

Louisiana Animal Cruelty Laws

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Introduction

Criminal animal protection laws in Louisiana are contained primarily within Title 14, specifically § 14:102.1. However, there are a number of laws related to animal cruelty and defined elsewhere within the Louisiana Revised Statutes Annotated. This document lists each animal protection law and the procedural sections with which officers must comply when enforcing a provision of that law. When available, relevant case law from Louisiana follows each law.

This document begins with the general animal cruelty statutes and then addresses related statutes involving corporations for prevention of animal cruelty, animal research facilities, photographs of cruelty and assistance dogs. The general animal cruelty statutes cover a range of issues including dogfighting, dangerous dog provisions, euthanasia standards and various penalties, punishments, and enforcements.

Overview of Statutory Provisions and Case Law

1. **Consolidated Animal Cruelty Laws:** LA. REV. STAT. ANN. §§ 14:102.1-.10, .12-.20, .22-.24 & .26³
2. **Corporations for Prevention of Animal Cruelty:** LA. REV. STAT. ANN. §§ 3:2391-93
3. **Miscellaneous:** LA. REV. STAT. ANN. § 14:228; § 15:436.2 & § 46:1956

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³ The following statutes are discussed in depth in the remaining text: LA. REV. STAT. ANN. §§ 14:102.1-.10, .13, .19-.20, .22-.24, .26. The remaining statutes do not involve animal cruelty or dangerous dog issues, but rather are related solely to animal control, and thus are not included.

1. CONSOLIDATED ANIMAL CRUELTY LAWS

LA. REV. STAT. ANN. § 14:102.1. Cruelty to animals; simple and aggravated

A. (1) Any person who intentionally or with criminal negligence commits any of the following shall be guilty of simple cruelty to animals:

(a) Overdrives, overloads, drives when overloaded, or overworks a living animal.

(b) Torments, cruelly beats, or unjustifiably injures any living animal, whether belonging to himself or another.

(c) Having charge, custody, or possession of any animal, either as owner or otherwise, unjustifiably fails to provide it with proper food⁴, proper drink⁵, proper shelter⁶, or proper veterinary care.⁷

(d) Abandons⁸ any animal. A person shall not be considered to have abandoned an animal if he delivers to an animal control center an animal which he found running at large.

(e) Impounds or confines or causes to be impounded or confined in a pound or other place, a living animal and fails to supply it during such confinement with proper food, proper drink, and proper shelter.

(f) Carries, or causes to be carried, a living animal in or upon a vehicle or otherwise, in a cruel⁹ or inhumane manner.

(g) Unjustifiably administers any poisonous or noxious drug or substance to any domestic animal or unjustifiably exposes any such drug or substance, with intent that the same shall be taken or swallowed by any domestic animal.

(h) Injures any animal belonging to another person.

(i) Mistreats any living animal by any act or omission whereby unnecessary or unjustifiable physical pain, suffering or death is caused to or permitted upon the animal.

⁴ “‘Proper food’ means providing each animal with daily food of sufficient quality and quantity to prevent unnecessary or unjustifiable suffering by the animal.” LA. REV. STAT. ANN. § 14:102.

⁵ “‘Proper drink’ means providing each animal with daily water of sufficient quality and quantity to prevent unnecessary or unjustifiable suffering by the animal.” LA. REV. STAT. ANN. § 14:102.

⁶ “‘Proper shelter’ means providing each animal with adequate shelter from the elements as required to prevent unnecessary or unjustifiable suffering by the animal.” LA. REV. STAT. ANN. § 14:102.

⁷ “‘Proper veterinary care’ means providing each animal with veterinary care sufficient to prevent unnecessary or unjustifiable physical pain or suffering by the animal.” LA. REV. STAT. ANN. § 14:102.

⁸ “‘Abandons’ means to completely forsake and desert an animal previously under the custody or possession of a person without making reasonable arrangements for its proper care, sustenance, and shelter.” LA. REV. STAT. ANN. § 14:102.

⁹ “‘Cruel’ means every act or failure to act whereby unjustifiable physical pain or suffering is caused or permitted.” LA. REV. STAT. ANN. § 14:102.

(j) Causes or procures to be done by any person any act enumerated in this Subsection.

(2)(a) Whoever commits the crime of simple cruelty to animals shall be fined not more than one thousand dollars, or imprisoned for not more than six months, or both.

(b) Whoever commits a second or subsequent offense of simple cruelty to animals shall be fined not less than five thousand dollars nor more than twenty-five thousand dollars or imprisoned, with or without hard labor, for not less than one year nor more than ten years, or both. In addition, the court shall issue an order prohibiting the defendant from owning or keeping animals for a period of time deemed appropriate by the court.

(c) In addition to any other penalty imposed, a person who commits the crime of cruelty to animals shall be ordered to perform five eight-hour days of court-approved community service. The community service requirement shall not be suspended.

(d) In addition to any other penalty imposed, the court may order a psychological evaluation or anger management treatment for a first conviction of the crime of simple cruelty to animals. For a second or subsequent offense of the crime of simple cruelty to an animal, the court shall order a psychological evaluation or anger management treatment. Any costs associated with any evaluation or treatment ordered by the court shall be borne by the defendant.

(3) For purposes of this Subsection, if more than one animal is subject to an act of cruel treatment by an offender, each act shall constitute a separate offense.

B. (1) Any person who intentionally or with criminal negligence tortures, maims, or mutilates any living animal, whether belonging to himself or another, shall be guilty of aggravated cruelty to animals.

(2) Any person who tampers¹⁰ with livestock¹¹ at a public livestock exhibition¹² or at a private

¹⁰ “‘Tampers’ means any of the following:

(a) The injection, use, or administration of any drug or other internal or external administration of any product or material, whether gas, solid, or liquid, to livestock for the purpose of concealing, enhancing, transforming, or changing the true conformation, configuration, condition, natural color, or age of the livestock or making the livestock appear more sound than they actually are.

(b) The use or administration, for cosmetic purposes, of steroids, growth stimulants, or internal artificial filling, including paraffin, silicone injection, or any other substance.

(c) The use or administration of any drug or feed additive affecting the central nervous system of the livestock, unless administered or prescribed by a licensed veterinarian for the treatment of an illness or an injury.

(d) The use or administration of diuretics for cosmetic purposes.

(e) The surgical manipulation or removal of tissue so as to change, transform, or enhance the true conformation, configuration, or natural color of the livestock unless the procedure is considered an accepted livestock management practice.” LA. REV. STAT. ANN. § 14:102.

¹¹ “‘Livestock’ means cattle, sheep, swine, goats, horses, mules, burros, asses, other livestock of all ages, farm-raised cervidae species, and farm-raised ratite species.” LA. REV. STAT. ANN. § 14:102.

¹² “‘Public livestock exhibition’ means any place, establishment, or facility commonly known as a “livestock market”, “livestock auction market”, “sales ring”, “stockyard”, or the like, operated for compensation or profit as a public market for livestock, consisting of pens, or other enclosures, and their appurtenances, in which livestock are received, held, sold, or kept for sale or shipment. “Public livestock exhibition” also means any public exhibition or

sale shall also be guilty of aggravated cruelty to animals.

(3) Any person who causes or procures to be done by any person any act designated in this Subsection shall also be guilty of aggravated cruelty to animals.

(4) Any person who intentionally or with criminal negligence mistreats any living animal whether belonging to himself or another by any act or omission which causes or permits unnecessary or unjustifiable physical pain, suffering, or death to the animal shall also be guilty of aggravated cruelty to animals.

(5) In addition to any other penalty imposed for a violation of this Subsection, the offender shall be ordered to undergo a psychological evaluation and subsequently recommended psychological treatment and shall be banned by court order from owning or keeping animals for a period of time deemed appropriate by the court. Any costs associated with any evaluation or treatment ordered by the court shall be borne by the defendant.

(6) Whoever commits the crime of aggravated cruelty to animals shall be fined not less than five thousand dollars nor more than twenty-five thousand dollars or imprisoned, with or without hard labor, for not less than one year nor more than ten years, or both.

(7) For purposes of this Subsection, where more than one animal is tortured, maimed, mutilated, or maliciously killed or where more than one head of livestock is tampered with, each act comprises a separate offense.

C. This Section shall not apply to any of the following:

(1) The lawful hunting or trapping of wildlife as provided by law.

(2) Herding of domestic animals.

(3) Accepted veterinary practices.

(4) Activities carried on for scientific or medical research governed by accepted standards.

(5) Traditional rural Mardi Gras parades, processions, or runs involving chickens.

(6) Nothing in this Section shall prohibit the standard transportation and agricultural processing¹³ of agriculture products¹⁴ as defined in R.S. 3:3602(5) and (6).

D. Repealed by Acts 2007, No. 425, § 2, eff. Aug. 15, 2008.

sale of livestock or a livestock show.” LA. REV. STAT. ANN. § 14:102.

¹³ “‘Agricultural processing’ means the processing of any agricultural product and includes, but is not limited to, the slaughtering and processing of livestock and poultry, the elevation and drying of grain, the processing of sugar cane, and the ginning of cotton.” LA. REV. STAT. ANN. § 3:3602(5).

¹⁴ “‘Agricultural product’ means crops, livestock, poultry, and aquacultural, floracultural, horticultural, silvicultural, or viticultural products.” LA. REV. STAT. ANN. § 3:3602(6).

Applicable Case Law:¹⁵

State In Interest of Rowland, 509 So. 2d 779 (La. Ct. App. 1987)

Facts: A 15-year-old boy was charged with allegedly violating § 14:102.1 by intentionally killing a beagle dog named Roscoe. The juvenile believed the beagle dog was bothering ducks which he was raising in a pen. Two of the ducks had been killed, and the juvenile allegedly saw the beagle chasing a third duck. The dog later dropped the duck at the corner of the house and went out in the front yard. The juvenile then shot the dog.

Holding: The Court of Appeals found that the dog was obviously in someone's company and that the evidence does not indicate the killing was necessary to prevent a continued attack on farm animals because the dog had retreated. The Court held that the juvenile was not justified in killing the dog and ordered restitution.

Savage v. Prator, 921 So. 2d 51 (La. 2006)

Facts: Two Louisiana game clubs filed a petition for declaratory judgment and injunctive relief against Caddo Parish Commission after being informed by the Caddo Sheriff's Office that a pre-existing parish ordinance prohibiting cockfighting would be enforced. The clubs alleged that the ordinance violated police power reserved explicitly to the state because § 14:102.1 is silent with regard to cockfighting, as well as all other sports or amusements involving animals.

Holding: The Louisiana Supreme Court reversed the injunction and remanded the matter, finding that the parish ordinance prohibiting cockfighting did not violate general law or infringe upon the state's police powers in violation of the Constitution. Louisiana has no law which authorizes, explicitly or implicitly, cockfighting, nor does it have a law which prohibits a local government from establishing an ordinance regulating cockfighting.

State v. Collins, 768 So. 2d 674 (La. App. Ct. 2000)

Facts: Defendant killed a cat that was initially a stray living in the general vicinity of the apartment building but was subsequently taken in by a building resident. The defendant broke the cat's neck, drowned the cat to allegedly end its suffering, and proceeded to cook and eat the cat. The defendant was charged with a violation of § 14:102.1(B)(1) and § 14:102.1(B)(1)(6). The defendant was accordingly sentenced to five years with hard labor.

Holding: The Court of Appeals held that the evidence was sufficient to support this conviction and that the five-year sentence was not excessive. The trial jury chose to believe the building resident despite the defendant's testimony that the cat was a stray and it is not the Appellate Court's role to second guess this credibility determination. Moreover, the trial court was

¹⁵ *Adams v. Department of Police* 131 So.3d 378 (La. App. Ct. 2013). This case, decided by the Court of Appeals in 2013, explores whether or not an officer's termination was justified when it was based on her pleading nolo contendere on two counts of cruelty to animals. Since the focus on the case was whether or not the officer could be terminated, and there was no debate or discussion regarding the definition or parameters of "cruelty," it has not been discussed in detail.

receptive to mitigating factors and surrounding factors when determining the defendant's sentence, so there was no manifest abuse of discretion.

Legislation in Support of Animals v. Vermilion Parish Police Jury, 617 So. 2d 1243 (La. App. Ct. 1993)

Facts: Vermilion Parish members of the Legislation in Support of Animals (LISA) complained about conditions at the Vermilion Parish Animal Control Center. Upon LISA's failure to make the Animal Control Center discontinue the alleged cruel treatment of the animals, LISA requested an inspection of the Center. The assistant district attorney who performed the inspection reported no findings of state criminal law violations. LISA then filed a petition for a temporary restraining order and permanent injunction. The trial court dismissed LISA's action with prejudice.

Holding: The Court of Appeals held that LISA's allegations were sufficient to state a cause of action under § 14:102.1 and that it is immaterial that LISA's petition did not use the exact wording in § 14:102.1(A)(1)(e) because the allegation of failure to provide "sufficient" food, water, adequate space, ventilation or light, necessarily connotes that the alleged insufficiency is improper. The Court also held that LISA was not required to allege irreparable injury in order to be entitled to injunctive relief. The Court stated that this is unnecessary if the threatened action is a direct violation of prohibitory law.

State v. Herring, 31 So. 2d 218 (La. 1947)

Facts: Defendant was convicted under an affidavit charging that he unlawfully and unnecessarily killed a dog in violation of § 14:102.1. The defendant applied for writ of mandamus, certiorari, prohibition and review. Upon trial, the defendant was convicted and sentenced to pay a fine of \$50 and costs. The defendant contends that the allegations in the affidavit under which he was tried to do not set forth a violation of § 14:102.1. Defendant argues that there is no allegation that the dog's owner had paid for and placed a collar around the dog's neck. Additionally, the defendant argued that there is no allegation of the dog having a license tax tag on his collar at the time it was killed, nor that the dog was on the premises and in the owner's control.

Holding: The Louisiana Supreme Court held that the conviction and sentence be annulled and defendant discharged because the pleader did not follow the language of the statute or use words of similar import.

Lewis v. Dep't of Police, 89 So. 3d 452 (La. App. Ct. 2012)

Facts: Officer Lewis appeals his termination from the New Orleans Police Department based on violation of § 14:102.1. Officer Lewis was assigned to the Police K-9 Division. While on the job, Officer Lewis left his dog in the K-9 unit with water and the cooling system turned on. When he returned, the dog was unwell. After driving the dog to the closest veterinarian office, the dog died with the official cause of death determined to be overheating.

Holding: The Court of Appeals ordered that Officer Lewis be reinstated and that all pay and benefits be restored with interest. The Court found ample evidence that the dog's death was not a result of any action or inaction by the officer. The expert testimony explained that the dog was high strung and had a history of working himself up when he was separated from his handler.

***State v. Lazarus*, 633 So. 2d 225 (La. Ct. App. 1993)**

Facts: Defendants operated a cattery where they raised purebred Persian and Himalayan cats. Citizens gave affidavits to the director of the St. Tammany Humane Society stating that many of the cats allegedly suffered from diseases due to inhumane conditions, and that falsification of health certificates and illegal shipping of animals was prevalent. After the St. Tammany Humane Society executed a search warrant based on these affidavits, ten cats out of approximately 100 were removed from the premises. The defendants were charged in a single bill of information with ten counts of violating § 14:102.1. The trial court convicted the defendants as charged and imposed a sentence of six months in the parish jail on each count. The defendants claim that the trial court erred in denying their motion to suppress evidence because the search warrant was invalid.

Holding: The Court of Appeals found that the search warrant was executed by the Humane Society's director, who could have been commissioned as a peace officer under § 3:2391 but there was no indication in the record that the director was acting in any capacity other than a private citizen. Accordingly, the Court held that the evidence was unlawfully seized. The defendant's convictions and sentences were vacated, the trial court's ruling reversed, and the case remanded to the trial court with instructions to enter an order granting the motion to suppress.

LA. REV. STAT. ANN. § 14:102.2. Seizure and disposition of animals cruelly treated

A. When a person is charged with cruelty to animals, said person's animal may be seized by the arresting officer and held pursuant to this Section.

B. (1) The seizing officer shall notify the owner of the seized animal of the provisions of this Section by posting written notice at the location where the animal was seized or by leaving it with a person of suitable age and discretion residing at that location within twenty-four hours of the seizure.

(2) The seizing officer shall photograph the animal within fifteen days after posting of the notice of seizure and shall cause an affidavit to be prepared in order to document its condition in accordance with R.S. 15:436.2.

(3) The seizing officer shall appoint a licensed veterinarian or other suitable custodian to care for any such animal. The custodian shall retain custody of the animal in accordance with this Section.

(4) The seized animal shall be held by the custodian provided for in Paragraph (3) for a period of fifteen consecutive days, including weekends and holidays, after such notice of seizure is given. Thereafter, if a person who claims an interest in such animal has not posted bond in accordance with Subsection C, the animal may be humanely disposed of by sale, adoption, or euthanasia.

C. (1) A person claiming an interest in any animal seized pursuant to this Section may prevent the disposition of the animal as provided for in Subsection B of this Section by posting a bond

with the court within fifteen days after receiving notice of such seizure. Such bond shall prevent the disposition of the animal for a period of thirty days commencing on the date of initial seizure.

(2)(a) The amount of the bond shall be determined by the department, agency, humane society, and the custodian of the animal as authorized by the court and shall be sufficient to secure payment for all reasonable costs incurred during the thirty-day period for the boarding and medical treatment of the animal after examination by a licensed veterinarian.

(b) The court shall order that the bond be given to the custodian of the animal to cover such costs.

(3) Such bond shall not prevent the department, agency, humane society, or other custodian of the animal from disposing of the animal in accordance with Subsection B of this Section at the end of the thirty-day period covered by the bond, unless the person claiming an interest posts an additional bond for such reasonable expenses for an additional thirty-day period. In addition, such bond shall not prevent disposition of the animal for humane purposes at any time, in accordance with Subsection E of this Section.

D. Upon a person's conviction of cruelty to animals, it shall be proper for the court, in its discretion, to order the forfeiture and final determination of the custody of any animal found to be cruelly treated in accordance with this Section and the forfeiture of the bond posted pursuant to Subsection C as part of the sentence. The court may, in its discretion, order the payment of any reasonable or additional costs incurred in the boarding or veterinary treatment of any seized animal prior to its disposition, whether or not a bond was posted by the defendant. In the event of the acquittal or final discharge without conviction of the accused, the court shall, on demand, direct the delivery of any animal held in custody to the owner thereof and order the return of any bond posted pursuant to Subsection C, less reasonable administrative costs.

E. Nothing in this Section shall prevent the euthanasia of any seized animal, at any time, whether or not any bond was posted, if a licensed veterinarian determines that the animal is not likely to survive and is suffering, as a result of any physical condition. In such instances, the court, in its discretion, may order the return of any bond posted, less reasonable costs, at the time of trial.

No Applicable Case Law.

LA. REV. STAT. ANN. § 14:102.3. Search warrant; animal cruelty offenses

If the complaint is made, by affidavit, to any magistrate authorized to issue search warrants in criminal cases, that the complainant has reason to believe that an animal has been or is being cruelly treated in violation of R.S. 14:102.1, in any building or place, such magistrate, if satisfied that there is reasonable cause for such belief, shall issue a search warrant to any law enforcement officer authorized by law to make arrests for such offenses, authorizing any such officer to make a search of said building or place, and to arrest any person found violating R.S. 14:102.1. Said warrant may also authorize said officer to seize any animal believed to be cruelly treated and to take custody thereof. This section shall not be construed as a limitation on the power of law enforcement officers to seize animals as evidence at the time of the arrest.

Applicable Case Law:

See *State v. Lazarus*, 633 So. 2d 225 (La. Ct. App. 1993) above under LSA-R.S. § 14:102.1.

LA. REV. STAT. ANN. § 14:102.4. Confined animals; necessary food and water

When a living animal is impounded or confined, and continues without necessary food and water for more than twenty-four consecutive hours, any law enforcement officer may, as often as is necessary, enter any place in which the animal is impounded or confined and supply it with necessary food and water so long as it shall remain impounded or confined.

No Applicable Case Law.

LA. REV. STAT. ANN. § 14:102.5. Dogfighting; training and possession of dogs for fighting

A. No person shall intentionally do any of the following:

(1) For amusement or gain, cause any dog to fight with another dog, or cause any dogs to injure each other.

(2) Permit any act in violation of Paragraph (1) to be done on any premises under his charge or control, or aid or abet any such act.

(3) Promote, stage, advertise, or be employed at a dogfighting exhibition.

(4) Sell a ticket of admission or receive money for the admission of any person to any place used, or about to be used, for any activity described in Paragraph (2).

(5) Own, manage, or operate any facility kept or used for the purpose of dogfighting.

(6) Knowingly attend as a spectator at any organized dogfighting event.

(7)(a) Own, possess, keep, or train a dog for purpose of dogfighting.

(b) The following activities shall be admissible as evidence of a violation of this Paragraph:

(i) Possession of any treadmill wheel, hot walker, cat mill, cat walker, jenni, or other paraphernalia, together with evidence that the paraphernalia is being used or intended for use in the unlawful training of a dog to fight with another dog, along with the possession of any such dog.

(ii) Tying, attaching, or fastening any live animal to a machine or power propelled device, for the purpose of causing the animal to be pursued by a dog, together with the possession of a dog.

(iii) Possession or ownership of a dog exhibiting injuries or alterations consistent with dogfighting, including but not limited to torn or missing ears, scars, lacerations, bite wounds, puncture wounds, bruising or other injuries, together with evidence that the dog has been used or

is intended for use in dogfighting.

B. “Dogfighting” means an organized event wherein there is a display of combat between two or more dogs in which the fighting, killing, maiming, or injuring of a dog is the significant feature, or main purpose, of the event.

C. Whoever violates any provision of Subsection A of this Section shall be fined not less than one thousand dollars nor more than twenty-five thousand dollars, or be imprisoned with or without hard labor for not less than one year nor more than ten years, or both.

D. Nothing in this Section shall prohibit any of the following activities:

(1) The use of dogs for hunting.

(2) The use of dogs for management of livestock by the owner, his employees or agents, or any other person having lawful custody of livestock.

(3) The training of dogs or the possession or use of equipment in the training of dogs for any purpose not prohibited by law.

(4) The possessing or owning of dogs with ears cropped or otherwise surgically altered for cosmetic purposes.

Applicable Case Law:¹⁶

***State v. Schneider*, 981 So. 2d 107 (La. Ct. App. 2008)**

Facts: Defendant was charged by bill of information with dogfighting in violation of § 14:102.5. The defendant had forty-three pit bulls at his residence and all of the dogs were euthanized because it was believed that the dogs were used in or bred for illegal dogfighting. The bill indicates that the defendant violated § 14:102.5 in that he did own, manage, or operate a facility kept or used for the purpose of dogfighting and that he owned, possessed, kept or trained dogs for the purpose of dogfighting.

Holding: The Court of Appeals affirmed the defendant’s conviction. The State did not present any direct evidence that the dogs found at the defendant’s residence were involved in dogfighting

¹⁶ See also the following *unpublished* opinion: *State v. Johnson*, 2016 WL 1535086, (La. App. Ct. 2016).

Facts: The defendant was charged with violating LSA-R.S. 14:102.5 after an Animal Control Supervisor observed multiple pit bull dogs in various unsuitable dwellings on his property. Upon the defendant’s arrival to his property, he was questioned, and the dogs were removed from the scene. Two of the dogs were saved, but the other thirteen had to be humanely euthanized due to their behavior and inability to pass temperament testing required for transfer or adoption. The defendant concedes that the State presented evidence that some dogs exhibited injuries consistent with dogfighting, but argues that the State failed to present evidence of an “organized event” as set forth in LSA-R.S. 14:102.5(B).

Holding: The Court of Appeals affirmed the defendant’s conviction. The Court discussed that although there were no witnesses to any actual dogfight, LSA-R.S. 14:102.5(A)(1) does not require direct evidence of an actual dogfight. Further, it held that given the evidence—the injuries to the dogs, the environment was conducive to dogfighting, the presence of a bait dog—the jury’s determination was not irrational.

because there were no witnesses nor any video evidence of any dogfight. However, the State presented sufficient circumstantial evidence that dogs found at the residence were involved in dogfighting and § 14:102.5 does not require direct evidence.

State v. Digilormo, 505 So. 2d 1154 (La. App. Ct. 1987)

Facts: Defendant was charged by bill of information of dogfighting in violation of § 14:102.5. At a jury trial, defendant was found guilty by a unanimous verdict, as organizer for profit of the fight. The defendant was sentenced to a penalty of \$1,000 fine and one year of imprisonment with the Louisiana Department of Corrections. The defendant then appealed the sentence.

Holding: The Court of Appeals affirmed the conviction and sentence. The Court found that imprisonment is necessary to prevent defendant from continuing to participate in dogfighting, and that any lesser sentence would belittle the seriousness of the defendant's crime.

LA. REV. STAT. ANN. § 14:102.6. Seizure and destruction or disposition of dogs and equipment used in dogfighting

A. (1) Any law enforcement officer making an arrest under R.S. 14:102.5 may lawfully take possession of all fighting dogs on the premises where the arrest is made or in the immediate possession or control of the person being arrested, whether or not the dogs are actually engaged in a fight at the time, and all paraphernalia, implements, equipment, or other property or things used or employed in violation of that Section.

(2) The legislature finds and declares that fighting dogs used or employed in violation of R.S. 14:102.5 are dangerous, vicious, and a threat to the health and safety of the public. Therefore, fighting dogs seized in accordance with this Section are declared to be contraband and, notwithstanding R.S. 14:102.1, the officer, an animal control officer, or a licensed veterinarian may cause them to be humanely euthanized as soon as possible by a licensed veterinarian or a qualified technician and shall not be civilly or criminally liable for so doing. Fighting dogs not destroyed immediately shall be disposed of in accordance with R.S. 14:102.2.

B. (1) The officer, after taking possession of any dogs other than those destroyed or disposed of pursuant to Subsection A and of the other paraphernalia, implements, equipment, or other property or things, shall file with the district court of the parish within which the alleged violation occurred an affidavit stating therein the name of the person charged, a description of the property so taken and the time and place of the taking thereof, together with the name of the person who claims to own such property, if known, and that the affiant has reason to believe and does believe, stating the ground of such belief, that the property so taken was used or employed in such violation.

(2) The seizing officer shall dispose of any dogs or other animals seized in the manner provided for in R.S. 14:102.2.

(3) He shall thereupon deliver the other property so taken to such court which shall, by order in writing, place such paraphernalia, implements, equipment, or other property in the custody of a suitable custodian, to be kept by such custodian until the conviction or final discharge of the

accused, and shall send a copy of such order without delay to the district attorney of the parish. The custodian so named and designated in such order shall immediately thereupon assume the custody of such property and shall retain the same, subject to the order of the court before which the accused shall be required to appear for trial.

C. Any person claiming an interest in a seized animal may post a bond with the court in accordance with the provisions of R.S. 14:102.2(C) in order to prevent the disposition of such animal.

D. Upon conviction of the person so charged, all dogs so seized shall be adjudged by the court to be forfeited and the court shall order a humane disposition of the same in accordance with R.S. 14:102.2. The court may also in its discretion order the forfeiture of the bond posted, as well as payment of any reasonable or additional costs incurred in the boarding or veterinary treatment of any seized dog, as provided in R.S. 14:102.2. In the event of the acquittal or final discharge, without conviction, of the accused, the court shall, on demand, direct the delivery of the animals and other property so held in custody to the owner thereof and order the return of any bond posted pursuant to R.S. 14:102.2(C), less reasonable administrative costs.

See *State v. Schneider*, 981 So. 2d 107 (La. App. Ct. 2008) above under LSA-R.S. § 14:102.5.

LA. REV. STAT. ANN. § 14:102.7. Search warrant for dogfighting offenses

If complaint is made, by affidavit, to any magistrate authorized to issue search warrants in criminal cases, that the complainant has reason to believe that R.S. 14:102.5 has been violated within the past forty-eight hours, is being, or will be violated in any building or place, such magistrate, if satisfied that there is reasonable cause for such belief, shall issue a search warrant authorizing any law enforcement officer competent by law to make arrests for such offenses to make a search of said building or place, and to arrest any person found violating R.S. 14:102.5. This Section shall not be construed as a limitation on the power of law enforcement officers to seize animals or evidence at the time of arrest.

No Applicable Case Law.

LA. REV. STAT. ANN. § 14:102.8. Injuring or killing of a police animal

A. Injuring or killing of a police animal is the intentional infliction of great bodily harm, permanent disability, or death upon a police animal.

B. As used in this Section:

(1) "Police animal" means:

(a) Any dog which is owned or the service of which is used by any state or local law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.

(b) Any dog which is owned or the service of which is used by any public safety agency and which is trained in accordance with the standards of a national or regional search and rescue association to respond to instructions from its handler in the search for possibly deceased individuals and in the search and rescue of lost or missing individuals and which dog, together with its handler, is prepared to render search and rescue services at the request of a public safety agency.

(c) Any horse which is used by a state or local law enforcement officer in the course of his official duty.

(2) "Public safety agency" means any agency of the state or political subdivision of the state which provides or has authority to provide law enforcement, fire protection, emergency medical services, emergency preparedness services, or any other type of emergency services.

C. It shall be an affirmative defense to a prosecution under this Section when the injuring or killing of a police animal is committed with the reasonable belief by one not involved in or being apprehended for the commission of any offense or by one taken into custody that:

(1) He is in imminent danger of losing his life or receiving great bodily harm and that the injuring or killing is necessary to save himself from that danger.

(2) Another person not involved in or being apprehended for the commission of any offense is in imminent danger of losing his life or receiving great bodily harm and that the injury or killing is necessary to save that person from that danger.

(3) His animal or other property not involved in the commission of any offense or in the apprehension of any person for an offense is in imminent danger of being destroyed or receiving grave injury or damage that may result in its destruction.

D. (1) Whoever commits the crime of injuring or killing of a police animal shall be fined not less than five thousand dollars nor more than ten thousand dollars, or imprisoned with or without hard labor for not less than one year nor more than three years, or both.

(2) Upon a second or subsequent conviction, regardless of whether the second or subsequent offense occurred before or after the first conviction, the offender shall be fined not less than five thousand dollars and not more than ten thousand dollars, or imprisoned with or without hard labor for not less than five years nor more than seven years, or both.

E. In addition to the foregoing penalties, a person convicted under this Section shall be ordered to make full restitution to the public safety agency suffering a financial loss from the injury or killing of a police animal. If a person ordered to make restitution pursuant to this Section is found to be indigent and therefore unable to make restitution in full at the time of conviction, the court shall order a periodic payment plan consistent with the person's financial ability.

No Applicable Case Law.¹⁷

LA. REV. STAT. ANN. § 14:102.9. Interference with animal research; research laboratory or farm

A. Interference with animal research is any of the following:

- (1) The unauthorized entry of any research laboratory or research farm with the intent of releasing or causing the release of any animal housed or kept within such research facility.
- (2) The intentional or criminally negligent damaging of any research laboratory or research farm.
- (3) The intentional or criminally negligent unauthorized release of any animal housed or kept within any research laboratory or research farm.

B. Whoever commits the crime of interference with animal research shall, upon conviction, be fined not less than one thousand nor more than five thousand dollars and may be imprisoned, with or without hard labor, for not more than one year.

No Applicable Case Law.

LA. REV. STAT. ANN. § 14:102.10. Bear wrestling; penalty

A. Any person who intentionally commits any of the following shall be guilty of bear wrestling:

- (1) Promotes, engages in, or is employed by anyone who conducts a bear wrestling match.
- (2) Receives money for the admission of another person to a place kept for bear wrestling matches.
- (3) Sells, purchases, possesses, or trains a bear for a bear wrestling match.

B. For the purposes of this Section, a “bear wrestling match” means a match or contest between one or more persons and a bear for the purpose of fighting or engaging in a physical altercation.

¹⁷ See also the following *unpublished* opinion: *State v. Debarge*, 2014 WL 2557863 (La. App. Ct. 2014).

Facts: Defendant locked himself inside a bedroom in his home in order to avoid arrest pursuant to a warrant. A K-9 officer sent in a police dog through a window. The dog bit the defendant on the left forearm, and the defendant responded by punching the dog in the head multiple times with his free hand. After his conviction, defendant appealed on the basis that the evidence was insufficient to prove he caused “great bodily harm” to a police dog.

Holding: The Court of Appeals looked to the statutory definition of “serious bodily injury” found in La.R.S. 14:34.1(B)(3) to hold that the extent of the dog’s injuries (e.g. only two abrasions were found by a veterinarian near the dog’s eye; the vet ranked the dog’s pain at a zero; there were no sutures required, etc.) did not support the required element of “great bodily harm.” The Court of Appeals also found insufficient evidence to establish intent because the Defendant punched the dog “three or four times” and immediately stopped punching the animal once the dog released his arm. The Court held that his actions, combined with the minimal injuries to the animal, suggest he lacked the intent to cause “great bodily harm” to the dog.

C. Whoever commits the crime of bear wrestling shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both

No Applicable Case Law.

LA. REV. STAT. ANN. § 14:102.13. Hearing to determine if dog is dangerous or vicious

A. The district attorney, the sheriff, an animal control officer, or other designated representative, in the name of and on behalf of the parish and without the payment of any costs, shall be authorized to file a petition in the district court having jurisdiction requesting a hearing for the purpose of determining whether or not a dog should be declared dangerous as defined in R.S. 14:102.14(A) or vicious as defined in R.S. 14:102.15(A).

B. Upon the filing of the petition, the district judge shall immediately issue a rule on the owner of the dog to show cause why the dog should not be declared a dangerous or vicious dog. This rule shall, at the time of its issuance, be fixed for hearing not later than five days, including Sundays, half-holidays and holidays, from the date of its issuance, and shall be heard by preference over all other matters and cases fixed for the same day and shall be heard continuously day after day until submitted for adjudication.

C. Upon the showing made by the parties on the trial of the rule to show cause, the court shall determine whether the dog is a dangerous dog or a vicious dog and may make other orders authorized by this Section.

D. In every case where the dog is established to be a dangerous dog, the court shall enter an order declaring the dog to be a dangerous dog and shall direct the owner of the dog to comply with conditions established for the restraint and confinement of the dog as provided by law.

E. In every case where the dog is established to be a vicious dog, the court shall enter an order declaring the dog to be a vicious dog and shall direct that the vicious dog be humanely euthanized.

F. Any person who fails to restrain and confine a dangerous dog as ordered by the court shall be guilty of contempt and shall be fined not less than one hundred dollars nor more than five hundred dollars.

G. The pleading and practice in all cases under this Section shall be in accordance with the Code of Civil Procedure and the laws and rules of court governing practice before the district courts of this state.

H. The owner of the dog may appeal to the court of competent jurisdiction an order of the district court determining the dog to be dangerous or vicious. Such appeal shall be perfected within five calendar days from the rendition of the order and shall be made returnable to the appropriate appellate court in not more than fifteen calendar days from the rendition of the order. The applicant for the determination may appeal to the court of competent jurisdiction for an order

reversing the order of the district court.

I. No dog shall be declared dangerous or vicious if at the hearing authorized by this Section evidence presented is sufficient to establish any of the following:

(1) Any injury or damage is sustained by a person who, at the time the injury or damage was sustained, was committing a crime upon the property of the owner of the dog.

(2) Any injury or damage is sustained by a person who, at the time the injury or damage was sustained, was teasing, tormenting, abusing, or assaulting the dog.

(3) Any injury or damage is sustained by a domestic animal which, at the time the injury or damage was sustained, was teasing, tormenting, abusing, or assaulting the dog.

(4) If the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.

(5) If the injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog.

J. The owner of a dog determined to be a vicious dog may be prohibited by the court from owning, possessing, controlling, or having custody of any dog for a period of up to three years, when it is found, after proceedings conducted pursuant to this Section, that ownership or possession of a dog by that person would create a significant threat to the health, safety, or welfare of the public.

No Applicable Case Law.¹⁸

¹⁸ See also the following *unpublished* opinion: *WBR Parish Council ex rel. West Baton Rouge Animal Control Dept. v. Jordan*, 2014 WLF 4783398 (La. App. Ct. 2014).

Facts: The dog's owner appeals from a declaration that his dog was "dangerous" and was to be humanely euthanized because it posed an immediate threat to public health and safety. This declaration stemmed from an alleged attack by Jordan's dog on a neighbor that resulted in the adult male requiring eleven stitches in his leg. He appeals on three grounds: (1) The trial began three days beyond the statutorily mandated time delay set forth in La. R.S. 14:102.13(B); (2) the Parish Council failed to positively identify his dog as the one that bit his neighbor; and (3) the Parish Council failed to present sufficient evidence that his dog "posed an immediate threat to public health and safety."

Holding: The Court of Appeals held that the owner offered no evidence to show how his property rights were violated or how he was prejudiced by the three-day delay. Further, the Court recognized that the legislature envisioned these proceedings to be expeditious, but the failure to set the hearing was not attributable to the Council, but to the trial court which determined when to set the matter for hearing. The Court affirmed the order for the dog's euthanization.

LA. REV. STAT. ANN. § 14:102.14. Unlawful ownership of dangerous dog

A. For the purposes of this Section “dangerous dog” means:

(1) Any dog which when unprovoked, on two separate occasions within the prior thirty-six-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner of the dog; or

(2) Any dog which, when unprovoked, bites a person causing an injury; or

(3) Any dog which, when unprovoked, on two separate occasions within the prior thirty-six-month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury to a domestic animal off the property of the owner of the dog.

B. It is unlawful for any person to own a dangerous dog without properly restraining or confining the dog.

C. A dangerous dog, while on the owner's property, shall, at all times, be kept indoors, or in a secure enclosure. A dangerous dog may be off the owner's property only if it is restrained by a leash which prevents its escape or access to other persons.

D. The owner of a dog determined by the court to be dangerous shall post signs around the secure enclosure no more than thirty feet apart and at each normal point of ingress and egress. The signs shall bear the words “Beware of Dog”, or “Dangerous Dog” in letters at least three and one-half inches high and shall be so placed as to be readily visible to any person approaching the secure enclosure.

E. If the dog in question dies, or is sold, transferred, or permanently removed from the municipality or parish where the owner resides, the owner of a dangerous dog shall notify the animal control agency of the changed condition and new location of the dog in writing within two days.

F. Whoever violates the provisions of this Section shall be fined not more than three hundred dollars.

G. The provisions of this Section shall not apply to:

(1) Any dog which is owned, or the service of which is employed, by any state or local law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.

(2) Any dog trained in accordance with the standards of a national or regional search and rescue association to respond to instructions from its handler in the search and rescue of lost or missing

individuals and which dog, together with its handler, is prepared to render search and rescue services at the request of law enforcement.

No Applicable Case Law.

LA. REV. STAT. ANN. § 14:102.15. Unlawful ownership of a vicious dog

A. For the purposes of this Section “vicious dog” means any dog which, when unprovoked, in an aggressive manner, inflicts serious bodily injury on or kills a human being and was previously determined to be a dangerous dog.

B. It is unlawful for any person to own a vicious dog.

C. Whoever violates the provisions of this Section shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

D. The provisions of this Section shall not apply to:

(1) Any dog which is owned, or the service of which is employed, by any state or local law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.

(2) Any dog trained in accordance with the standards of a national or regional search and rescue association to respond to instructions from its handler in the search and rescue of lost or missing individuals and which dog, together with its handler, is prepared to render search and rescue services at the request of law enforcement.

No Applicable Case Law.

LA. REV. STAT. ANN. § 14:102.19. Hog and canine fighting prohibited; penalties

A. It shall be unlawful for any person to organize or conduct any commercial or private event, wherein there is a display of combat or fighting among one or more domestic or feral canines and feral or domestic hogs and in which it is intended or reasonably foreseeable that the canines or hogs would be injured, maimed, mutilated, or killed.

B. It shall be unlawful for any person to intentionally do any of the following for the purpose of organizing, conducting, or financially or materially supporting any event as provided in Subsection A of this Section:

(1) Finance, commercially advertise, sell admission tickets, or employ persons.

(2) Own, manage, or operate any facility or property.

(3) Supply, breed, train, or keep canines or hogs.

(4) Knowingly purchase tickets of admission.

C. The provisions of this Section shall not apply to any competitive event in which canines, which are trained for hunting or herding activities, are released in an open area or an enclosed area to locate and corner hogs, and in which competitive points are deducted if a hog is caught and held, unless by such actions it is reasonably foreseeable that the canines or hogs would be injured, maimed, mutilated, or killed.

D. The provisions of this Section shall not apply to the lawful hunting of hogs with canines or the use of canines for the management, farming, or herding of hogs which are livestock or the private training of canines for the purposes enumerated in this Subsection provided that such training is conducted in the field and is not in violation of the provisions of Subsection A of this Section.

E. The provisions of this Section shall not apply to “Uncle Earl's Hog Dog Trials”,¹⁹ as defined in R.S. 49:170.10.

F. Whoever violates the provisions of this Section shall be fined not more than one thousand dollars, or imprisoned for not more than six months, or both.

G. For the purposes of this Section:

(1) “Hog” shall include a pig, swine, or boar.

(2) “Person” means an individual, corporation, partnership, trust, firm, association or other legal entity.

Applicable Case Law:

See *Savage v. Prator*, 921 So. 2d 51 (La. 2006) above under LSA-R.S. § 14:102.1.

LA. REV. STAT. ANN. § 14:102.20. Sport killing of zoo or circus animals prohibited

A. No person shall kill for sport an animal that is presently or was formerly a part of a zoo or circus.

B. No zoo or circus shall provide, sell, or donate any animal for use in any business or activity wherein the animal may be intentionally killed for sport.

C. No person shall knowingly transfer or conspire to transfer any animal from a zoo or circus to any business, person, or activity wherein the animal may be intentionally killed for sport.

D. No business or person wherein an animal may be intentionally killed for sport shall purchase, accept as a donation, or receive any animal that was formerly a part of a zoo or circus.

¹⁹ “The official state ‘Uncle Earl's Hog Dog Trials’ shall be the ‘Uncle Earl's Hog Dog Trials’ held annually in the parish of Winn, city of Winnfield, Louisiana.” LA. REV. STAT. ANN. § 49:170.10.

E. Whoever violates the provisions of this Section or rules and regulations promulgated pursuant thereto shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

No Applicable Case Law.

LA. REV. STAT. ANN. § 14:102.22. Harboring or concealing an animal which has bitten or inflicted serious bodily injury on human

A. Harboring or concealing an animal which has bitten or inflicted serious bodily injury on a human is committed when a person knows or has reason to know that an animal has bitten or inflicted serious bodily injury on a human and the person intentionally harbors or conceals the animal from any law enforcement or animal control agency investigator or agent.

B. For the purposes of this Section:

(1) “Animal control agency” means the parish or local animal control agency. If the municipality or parish does not have an animal control agency, it means the entity designated to perform animal control functions.

(2) “Serious bodily injury” means bodily injury which involves unconsciousness, extreme physical pain or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.

C. Whoever commits the crime of harboring or concealing an animal which has bitten or inflicted serious bodily injury on a human shall be fined not more than one thousand dollars or imprisoned with or without hard labor, for not more than two years, or both.

D. (1) Any health care provider,²⁰ as provided in R.S. 40:1231.1, who examines or treats any person who has been bitten by an animal or upon whom an animal has inflicted serious bodily

²⁰ “‘Health care provider’ means a person, partnership, limited liability partnership, limited liability company, corporation, facility, or institution licensed or certified by this state to provide health care or professional services as a physician, hospital, nursing home, community blood center, tissue bank, dentist, a licensed dietician or licensed nutritionist employed by, referred by, or performing work under contract for, a health care provider or other person already covered by this Part, registered or licensed practical nurse or certified nurse assistant, offshore health service provider, ambulance service under circumstances in which the provisions of R.S. 40:1237.1 are not applicable, certified registered nurse anesthetist, nurse midwife, licensed midwife, nurse practitioner, clinical nurse specialist, pharmacist, optometrist, podiatrist, chiropractor, physical therapist, occupational therapist, psychologist, social worker, licensed professional counselor, licensed perfusionist, licensed respiratory therapist, licensed radiologic technologist, licensed clinical laboratory scientist, or any nonprofit facility considered tax-exempt under Section 501(c)(3), Internal Revenue Code, pursuant to 26 U.S.C. 501(c)(3), for the diagnosis and treatment of cancer or cancer-related diseases, whether or not such a facility is required to be licensed by this state, or any professional corporation a health care provider is authorized to form under the provisions of Title 12 of the Louisiana Revised Statutes of 1950, or any partnership, limited liability partnership, limited liability company, management company, or corporation whose business is conducted principally by health care providers, or an officer, employee, partner, member, shareholder, or agent thereof acting in the course and scope of his employment.”

LA. REV. STAT. ANN. § 40:1231.1.

injury shall report such bite or injury to the law enforcement or animal control agency for the location where the bite or injury occurred. Such report shall be made immediately, if possible, and in any event shall be made within twenty-four hours.

(2) The report shall include as much of the following information as is available:

(a) The patient's name, date of birth, sex, and current home and work addresses.

(b) The nature of the bite or injury that is the subject of the report.

(c) Any information about the location of the biting animal and the name and address of any known owner.

(d) The name and address of the health care provider.

No Applicable Case Law.

LA. REV. STAT. ANN. § 14:102.23. Cockfighting

A. It shall be unlawful for any person to:

(1) Organize or conduct any commercial or private cockfight wherein there is a display of combat or fighting among one or more domestic or feral chickens and in which it is intended or reasonably foreseeable that the chickens would be injured, maimed, mutilated, or killed; or

(2) Possess, train, purchase, or sell any chicken with the intent that the chicken shall be engaged in an unlawful commercial or private cockfight as prohibited in Paragraph (1) of this Subsection.

B. As used in this Section, the following words and phrases have the following meanings ascribed to them:

(1) "Chicken" means any game fowl or rooster whether domestic or feral normally used in a cockfight.

(2) "Cockfight" means a contest wherein chickens are set against one another with the intention that they engage in combat.

C. Possessing, manufacturing, buying, selling, or trading of paraphernalia such as spurs, gaffs, knives, leather training spur covers, and other items or substances normally used in cockfighting with the intent that they shall be used in a cockfight together with evidence that the paraphernalia is being used or intended for use in the unlawful training of a chicken to fight with another chicken, shall be admissible as evidence of a violation of this Section. Whoever violates the provisions of this Subsection, upon conviction shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both. However, the provisions of this Section shall not be construed to prohibit the possessing, buying, selling, or trading of any spurs, gaffs, knives, leather training spur covers, or any other items normally used in cockfighting which are

at least five years old and have historical value.

D. (1) Whoever violates the provisions of this Section, on conviction of a first offense, shall be fined not less than seven hundred fifty dollars, nor more than two thousand dollars, or imprisoned, with or without hard labor, for not less than six months nor more than one year, or both. In addition to any other penalty imposed, on a conviction of a first offense, the offender shall be ordered to perform fifteen eight-hour days of court-approved community service. The community service requirement shall not be suspended.

(2) On a conviction of a second offense, the offender shall be fined not less than one thousand dollars, nor more than two thousand dollars, and shall be imprisoned, with or without hard labor, for not less than one year nor more than three years. At least six months of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

E. For the purposes of this Section, when more than one chicken is subject to an act that would constitute cockfighting, each chicken involved shall constitute a separate offense.

F. The provisions of this Section shall not be construed to prohibit the raising of any chicken, rooster, or gamefowl for the purposes of personal enjoyment, exhibition, or agricultural pursuits as long as the purpose of such pursuits are legal.

No Applicable Case Law.

LA. REV. STAT. ANN. § 14:102.24. Participation in cockfighting

A. It shall be unlawful for any person to attend a cockfight, or to bet on a cockfight, or to pay admission at any location to view or bet on a cockfight.

B. As used in this Section, the following words and phrases have the following meaning ascribed to them:

(1) “Chicken” means any bird which is of the species *Gallus gallus*, whether domestic or feral.²¹

(2) “Cockfight” means a contest wherein chickens are set against one another with the intention that they engage in combat.

C. Whoever violates the provisions of this Section shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both.

No Applicable Case Law.

LA. REV. STAT. ANN. § 14:102.26. Unlawful restraint of a dog; definitions; penalties

²¹ The definition of “chicken” was revised in LA. REV. STAT. ANN. § 14:102.23 in 2014, and it now reads as printed in this summary. However, the definition of “chicken” in LA. REV. STAT. ANN. § 14:102.24 has not been updated, and remains as stated above.

A. As used in this Section:

(1) “Collar” means any collar constructed of nylon, leather, or similar material, specifically designed to be used for a dog.

(2) “Owner” means a person who owns or has custody or control of a dog.

(3) “Properly fitted” means, with respect to a collar, a collar that measures the circumference of a dog's neck plus at least one inch.

(4) “Restraint” means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

B. It shall be unlawful to tie, tether, or restrain any animal in a manner that is inhumane, cruel, or detrimental to its welfare.

C. The provisions of this Section shall not apply to any of the following:

(1) Accepted veterinary practices.

(2) Activities carried on for scientific or medical research governed by accepted standards.

(3) A dog restrained to a running line, pulley, or trolley system and is not restrained to the running line, pulley, or trolley system by means of a pinch-type, prong-type, choke-type, or improperly fitted collar.

(4) A dog restrained in compliance with the requirements of a camping or recreational area as defined by a federal, state, or local authority or jurisdiction.

(5) A dog restrained while the owner is engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by this state if the activity for which the license is issued is associated with the use or presence of a dog.

(6) A dog restrained while the owner is engaged in conduct directly related to the business of shepherding or herding cattle or livestock.

(7) A dog restrained while the owner is engaged in conduct directly related to the business of cultivating agricultural products if the restraint is reasonably necessary for the safety of the dog.

(8) A dog being restrained and walked with a hand-held leash regardless of the type of collar being used.

D. Whoever violates the provisions of this Section shall be fined not more than three hundred dollars.

No Applicable Case Law.

2. CORPORATIONS FOR PREVENTION OF ANIMAL CRUELTY

LA. REV. STAT. ANN. § 3:2391. Agents of corporation as special police officers; compensation; aid from regular police force

Whenever, in any incorporated city or town or in any parish, a corporation for the prevention of cruelty to animals shall be organized, the mayor of the city or town and the police jury of the parish, respectively, as the case may be, shall appoint and commission as special police officers such agents as the corporation for the prevention of cruelty to animals may nominate; and agents being so commissioned shall have the usual power of policemen and peace officers. No city, town, or parish shall be liable hereunder for any compensation to the special officers, and the police force of all incorporated cities and towns in the state shall aid any such corporation, its members or agents, in the enforcement in its respective locality of all laws enacted for the protection of animals.

Applicable Case Law:

***Humane Society of New Orleans v. Landrieu*, 135 So.3d 1195 (La. App. Ct. 2014)**

Facts: The Humane Society of New Orleans filed a writ of mandamus seeking an order compelling the City of New Orleans to appoint and commission individuals nominated by the Humane Society as special police officers for the City of New Orleans pursuant to La. R.S. 3:2391.

Holding: The Court of Appeals found the Humane Society's writ of mandamus as an improper procedural mechanism, as mandamus is not available to compel performance that requires the exercise of discretion. Additionally, the Court found to compel the City to fully commission individuals appointed by the Humane Society as special police officers is an action not clearly provided by La. R.S. 3:2391. Therefore, the Court affirmed the trial court's denial of the writ.

See also *State v. Lazarus*, 633 So. 2d 225 (La. App. Ct. 1993) above under LSA-R.S. § 14:102.1.

LA. REV. STAT. ANN. § 3:2392. Municipalities to provide punishment for cruelty to animals

Municipal corporations shall provide by ordinance for the punishment of cruelty to animals, when committed in any street, park, levee, or other public place in the limits of the corporation, by fine or imprisonment, or both, as a police offense.

No Applicable Case Law.

LA. REV. STAT. ANN. § 3:2393. Corporation to receive one half of fines

Whenever a fine is imposed on any person as a penalty for violation of any law of this state or municipal ordinance respecting cruelty to animals, and the prosecution shall have been initiated, conducted, assisted, or appeared in by any officer, member, agent, or counsel of any society for the prevention of cruelty to animals in the parish where the offense is committed, incorporated

under the general law of this state, one half of the fine shall be paid to the society and the receipt of its treasury shall be a full acquittance to the officer collecting the fine.

No Applicable Case Law.

3. MISCELLANEOUS

LA. REV. STAT. ANN. § 14:228. Interference with animal research facilities or animal management facilities

A. It shall be unlawful for any person:

(1) To intentionally release, steal, or otherwise cause the loss of any animal from an animal research facility or an animal management facility.

(2) To damage, vandalize, or steal any property from or on an animal research facility or an animal management facility.

(3) To obtain access to an animal research facility or an animal management facility by false pretenses for the purpose of performing acts described in Paragraphs (1) and (2) of this Subsection.

(4) To break and enter into any animal research facility or animal management facility with the intent to destroy, alter, duplicate, or obtain unauthorized possession of records, data, materials, equipment, or animals.

(5) To enter or remain on an animal research facility or an animal management facility with the intent to commit an act prohibited in Paragraphs (1) and (2) of this Subsection.

(6) To knowingly obtain or exert unauthorized control, by theft or deception, over records, data, material, equipment, or animals of any animal research facility or animal management facility for the purpose of depriving the legal owner of an animal research facility or animal management facility of records, material, data, equipment, or animals or for the purpose of using, concealing, abandoning, or destroying such records, material, data, equipment, or animals.

(7) To possess or use records, material, data, equipment, or animals or in any way to copy or reproduce records or data of an animal research facility or animal management facility, knowing or reasonably believing such records, material, data, equipment, or animals to have been obtained by theft or deception or without authorization of that facility.

B. (1) “Animal research facility” as used herein means that portion of the premises of an accredited institution of higher learning located within the state that is engaged in legitimate scientific, medical, or veterinary medicine research involving the use of animals.

(2) “Animal management facility” as used herein means that portion of any vehicle, building, structure, or premises, where an animal is kept, handled, housed, exhibited, bred, or offered for

sale, and any agricultural trade association properties. Animal management facility also means that portion of any vehicle, building, structure, premises, property, or equipment used in the conduction of authorized wildlife management practices, including but not limited to the control of animals that damage property, natural resources, or human health and safety.

C. Whoever violates any provision of this Section shall be fined not more than five thousand dollars or imprisoned, with or without hard labor, for not more than one year, or both.

No Applicable Case Law.

LA. REV. STAT. ANN. § 15:436.2. Photographs of animal cruelly treated; affidavit of condition; notice to defendant

A. A photograph of an animal alleged to be cruelly treated, otherwise admissible, may be admitted as evidence without regard to the availability of the animal itself.

B. An affidavit of the condition of the animal which is alleged to be cruelly treated shall be admissible in evidence when all of the following circumstances exist:

(1) The affidavit shall be upon personal knowledge and shall state the basis for such knowledge.

(2) The affidavit shall be paraphrased for identification with the photograph taken pursuant to Subsection A.

C. An affidavit admitted pursuant to Subsection B shall be deemed prima facie evidence of the condition of the animal alleged to be cruelly treated.

D. Nothing in this Section shall prohibit the defendant from using photographs as part of his defense, nor shall the defendant be prohibited from using the animal as part of his defense, except if there has been a prior disposition of the animal as provided by R.S. 14:102.2 or 102.6.

No Applicable Case Law.

LA. REV. STAT. ANN. § 46:1956. Violation of rights; injury or interference with an assistance dog; penalties; civil action; damages; cost and attorney fees

A. Any person, firm, or corporation, or the agent, representative, or employee of any person, firm, or corporation who withholds, denies, deprives, or attempts to withhold, deny, or deprive; intimidates, threatens, coerces, or attempts to threaten, intimidate, or coerce; punishes or attempts to punish a person with a disability or a trainer or puppy raiser of a service dog, during the training of such dog, or for exercising his right to be admitted to or enjoy the places and facilities provided in this Chapter; or otherwise interferes with the rights of a person with a disability under this Chapter shall be guilty of a misdemeanor and fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not more than six months, or both.

B. Any person who purposely or negligently injures a service dog or any owner of a dog who allows that dog to injure a service dog because he fails to control or leash the dog shall also be guilty of a misdemeanor and fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not more than six months, or both. Such person shall also be liable for any injuries to the service dog and, if necessary, the replacement and compensation for the loss of the service dog.

C. For every offense, such person shall pay for actual damages for any economic loss to any person aggrieved thereby, to be recovered in any court of competent jurisdiction in the parish where such offense was committed or where the aggrieved person resides.

D. In an action brought under this Section, the court may award costs and reasonable attorney's fee to the prevailing party.

No Applicable Case Law.