3505 (Supp. 1998); 510 ILL. COMP. STAT. 70/12 (West Supp. 1993); ME. REV. STAT. ANN. tit. 17, § 1021 (West 1964 & Supp. 1997); MD. ANN. CODE art. 27, § 68 (1996); MASS. GEN. LAWS ch. 272, § 82 (1990); MISS. CODE ANN. § 97-41-2 (1998); MO. ANN. STAT. §§ 430.165, 578.016(2) (West 1992); NEB. REV. STAT. § 28-1011(2) (1997); NEV. REV. STAT. § 574.055 (1997); N.D. CENT. CODE § 36-21.1-06 (1987 & Supp. 1997); OHIO REV. CODE ANN. § 1717.13 (West 1994); OKLA. STAT. ANN. tit. 21, § 1685 (West 1983); 18 PA. CONS. STAT. ANN. § 5511(l) (West 1998); R.I. GEN. LAWS § 4-1-18 (1997); South Carolina, S.C. CODE ANN. §§ 47-1-140, -170 (Law. Co-op. 1976 & Supp. 1998); S.D. CODIFIED LAWS § 40-1-5 (Michie 1991); TENN. CODE ANN. §§ 39-14-202(c), -210(e) (1997); UTAH CODE ANN. § 76-9-305(2) (Supp. 1993); VT. STAT. ANN. tit. 13, § 354(c) (1998); WIS. STAT. § 951.15(2) (1996); WYO. STAT. ANN. § 11-29-109 (Michie 1997).

<sup>21</sup> Arkansas, California, Florida, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. ARK. CODE ANN. § 5-62-118(b) (Michie 1987); CAL. PENAL CODE §§ 597e, 597f, 597(f), 597.1(a), 597.1(c) (West 1998); FLA. STAT. ANN. § 828.073(4)(c) (West 1997); IND. CODE § 35-46-3-6 (1994); IOWA CODE ANN. § 717B.4(3) (West 1993); KAN. STAT. ANN. § 21-4311(c) (1995); LA. REV. STAT. ANN. § 14:102.2 (West Supp. 1999); ME. REV. STAT. ANN. tit. 17, § 1031(3) (West 1964 & Supp. 1997); MD. ANN. CODE art. 27, § 68 (1996); MICH. STAT. ANN. § 28.245 (Lexis

### F. Forfeiture

Thirty-six states have provisions in their animal cruelty laws that either require or allow the court to order defendants to forfeit their right to possess animals upon conviction.<sup>22</sup> Many states employ similar provisions within their general criminal and civil codes.

### G. Cross Reporting

Four states and the District of Columbia have provisions in their animal cruelty laws or in their child protection laws that either require or permit humane officers and investigators to report suspected or known child abuse.<sup>23</sup> Florida authorizes child protection officers to report known or suspected animal abuse.<sup>24</sup>

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Supp. 1998); MINN. STAT. §§ 343.22(3), .23, .235(3)(d) (Supp. 1999); MISS. CODE ANN. § 97-41-2 (1998); MO. ANN. STAT. § 430.165 (West 1992); MONT. CODE ANN. § 45-8-211 (1997); NEB. REV. STAT. § 28-1011(1) (1997); NEV. REV. STAT. § 574.120(2) (1997); N.H. REV. STAT. ANN. § 644:8 (1996); N.J. STAT. ANN. § 4:22-17 (West 1998); N.Y. AGRIC. & MKTS. LAW § 356 (McKinney 1998); N.C. GEN. STAT. § 14-363 (1997); OHIO REV. CODE ANN. § 1717.13 (West 1994); OR. REV. STAT. § 167.350 (1997); 18 PA. CONS. STAT. ANN. § 5511(1) (West 1998); R.I. GEN. LAWS § 4-1-22 (1997); S.D. CODIFIED LAWS § 40-1-5.1 (Michie 1991); TENN. CODE ANN. § 39-14-207 (1997); UTAH CODE ANN. § 76-9-301(9) (Supp. 1998); VT. STAT. ANN. tit. 13, § 353(b) (1998); VA. CODE ANN. § 3.1-796.115 (Michie 1994); WASH. REV. CODE § 16.52.200(4) (1994); W. VA. CODE §§ 61-8-19(c), 7-10-4(d) (1997); WIS. STAT. § 951.17 (1996); WYO. STAT. ANN. § 6-3-203(1)-(j) (Michie 1997).

<sup>22</sup> The states that either allow or require forfeitures are: Alabama, California, Delaware, Florida, Hawaii, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. ALA. CODE § 3-1-13 (1975); CAL. PEN. CODE §§ 597(f), 597.1(k) (West 1998); DEL. CODE ANN. tit. 11, § 1325(c)-(d) (1996); DEL. CODE ANN. tit. 3 § 7904(b) (1995); FLA. STAT. ANN. § 828.073(4)-(6) (West Supp. 1998); HAW. REV. STAT. § 711-1110.5 (1993); 10 ILL. COMP. STAT. 70/12 (West Supp. 1998); IND. CODE § 35-46-3-6(h)(2) (1994); IOWA CODE ANN. §§ 717B.4, .5(3) (West 1993); KAN. STAT. ANN. 21-4311(e) (1995); LA. REV. STAT. ANN. § 14:102.2.B-E (West Supp. 1999); ME. REV. STAT. ANN. tit. 17, §§ 1021, 1031(3) (West 1964 & Supp. 1997); MD. ANN. CODE art. 27, § 67 (1996); MASS. GEN. LAWS ch. 272, § 77 (1990); MICH. STAT. ANN. § 28.245 (Lexis Supp. 1998); MINN. STAT. §§ 343.12(3), .21, .235, .29(1) (Supp. 1999); MISS. CODE ANN. § 97-41-2 (1998); MO. ANN. STAT. § 578.021 (West 1995); MONT. CODE ANN. §§ 45-8-211(2)(b), (3)(b) (1997); N.H. REV. STAT. ANN. § 644:8(IV) (1996); N.J. STAT. ANN. § 4:22-26.1 (West 1998); N.Y. AGRIC. & MKTS. LAW § 373(6)(b)(3) (McKinney 1998); N.C. GEN. STAT. § 14-363.2 (1997); N.D. CENT. CODE § 36-21.1-06 (1987 & Supp. 1997); OHIO REV. CODE ANN. § 959.99(D) (West Supp. 1998); OR. REV. STAT. §§ 167.347, .350 (1997); 18 PA. CONS. STAT. ANN. § 5511(m) (West 1998); R.I. GEN. LAWS §§ 4-1-2(B), -22 (1997); S.D. CODIFIED LAWS § 40-1-34 (Michie 1991); TENN. CODE ANN. §§ 39-14-202, -210(f) (1997); UTAH CODE ANN. § 76-9-301(9) (Supp. 1998); VT. STAT. ANN. tit. 13, § 353(b)-(d) (1998); VA. CODE ANN. § 3.1-796.115(D)-(E), (G)-(I) (Michie 1994); WASH. REV. CODE § 16.52.200(3) (1994); W. VA. CODE § 61-8-19(c), (h) (1997); WIS. STAT. § 951.18(4)(b)(1), (c) (1996); WYO. STAT. ANN. § 6-3-203(h), (j)(ii) (Michie 1997).

<sup>23</sup> California, Connecticut, District of Columbia, Florida, and Ohio. CAL. PENAL CODE § 11166 (West 1998); CONN. GEN. STAT. § 46b-129(a) (1995); D.C. CODE ANN. §§ 32-908 to -909 (1996); FLA. STAT. ANN. § 828.03(1) (West 1977); OHIO REV. CODE ANN. §§ 1717.04, .06, .09, .14 (West 1994).

<sup>24</sup> FLA. STAT. ANN. § 828.03(1) (West 1977).

### H. Veterinarian Reporting

Nine states have provisions either requiring veterinarians to report suspected or known animal cruelty or providing immunity for investigations of suspected cruelty. Out of these states, Minnesota and West Virginia require veterinarians to report suspected animal cruelty.<sup>25</sup> Illinois provides a procedure for veterinarians to report cruelty to the state Department of Agriculture, the agency responsible for seizure of animals.<sup>26</sup> Six of these states provide at least partial immunity from lawsuits to veterinarians who investigate cases of suspected or known animal abuse or neglect.<sup>27</sup>

#### I. Arrest Policies

Twenty-five states have provisions in their animal cruelty laws allowing approved humane agents to make arrests.<sup>28</sup> Three states and the District of Columbia have provisions specifying that a law enforcement officer is needed to issue an arrest warrant.<sup>29</sup>

### III. COMMON EXEMPTIONS

Most anti-cruelty laws include one or more exemptions. Exemptions can significantly weaken an otherwise strong animal protection law by excluding whole classes of animals, such as wildlife or farm animals, from its application.

Special interest groups, such as hunting associations and agricultural lobbies, often claim certain practices need to be exempt in order to protect against frivolous lawsuits. Anti-cruelty statutes, however, are in-

<sup>25</sup> MINN. STAT. § 346.37 (Supp. 1999); W. VA. CODE § 7-10-4a(a) (1997).

<sup>26</sup> 510 ILL. COMP. STAT. 70/12 (West Supp. 1998).

<sup>27</sup> California, Florida, Idaho, Maryland, New Hampshire, and Oregon. CAL. BUS. & PROF. CODE § 4830.5 (West 1990); FLA. STAT. ANN. § 828.12(3) (West 1997); IDAHO CODE § 25-3514A (Supp. 1998); MD. ANN. CODE art. 27, § 67 (1996); N.H. REV. STAT. ANN. § 644:8 (1996); OR. REV. STAT. § 686.445 (1997).

<sup>28</sup> Arkansas, Connecticut, Delaware, Florida, Hawaii, Idaho, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Nevada, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, Washington, and West Virginia. ARK. CODE ANN. §§ 5-62-111, -113 (Michie 1987); CONN. GEN. STAT. § 29-108(b) (1990); DEL. CODE ANN. tit. 3, § 7903 (1996); FLA. STAT. ANN. § 828.03 (West 1994); HAW. REV. STAT. § 711-1110 (1993); IDAHO CODE § 25-3513 (Supp. 1998); IND. CODE § 36-8-3-18 (1995); KY. REV. STAT. ANN. § 436.605 (Michie 1985); MD. ANN. CODE art. 27, § 63 (1996); MASS. GEN. LAWS ch. 22C, § 57 (1990); MICH. STAT. ANN. § 28.250 (Law Co-op. 1990); NEV. REV. STAT. § 574.040 (1997); N.H. REV. STAT. ANN. § 105:17 (1990); N.J. STAT. ANN. § 4:22-44 (West 1998); N.Y. AGRIC. & MKTS. LAW § 371 (McKinney 1998); OHIO REV. CODE ANN. § 1717.04 (West 1994); 18 PA. CONS. STAT. ANN. § 5511(i) (West 1997); R.I. GEN. LAWS § 4-1-21 (1997); S.C. CODE ANN. § 47-1-130 (Law Co-op. Supp. 1998); S.D. CODIFIED LAWS § 40-2-3 (Michie 1991); TENN. CODE ANN. § 39-14-210(a) (1997); VT. STAT. ANN. tit. 13, § 354a (1993); VA. CODE ANN. § 3.1-796.109 (Michie 1994); WASH. REV. CODE § 16.52.015 (1994); W. VA. CODE § 7-10-2 (1993).

<sup>29</sup> District of Columbia, Louisiana, Minnesota, and Nebraska. D.C. CODE ANN. § 32-905 (1996); LA. REV. STAT. ANN. § 14:102.3 (West 1986 & Supp. 1999); MINN. STAT. § 343.12 (1990); NEB. REV. STAT. § 28-1012 (1997).

tended to protect animals from the kinds of behavior that no responsible hunter or farmer would defend. By exempting wildlife or farm animals, a state greatly reduces its ability to prosecute someone who slowly kills and tortures an animal caught in the wild or allows livestock to starve to death.

As long as they obey the relevant laws of their state and society accepts practices such as hunting and slaughtering livestock, special interest groups have nothing to fear. Unless society deems these practices unacceptable, anti-cruelty laws will not prevent animals from being hunted, raised and killed for food, used in entertainment, or used in research laboratories. Prosecution of animal cruelty cases is at the discretion of the prosecutor and is usually reserved for extreme cases. The following are typical exemptions found in anti-cruelty laws.

#### A. *Veterinary Practices*

Twenty-six states provide an exemption in their animal cruelty laws for traditional veterinary practices.<sup>30</sup>

#### B. *Research Animals*

Thirty states and the District of Columbia provide an exemption in their animal cruelty laws for research animals.<sup>31</sup> Many states require the

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<sup>30</sup> Alaska, Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Indiana, Kansas, Louisiana, Maine, Maryland, Missouri, Nebraska, New Hampshire, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, and Wisconsin. ALASKA STAT. § 11.61.140(b) (Michie 1998); COLO. REV. STAT. ANN. §§ 18-9-201.5, 18-9-202(2)(a.5)(VII) (West 1998); CONN. GEN. STAT. § 53-247(b) (1998); DEL. CODE ANN. tit. 11, § 1325(b) (1996); FLA. STAT. ANN. § 828.12(3) (West 1994); HAW. REV. STAT. § 711-1109 (1993); IDAHO CODE § 25-3514 (Supp. 1998); IND. CODE § 35-46-3-5 (1994 & Supp. 1998); IOWA, IOWA CODE ANN. § 717B.2 (West 1993 & Supp. 1998); KAN. STAT. ANN. § 21-4310(b) (1995); LA. REV. STAT. ANN. § 14:102.1.C (West 1986 & Supp. 1999); ME. REV. STAT. ANN. tit. 7, §§ 4011 1-A, 2, tit. 17, §§ 1031, 1011(20) (West 1964 & Supp. 1997); MD. ANN. CODE. art. 27, § 59(c) (1996); MO. ANN. STAT. § 578.007 (West 1995); NEB. REV. STAT. § 28-1013 (1995); N.H. REV. STAT. ANN. § 644:8(V) (1990); OHIO REV. CODE ANN. § 959.02 (West 1994); OR. REV. STAT. § 167.335 (1997); 18 PA. CONS. STAT. ANN. § 5511 (West 1998); S.C. CODE ANN. § 47-1-40(C) (Law Co-op. Supp. 1998); S.D. CODIFIED LAWS § 40-1-33 (Michie 1991); TENN. CODE ANN. § 39-14-202(b) (1997); UTAH CODE ANN. § 76-9-301 (5) (Supp. 1998); VT. STAT. ANN. tit. 13, §§ 351b, 352b (1998); VA. CODE ANN. § 3.1-796.74 (Michie 1998); WIS. STAT. §§ 951.02, .06 (1996).

<sup>31</sup> The states that exempt research animals are: Alaska, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Missouri, Nebraska, New Jersey, New York, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and Wisconsin. ALASKA STAT. § 11.61.140(b) (Michie 1998); CAL. PENAL CODE § 599(c) (West 1998); COLO. REV. STAT. ANN. §§ 18-9-201.5, 18-9-202(2)(a.5)(VII) (West 1998); CONN. GEN. STAT. § 53-247(b) (1998); DEL. CODE ANN. tit. 11, § 1325(b) (1996); D.C. CODE ANN. § 22-812(b) (1996); FLA. STAT. ANN. § 828.02 (West 1994); GA. CODE ANN. § 16-12-4(c) (1998); HAW. REV. STAT. § 711-1109 (1993); IDAHO CODE §§ 25-3515, -3514 (Supp. 1998); IND. CODE § 35-46-3-5 (1994 & Supp. 1998); IOWA CODE ANN. § 717B.2 (West 1993 & Supp. 1998), IOWA CODE ANN. § 717B.3 (West 1993 & Supp. 1998); KAN. STAT. ANN. § 21-4310(b) (1995); LA. REV. STAT. ANN. § 14:102.1.C (West 1986 & Supp. 1999); ME. REV. STAT. ANN. tit. 7, §§ 4011 1-A, 2, tit. 17, § 1031 (West 1964 & Supp. 1997); MD. ANN. CODE. art. 27, § 59(c) (1996); MICH. STAT. ANN. §§ 28.245(8), 28.245(b) (Lexis Supp. 1998); MO. ANN. STAT. § 578.007 (West 1995); NEB. REV.



exempted animals be in a laboratory conforming to the federal standards defined in the Animal Welfare Act.<sup>32</sup>

### C. *Wildlife*

Thirty-four states provide an exemption in their animal cruelty laws for wildlife. The exemptions typically stipulate that hunting, fishing, and trapping animals must be done in accordance with state game laws.<sup>33</sup>

### D. *Farm Animals*

Thirty states provide an exemption in their animal cruelty laws for commonly accepted animal husbandry practices, including activities such as dehorning, castrating, and branding.<sup>34</sup>

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STAT. § 28-1013 (1995); N.J. STAT. ANN. § 4:22-16 (West 1998); N.Y. AGRIC. & MKTS. LAW § 353 (McKinney 1998); OR. REV. STAT. § 167.335 (1997); 18 PA. CONS. STAT. ANN. § 5511 (West 1998); S.D. CODIFIED LAWS § 40-1-16 (Michie 1991); TENN. CODE ANN. § 39-14-202(b) (1997); TEX. PENAL CODE ANN. § 42.09(b) (West 1994); UTAH CODE ANN. § 76-9-301 (5) (Supp. 1998); VT. STAT. ANN. tit. 13, §§ 351b, 352b (1998); VA. CODE ANN. § 3.1-796.122(A) (Michie 1993); WASH. REV. CODE § 16.52.180 (1994); WIS. STAT. §§ 951.02, .06 (1996).

<sup>32</sup> Animal Welfare Act, 7 U.S.C. §§ 2131-2159 (1994).

<sup>33</sup> The states that exempt wildlife are: Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Missouri, Nebraska, New Jersey, New Mexico, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Washington, West Virginia, and Wisconsin. ALASKA STAT. § 11.61.140(b) (Michie 1993); ARIZ. REV. STAT. ANN. § 13-2910(C) (West Supp. 1998); ARK. CODE ANN. § 5-62-110(b) (Michie 1987); CAL. PENAL CODE § 599(c) (West 1998); CAL. PENAL CODE § 597(d)(5) (West 1993); COLO. REV. STAT. ANN. §§ 18-9-201.5, 18-9-202(2)(a.5)(VII) (West 1998); CONN. GEN. STAT. § 53-247(b) (1998); DEL. CODE ANN. tit. 11, § 1325(f) (1996); GA. CODE ANN. § 16-12-4(c) (1998); IDAHO CODE § 25-3515 (Supp. 1998); 510 ILL. COMP. STAT. 70/13 (West 1993); IND. CODE § 35-46-3-5 (1994 & Supp. 1998); IOWA CODE ANN. § 717B.2 (West 1993 & Supp. 1998); KAN. STAT. ANN. § 21-4310(b) (1995); KY. REV. STAT. ANN. § 525.130(2), (3) (Michie 1990); LA. REV. STAT. ANN. § 14:102.1.C (West 1986 & Supp. 1999); ME. REV. STAT. ANN. tit. 7, § 4012(2), tit. 17, § 1032(3) (West 1964 & Supp. 1997); MD. ANN. CODE. art. 27, § 59(c) (1996); MICH. STAT. ANN. §§ 28.245(8), 28.245(b) (Lexis Supp. 1998); MO. ANN. STAT. § 578.007 (West 1995); NEB. REV. STAT. § 28-1013 (1995); N.J. STAT. ANN. § 4:22-16 (West 1998); N.M. STAT. ANN. § 31-18-10 (Michie 1998); N.C. GEN. STAT. § 14-360 (1997); OR. REV. STAT. § 167.335 (1997); 18 PA. CONS. STAT. ANN. § 5511 (West 1998); R.I. GEN. LAWS § 4-1-5 (1997); S.C. CODE ANN. § 47-1-40(C) (Law Co-op. Supp. 1998); S.D. CODIFIED LAWS § 40-1-17 (Michie 1991); TENN. CODE ANN. § 39-14-201 (1997); UTAH CODE ANN. § 76-9-301(11)(b)(ii) (Supp. 1998); VT. STAT. ANN. tit. 13, § 351b (1998); WASH. REV. CODE § 16.52.180 (1994); W. VA. CODE §§ 61-8-19(e), 7-10-4 (1995); WIS. STAT. § 951.015 (1996).

<sup>34</sup> States exempting animal husbandry practices include: Arizona, Colorado, Connecticut, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Missouri, Montana, Nebraska, Nevada, New Jersey, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. ARIZ. REV. STAT. ANN. § 13-2910(C) (West Supp. 1998); COLO. REV. STAT. ANN. §§ 18-9-201.5, 18-9-202(2)(a.5)(VII) (West 1998); CONN. GEN. STAT. § 53-247(b) (1998); FLA. STAT. ANN. § 828.125 (West 1994); IDAHO CODE § 25-3514 (Supp. 1998); 510 ILL. COMP. STAT. 70/13 (West 1993); IND. CODE § 35-46-3-5 (1994 & Supp. 1998); IOWA CODE ANN. § 717B.1 (West 1993 & Supp. 1998); KAN. STAT. ANN. § 21-4310(b) (1995); LA. REV. STAT. ANN. § 14:102.1.C (West 1986 & Supp. 1999); MD. ANN. CODE. art. 27, § 59(c) (1996); MICH. STAT. ANN. §§ 28.245(8), 28.245(b) (Lexis Supp. 1998); MO. ANN. STAT. § 578.007 (West 1995); MONT. CODE ANN. § 45-8-211(4) (1997); NEB. REV. STAT. § 28-1013 (1995); NEV. REV. STAT. § 574.0550

### *E. Slaughtering Animals for Food*

Eighteen states provide an exemption for the practice of slaughtering animals for food.<sup>35</sup> Some of these states specify that a humane method of slaughtering must be used. Two other states, Iowa and Utah, exclude livestock from their definition of "animal," thereby depriving livestock of any coverage from the cruelty statutes.<sup>36</sup>

### *F. Pest Control*

Sixteen states provide an exemption in their animal cruelty statutes for killing pests, including insects, vermin, rodents, and sometimes birds.<sup>37</sup>

### *G. Rodeo*

Ten states provide an exemption in their animal cruelty laws for rodeo practices. Several statutes require the practices be approved by the Professional Rodeo Cowboy's Association. Some states include other exhibitions or shows in their exemption.<sup>38</sup>

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(1997); N.J. STAT. ANN. § 4:22-16 (West 1998); OHIO REV. CODE ANN. § 959.13(B) (West 1994); OR. REV. STAT. § 167.335 (1997); 18 PA. CONS. STAT. ANN. § 5511 (West 1998); S.C. CODE ANN. § 47-1-40(C) (Law. Co-op. Supp. 1998); S.D. CODIFIED LAWS §§ 40-1-26, 40-1-33, 40-2-4 (Michie 1991); TENN. CODE ANN. § 39-14-202(e)(1) (1997); UTAH CODE ANN. § 76-9-301(11)(b)(ii) (Supp. 1998); VT. STAT. ANN. tit. 13, §§ 351b, 352(a)(3) (1998); VA. CODE ANN. § 3.1-796.122(C) (Michie 1998); WASH. REV. CODE § 16.52.185 (1994); W. VA. CODE §§ 61-8-19(e), 7-10-4 (1995); WIS. STAT. § 951.14 (1996); WYO. STAT. ANN. §§ 6-3-203(f), 11-29-113 (Michie 1997).

<sup>35</sup> The states that exempt slaughtering are: Arizona, California, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Kentucky, Maryland, Michigan, Nebraska, Ohio, Oregon, Rhode Island, South Dakota, Washington, and Wisconsin. ARIZ. REV. STAT. ANN. § 13-2910(C) (West Supp. 1998); CAL. PENAL CODE § 599(c) (West 1998); CONN. GEN. STAT. § 53-247(b) (1998); DEL. CODE ANN. tit. 11, § 1325(b) (1996); GA. CODE ANN. § 16-12-4(c) (1998); IDAHO CODE § 25-3514 (Supp. 1998); 510 ILL. COMP. STAT. 70/13 (West 1993); IND. CODE § 35-46-3-5 (1994 & Supp. 1998); KY. REV. STAT. ANN. § 525.130(2)-(3) (Michie 1990); MD. ANN. CODE art. 27, § 59(c) (1996); MICH. STAT. ANN. § 28.245(b) (Lexis Supp. 1998); NEB. REV. STAT. § 28-1013 (1995); OHIO REV. CODE ANN. § 959.13(A)(2) (West 1994); OR. REV. STAT. §§ 167.315(2), .320(2), .335 (1997); R.I. GEN. LAWS § 4-1-5 (1997); S.D. CODIFIED LAWS § 40-1-17 (Michie 1991); WASH. REV. CODE § 16.52.180 (1994); WIS. STAT. § 951.015 (1996).

<sup>36</sup> IOWA CODE ANN. § 717B.1 (West 1993 & Supp. 1998); UTAH CODE ANN. § 76-9-301(11)(b)(ii) (Supp. 1998).

<sup>37</sup> States exempting pest control are: Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Maine, Maryland, Michigan, Missouri, Nebraska, New Jersey, Pennsylvania, Vermont, Washington, and Wisconsin. COLO. REV. STAT. ANN. §§ 18-9-201.5, 18-9-202(2)(a.5)(VII) (West 1998); HAW. REV. STAT. § 711-1109 (1993); IDAHO CODE § 25-3514 (Supp. 1998); 510 ILL. COMP. STAT. 70/13 (West 1993); IND. CODE § 35-46-3-5 (1994 & Supp. 1998); IOWA CODE ANN. § 717B.1 (West 1993 & Supp. 1998); ME. REV. STAT. ANN. tit. 7, §§ 4011 1-A, 2, tit. 17, § 1031 (West 1964 & Supp. 1997); MD. ANN. CODE art. 27, § 59(c) (1996); MICH. STAT. ANN. §§ 28.245(8), 28.245(b) (Lexis Supp. 1998); MO. ANN. STAT. § 578.007 (West 1995); NEB. REV. STAT. § 28-1013 (1995); N.J. STAT. ANN. § 4:22-16 (West 1998); 18 PA. CONS. STAT. ANN. § 5511 (West 1998); VT. STAT. ANN. tit. 13, §§ 352b, 362 (1998); WASH. REV. CODE § 16.52.190(3) (1994); WIS. STAT. § 951.06 (1996).

<sup>38</sup> The states that exempt rodeo practices are: Arizona, Colorado, Idaho, Kansas, Missouri, Nebraska, Oregon, Utah, Washington, and Wyoming. ARIZ. REV. STAT. ANN. § 13-2910.04 (West 1989); COLO. REV. STAT. ANN. §§ 18-9-201.5, 18-9-202(2)(a.5)(VII) (West 1998); IDAHO CODE § 25-3514 (Supp. 1998); KAN. STAT. ANN. § 21-4310(b) (1995); MO. ANN. STAT. § 578.007

### H. Zoos and Circuses

Michigan, Missouri, and North Dakota exempt zoos and circuses from their animal cruelty laws.<sup>39</sup>

### I. Other Exemptions

Thirty-five states specify other exemptions to their animal cruelty laws.<sup>40</sup> These statutes exempt a wide range of actions. For example, Maine exempts the killing of one's own cats and dogs on one's own property.<sup>41</sup> Kansas exempts the killing of dogs that are threatening one's own livestock or property.<sup>42</sup> Idaho exempts animal training methods.<sup>43</sup>

### J. No Exemptions

Minnesota, Mississippi, and Oklahoma do not provide any exemptions to their animal cruelty laws.

## IV. CONCLUSION

This overview, together with forthcoming supplements, provides an opportunity to compare and contrast current state anti-cruelty laws. It is

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(West 1995); NEB. REV. STAT. § 28-1013 (1995); OR. REV. STAT. § 167.335 (1997); UTAH CODE ANN. § 76-9-301(11)(b)(ii) (Supp. 1998); WASH. REV. CODE § 16.52.185 (1994); WYO. STAT. ANN. § 6-3-203(f) (Michie 1997).

<sup>39</sup> MICH. STAT. ANN. § 28.245(8) (Lexis Supp. 1998); MO. ANN. STAT. § 578.007 (West 1995); N.D. CENT. CODE § 36-21.1-02(7) (1987 & Supp. 1997).

<sup>40</sup> The states that identify other exemptions are: Alabama, Alaska, Arizona, California, Colorado, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, Nebraska, New Jersey, New Mexico, North Dakota, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. ALA. CODE § 3-1-11 (1975); ALASKA STAT. § 03.55.030 (Michie 1998); ARIZ. REV. STAT. ANN. § 13-2910(B) (West 1989 & Supp. 1998); ARIZ. REV. STAT. ANN. § 13-2910.04 (West 1989); CAL. PENAL CODE § 599(c) (West 1998); COLO. REV. STAT. ANN. §§ 18-9-201.5, 18-9-202(2)(a.5)(VII) (West 1993); DEL. CODE ANN. tit. 11, § 1325(b) (1996); GA. CODE ANN. § 4-8-5 (1998); IDAHO CODE § 25-3515, -3514 (Supp. 1998); 510 ILL. COMP. STAT. 70/3.02 (West Supp. 1998); IND. CODE § 35-46-3-12(b) (1994 & Supp. 1998); IND. CODE § 15-5-7-2 (1993); IOWA CODE ANN. § 717B.2 (West 1993 & Supp. 1998); KAN. STAT. ANN. § 21-4310(b) (1995), KAN. STAT. ANN. § 47-646 (1995); KY. REV. STAT. ANN. § 525.130(2)-(3) (Michie 1990); ME. REV. STAT. ANN. tit. 7, §§ 4011 1-A, 2, tit. 17, § 1031 (West 1964 & Supp. 1997); MD. ANN. CODE. art. 27, § 59(c) (1996); MASS. GEN. LAWS ch. 272, § 77 (1990); MICH. STAT. ANN. § 28.245(8) (Lexis Supp. 1998); MO. ANN. STAT. § 578.007 (West 1995); MONT. CODE ANN. § 45-8-211(4) (1997); NEB. REV. STAT. § 28-1013 (1995); N.J. STAT. ANN. § 4-22-16 (West 1998); N.M. STAT. ANN. § 31-18-2.1 (Michie 1998); N.D. CENT. CODE § 36-21.1-02(7) (1987 & Supp. 1997); 18 PA. CONS. STAT. ANN. § 5511 (West 1993); S.C. CODE ANN. §§ 47-1-40(C), -1-70, -3-220 (Law Co-op. Supp. 1998); S.D. CODIFIED LAWS § 40-1-17 (Michie 1991); TENN. CODE ANN. § 39-14-202(a)(5) (1997); TEX. PENAL CODE ANN. §§42.09(e)-(f) (West 1994); UTAH CODE ANN. §§ 76-9-301(5), (7), (8), (10), 18-1-3 (Supp. 1998); VT. STAT. ANN. tit. 13, § 352b (1998); VA. CODE ANN. § 3.1-796.115 (Michie 1998); WASH. REV. CODE §§ 16.52.180, .185, .207.4 (1994); W. VA. CODE §§ 61-8-19(e), 19-20-16 (1995); WIS. STAT. § 951.015 (1996); WYO. STAT. ANN. § 6-3-203(f) (Michie 1997).

<sup>41</sup> ME. REV. STAT. ANN. tit. 7, § 4011 1-A (West 1964 & Supp. 1997).

<sup>42</sup> KAN. STAT. ANN. § 47-646 (1995).

<sup>43</sup> IDAHO CODE § 25-3514(9) (Supp. 1998).

our hope this information will be used as a resource for those interested in improving laws that affect animals.