

## ANIMAL PROTECTION LAWS OF LOUISIANA



## Animal Protection Laws of Louisiana

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*This chapter contains Louisiana’s general animal protection and related statutes with an effective date on or before September 1, 2020. It begins with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories with the relevant part of each statute italicized.*

*Louisiana may employ similar provisions within other non-animal-specific criminal and civil statutes; may have other more specific statutes in addition to those included; and may have a variety of animal-related regulations in effect. Because the law is continually evolving, always review an official source for the most current language of any statute.*

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## LOUISIANA

1. <u>DEFINITION OF "ANIMAL"</u>	----
2. <u>GENERAL CRUELTY *</u>	<p>Selling a horse or mule that is disabled or diseased so that if it were worked in the city of sale, it would constitute animal cruelty.  <b>LA. REV. STAT. ANN. § 3:2361</b>  <i>6 months imprisonment or \$100 fine</i></p> <p>Tethering a dog or cat in extreme weather conditions  <b>LA. REV. STAT. ANN. § 3:2362</b>  <i>\$75 fine</i></p> <p>Sale of dyed chicks, ducklings, goslings or rabbits; failure of pet store to provide proper brooders or adequate food and water  <b>LA. REV. STAT. ANN. § 3:2363</b>  <i>30 days imprisonment and/or \$100 fine</i></p> <p>Definitions  <b>LA. REV. STAT. ANN. § 14:102</b></p> <p>Simple cruelty to animals  <b>LA. REV. STAT. ANN. § 14:102.1(A)</b>  <i>1<sup>st</sup> offense: misdemeanor 6 months imprisonment and/or \$1,000 fine and 40 hours community service</i>  <i>Subsequent offenses: felony 10 years imprisonment (with or without hard labor) and/or \$25,000 fine and 40 hours community service</i></p> <p>Aggravated cruelty to animals  <b>LA. REV. STAT. ANN. § 14:102.1(B)</b>  <i>10 years imprisonment (with or without hard labor) and/or \$25,000 fine</i></p> <p>Sport killing of zoo or circus animals  <b>LA. REV. STAT. ANN. § 14:102.20</b>  <i>6 months imprisonment and/or \$500 fine</i></p> <p>Unlawful restraint of a dog</p>

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	<p>LA. REV. STAT. ANN. § 14:102.26 <i>\$300 fine</i></p>
<p><b>3. <u>EXEMPTIONS</u></b></p>	<p>Veterinary practice, accepted farm animal husbandry practices, other LA. REV. STAT. ANN. § 14:89.3</p> <p>Veterinary practice, research animals, wildlife, accepted farm animal husbandry practices, other LA. REV. STAT. ANN. § 14:102.1(C)</p> <p>Other LA. REV. STAT. ANN. § 14:102.8</p> <p>Veterinary practice, research animals, accepted farm animal husbandry practices, other LA. REV. STAT. ANN. § 14:102.26</p>
<p><b>4. <u>FIGHTING &amp; RACKETEERING</u></b></p>	<p><b>NOTE:</b> <u>seizure</u>, <u>restitution</u>, and <u>forfeiture</u> statutes specific to animal fighting are available in those respective sections of this document.</p> <p>Various dogfighting activities, including spectatorship LA. REV. STAT. ANN. § 14:102.5 <i>Felony 10 years imprisonment and \$25,000 fine</i></p> <p>Bear wrestling LA. REV. STAT. ANN. § 14:102.10 <i>Misdemeanor 6 months imprisonment and/or \$500 fine</i></p> <p>Hog and canine fighting LA. REV. STAT. ANN. § 14:102.19 <i>Misdemeanor 6 months imprisonment and/or \$1,000 fine</i></p> <p>Various cockfighting activities LA. REV. STAT. ANN. § 14:102.23 <i>1<sup>st</sup> offense: misdemeanor, 1 year imprisonment and/or \$2,000 fine</i> <i>Subsequent offenses: felony, 3 years imprisonment and/or \$2,000 fine</i></p> <p>Possessing, manufacturing, buying, selling, or trading of paraphernalia normally used in cockfighting with the intent that they shall be used in a cockfight together with evidence that the paraphernalia is being used</p>

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	<p>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 cockfighting.</p> <p><b>LA. REV. STAT. ANN. § 14:102.23(C)</b></p> <p>For cockfighting, each chicken involved shall constitute a separate offense</p> <p><b>LA. REV. STAT. ANN. § 14:102.23</b></p> <p>Participation in cockfighting</p> <p><b>LA. REV. STAT. ANN. § 14:102.24</b></p> <p><i>Misdemeanor, 6 months imprisonment and/or \$500 fine</i></p>
<b>5. <u>SEXUAL ASSAULT</u></b>	<p>Sexual abuse of an animal</p> <p><b>LA. REV. STAT. ANN. § 14:89.3</b></p> <p><i>1<sup>st</sup> offense: 5 years imprisonment (with or without hard labor) and/or \$2,000 fine</i></p> <p><i>Subsequent offenses: 10 years imprisonment (with or without hard labor) and/or \$25,000 fine</i></p>
<b>6. <u>CRUELTY TO WORKING ANIMALS</u></b>	<p>Injuring or killing a police animal</p> <p><b>LA. REV. STAT. ANN. § 14:102.8</b></p> <p><i>1<sup>st</sup> offense: 3 years imprisonment (with or without hard labor) and/or \$10,000 fine</i></p> <p><i>Subsequent offenses: 7 years imprisonment (with or without hard labor) and/or \$10,000 fine</i></p>
<b>7. <u>MAXIMUM PENALTIES &amp; STATUTE OF LIMITATIONS**</u></b>	<p><b>NOTE:</b> all penalties are defined in substantive statutes, available in the <u>General Cruelty</u>, <u>Fighting and Racketeering</u>, and <u>Sexual Assault</u> sections of this document.</p> <p>Statute of Limitations</p> <p><i>Misdemeanor: 2 years</i></p> <p><b>LA C.Cr.P. Art. 572(A)(3)</b></p> <p><i>Felony: 4 years</i></p> <p><b>LA C.Cr.P. Art. 572(A)(2)</b></p>
<b>8. <u>CROSS ENFORCEMENT &amp; REPORTING</u></b>	<p>Any state or local law enforcement officer, or any government employee or contractor, who routinely investigates alleged abuse or</p>

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	<p>neglect or sexual abuse of a child, or abuse or neglect of an adult who becomes aware of evidence of neglect or abuse of an animal shall report such incident to law enforcement.  <a href="#">LA. REV. STAT. ANN. § 14:403.6(A)</a></p>
<p><b>9. <u>VETERINARIAN REPORTING &amp; IMMUNITY</u></b></p>	<p>-----</p>
<p><b>10. <u>LAW ENFORCEMENT POLICIES</u></b></p>	<p>Authorized humane officers have police powers.  <a href="#">LA. REV. STAT. ANN. § 3:2391</a></p> <p>Municipalities shall create animal cruelty ordinances for violations in public areas, punishable by fine and/or imprisonment as a public offense.  <a href="#">LA. REV. STAT. ANN. § 3:2392</a></p> <p>Humane societies assisting in successful prosecutions receive one half of the resulting fine.  <a href="#">LA. REV. STAT. ANN. § 3:2393</a></p> <p>Humane officers may remove any bruised, wounded, crippled, abraded, sick or diseased animals and arrange for their care at a designated stable.  <a href="#">LA. REV. STAT. ANN. § 3:2431</a></p> <p>If the humane society arranges for a stable to care for animals, it must pay 50 cents per day plus medical expenses. The humane society will be liable for those expenses, but may remove the animal at any time and will have a superior privilege on the animal.  <a href="#">LA. REV. STAT. ANN. §§ 3:2432; 3:2437</a></p> <p>Humane societies must give the owner the option of seizure in place before removing an animal.  <a href="#">LA. REV. STAT. ANN. § 3:2438</a></p> <p>A court may assess whether a humane society's action (in seizing and treating an animal) was warranted, but damages are limited to court costs.  <a href="#">LA. REV. STAT. ANN. § 3:2439</a></p>

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	<p>Any authorized law enforcement agent may make arrests for animal cruelty.  <a href="#">LA. REV. STAT. ANN. § 14:102.3</a></p>
<p><b>11. SEIZURE</b></p>	<p>Humane officers may remove any bruised, wounded, crippled, abraded, sick or diseased animals and arrange for their care at a designated stable.  <a href="#">LA. REV. STAT. ANN. § 3:2431</a></p> <p>Humane societies must give the owner the option of seizure in place before removing an animal.  <a href="#">LA. REV. STAT. ANN. § 3:2438</a></p> <p>A court may assess whether a humane society's action (in seizing and treating an animal) was warranted, but damages are limited to court costs.  <a href="#">LA. REV. STAT. ANN. § 3:2439</a></p> <p>Law enforcement officer investigating the sexual abuse of animals may seize an animal believed to have been victimized and will take the animal to a shelter or veterinary clinic to be examined by a veterinarian for evidence.  <a href="#">LA. REV. STAT. ANN. § 14:89.3</a></p> <p>Animals may be seized when person is charged with cruelty to animals.  <a href="#">LA. REV. STAT. ANN. § 14:102.2(A),(B)</a></p> <p>Search warrants shall be issued for reasonable cause and cruelly treated animals may be seized.  <a href="#">LA. REV. STAT. ANN. § 14:102.3</a></p> <p>When an impounded or confined animal continues without necessary food and water for more than twenty-four consecutive hours, any law enforcement officer may enter and supply it with food and water.  <a href="#">LA. REV. STAT. ANN. § 14:102.4</a></p> <p>The seizure and destruction or other disposition of dog and equipment used in dogfighting is authorized.  <a href="#">LA. REV. STAT. ANN. § 14:102.6</a></p>

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	<p>Upon complaint, any magistrate may issue search warrants if satisfied that there is a reasonable cause to believe that a violation of the dogfighting prohibition has been, is being, or will be violated.</p> <p>LA. REV. STAT. ANN. § 14:102.7</p>
<b>12. COURTROOM ANIMAL ADVOCATE PROGRAM</b>	-----
<b>13. <u>PROTECTION ORDERS</u><sup>†</sup></b>	<p>The court may grant petitioner exclusive care/possession/control of pets and prohibit defendant from harassing, interfering with, abusing or injuring the pet</p> <p>LA. CH. C. ART. 1569(A)(7)</p> <p>LA. REV. STAT. ANN. § 46:2135(A)(7)</p>
<b>14. <u>RESTITUTION</u><sup>†</sup></b>	<p>Proceeds from selling an abandoned animal shall be given to the custodian for costs of care, and the custodian retains the right to proceed against the former owner for any deficiency.</p> <p>LA. REV. STAT. ANN. § 3:2454</p> <p>If a person convicted of sexually abusing an animal is not the animal's owner, he or she shall reimburse the owner for medical treatment or rehabilitation of the animal.</p> <p>LA. REV. STAT. ANN. § 14:89.3</p> <p>Owner must post bond, to cover costs of care, within 15 days of notice of seizure to avoid forfeiture; court may order payment of reasonable costs whether or not bond is posted.</p> <p>LA. REV. STAT. ANN. § 14:102.2(C), (D)</p> <p>Owner may post bond, to cover costs of care in accordance with LA. REV. STAT. ANN. § 14:102.2(C) to avoid forfeiture of dogs used in dogfighting.</p> <p>LA. REV. STAT. ANN. § 14:102.6</p> <p>Person convicted under this section shall be ordered to make full restitution to the public safety agency suffering financial loss from the injury or killing of a police animal.</p> <p>LA. REV. STAT. ANN. § 14:102.8</p>

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<p><b>15. <u>FORFEITURE &amp; POSSESSION BANS</u> †</b></p>	<p>After an animal has been treated, notice shall be sent to the owner apprising him that the animal can return to service and of the costs of care and medical costs the owner owes. If the costs are not paid within 5 days, the animal may be sold.  <b>LA. REV. STAT. ANN. § 3:2436</b></p> <p>When humane societies place animals in the custody of other private facilities, the humane society has a privilege upon the animals that is “superior to any other privilege on the animals.”  <b>LA. REV. STAT. ANN. § 3:2437</b></p> <p>If an owner does not pay veterinary expenses within 10 days, he has abandoned the animal and relinquished all rights. The animal may then be sold, donated, surrendered to a humane society or animal control, or otherwise disposed of.  <b>LA. REV. STAT. ANN. §§ 3:2452; 3:2453</b></p> <p>A person convicted of sexually abusing an animal must relinquish custody of all animals and may not possess, volunteer with, or reside in a household with any animal for a period of time determined by the court, but no less than 5 years.  <b>LA. REV. STAT. ANN. § 14:89.3</b></p> <p>Upon conviction for simple cruelty or aggravated cruelty, the court shall order the defendant not to own or keep animals for a period of time deemed appropriate by the court.  <b>LA. REV. STAT. ANN. § 14:102.1(A)(2)(b), (B)(5)</b></p> <p>Upon conviction, or if bond is not posted, the court may order animal forfeited. Seized animals may be euthanized at any time for humane purposes.  <b>LA. REV. STAT. ANN. § 14:102.2(B),(C),(D),(E)</b></p> <p>Upon conviction for dogfighting, dogs will be forfeited and court shall order humane disposition in accordance with LA. REV. STAT. ANN. § 14:102.2.  <b>LA. REV. STAT. ANN. § 14:102.6</b></p>
<p><b>16. <u>COURT-ORDERED TREATMENT</u> †</b></p>	<p>A person convicted of sexually abusing an animal must undergo a psychological evaluation for sex offenders and participate in any recommended psychological treatment.</p>



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	<p>LA. REV. STAT. ANN. § 14:89.3</p> <p>On a first offense for simple cruelty to animals, the court may order a psychological evaluation or anger management treatment. On any subsequent simply cruelty offenses, the order is mandatory.</p> <p>LA. REV. STAT. ANN. § 14:102.1(A)(2)(d)</p> <p>On any aggravated cruelty offense, the court shall order the offender to undergo a psychological evaluation and any subsequently recommended psychological treatment.</p> <p>LA. REV. STAT. ANN. § 14:102.1(B)(5)</p>
<b>17. <u>HOT CARS</u></b>	<p>Immunity for civilians rescuing a cat or dog in distress from an unattended motor vehicle.</p> <p>LA. REV. STAT. ANN. § 37:1738.1</p>
<b>18. <u>CIVIL NUISANCE ABATEMENT</u></b>	<p>A gambling house is an abatable public nuisance. Locations regularly hosting animal fights where gambling is conducted may qualify as a nuisance.</p> <p>LA. REV. STAT. ANN. § 13:4721</p> <p>LA. REV. STAT. ANN. § 13:4722</p>
<b>19. <u>AG-GAG LAWS</u></b>	-----
<b>20. <u>BREED SPECIFIC LEGISLATION</u></b>	-----

\* States may have other more specific statutes in addition to the general animal protection statutes referenced in this table.

\*\* Despite statutory maximums, states often employ sentencing guidelines that may significantly alter the allowable sentence.

† This table generally references only those provisions that are within each state's animal protection statutes. States may employ similar provisions within other non-animal-specific criminal and civil statutes, and may also have a variety of animal-related regulations in effect.

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## ANIMAL PROTECTION LAWS OF LOUISIANA

### 1. DEFINITION OF “ANIMAL”

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### 2. GENERAL CRUELTY

#### LA. REV. STAT. ANN. § 3:2361. Horses and mules which may not be sold.

- A. *No person shall sell either at private sale or public auction, or offer or receive for sale any horse or mule which by reason of debility, disease, or lameness, or for any other cause could not be worked in the city in which it is offered for sale without violating the laws against cruelty to animals. This Section shall apply only in cities in this state having a population of ten thousand or more.*
- B. *Whoever violates the provisions of this Section shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned for not more than six months.*

#### LA. REV. STAT. ANN. § 3:2362. Tying or tethering a dog or cat in extreme weather conditions; penalties.

- A. *Except as otherwise provided by law, including R.S. 14:102.26, it shall be prohibited to tie or tether a dog or cat in a manner that exposes the dog or cat to extreme weather conditions in the following designated emergency areas:*
  - (1) *A designated emergency area during a flood or hurricane in which a disaster or emergency, as defined in R.S. 29:723, is declared by executive order or proclamation of the governor.*
  - (2) *A designated emergency area during a flood or hurricane in which a local disaster or emergency, as defined in R.S. 29:723, is declared by a local political subdivision of the state.*
- B. *A local governing authority may establish a fine not to exceed seventy-five dollars which may be imposed on anyone who violates the provisions of this Section.*

#### LA. REV. STAT. ANN. § 3:2363. Sale of dyed chicks, ducklings, goslings, or rabbits; requirements for maintenance; penalties.

- A. *No person shall sell or offer for sale any dyed chick, duckling, gosling, or rabbit.*
- B. *Stores, shops, vendors, and others offering chicks, ducklings, goslings, or rabbits for sale, or displaying chicks, ducklings, goslings, or rabbits to the public, shall provide and operate brooders or other devices that may be necessary to maintain the chicks, ducklings, or goslings in good health, and shall make adequate food and water available to such birds or rabbits at all times.*
- C. *Whoever violates the provisions of this Section shall be fined not more than one hundred dollars, or imprisoned for not more than thirty days, or both. Each day on which a violation occurs shall constitute a separate offense.*

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### LA. REV. STAT. ANN. § 14:102. Definitions; cruelty to animals.

The following words, phrases, and terms as used in R.S. 14:102.1 through R.S. 14:102.4 shall be defined and construed as follows:

- (1) *“Cruel” means every act or failure to act whereby unjustifiable physical pain or suffering is caused or permitted.*
- (2) *“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.*
- (3) *“Proper food” means providing each animal with daily food of sufficient quality and quantity to prevent unnecessary or unjustifiable suffering by the animal.*
- (4) *“Proper water” means providing each animal with daily water of sufficient quality and quantity to prevent unnecessary or unjustifiable suffering by the animal.*
- (5) *“Proper shelter” means providing each animal with adequate shelter from the elements as required to prevent unnecessary or unjustifiable suffering by the animal.*
- (6) *“Proper veterinary care” means providing each animal with veterinary care sufficient to prevent unnecessary or unjustifiable physical pain or suffering by the animal.*
- (7) *“Livestock” means cattle, sheep, swine, goats, horses, mules, burros, asses, other livestock of all ages, farm-raised cervidae species, and farm-raised ratite species.*
- (8) *“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 of livestock or a livestock show.*
- (9) *“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.

**ANIMAL PROTECTION LAWS OF LOUISIANA****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 food, proper drink, proper shelter, or proper veterinary care.*
  - (d) *Abandons 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 cruel 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.*
  - (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*

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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 tampers with livestock at a public livestock exhibition or at a private 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.

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- (6) Nothing in this Section shall prohibit the standard transportation and agricultural processing of agriculture products as defined in R.S. 3:3602(5) and (6).
- D. Repealed by Acts 2007, No. 425, § 2, effective August 15, 2008.

### 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.*
- 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.*

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

- 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

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- 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.*



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### 3. EXEMPTIONS

#### LA. REV. STAT. ANN. § 14:89.3. Sexual abuse of an animal.

- A. Sexual abuse of an animal is the knowing and intentional performance of any of the following:
- (1) Engaging in sexual contact with an animal.
  - (2) Possessing, selling, transferring, purchasing, or otherwise obtaining an animal with the intent that it be subject to sexual contact.
  - (3) Organizing, promoting, conducting, aiding or abetting, or participating in as an observer, any act involving sexual contact with an animal.
  - (4) Causing, coercing, aiding, or abetting another person to engage in sexual contact with an animal.
  - (5) Permitting sexual contact with an animal to be conducted on any premises under his charge or control.
  - (6) Advertising, soliciting, offering, or accepting the offer of an animal with the intent that it be used for sexual contact.
  - (7) Filming, distributing, or possessing pornographic images of a person and an animal engaged in any of the activities described in Paragraphs (1) through (6) of this Subsection.
- B. For purposes of this Section:
- (1) "Animal" means any nonhuman creature, whether alive or dead.
  - (2) "Sexual contact" means:
    - (a) Any act committed for the purpose of sexual arousal or sexual gratification, abuse, or financial gain, between a person and an animal involving contact between the sex organs or anus of one and the mouth, sex organs, or anus of the other.
    - (b) The insertion, however slight, of any part of the body of a person or any object into the vaginal or anal opening of an animal, touching by a person of the sex organs or anus of an animal, or the insertion of any part of the animal's body into the vaginal or anal opening of the person.
- C. *This Section shall not apply to any of the following:*
- (1) *Accepted veterinary practices.*
  - (2) *Artificial insemination of an animal for reproductive purposes.*
  - (3) *Accepted animal husbandry practices, including grooming, raising, breeding, or assisting with the birthing process of animals or any other procedure that provides care for an animal.*
  - (4) *Generally accepted practices related to the judging of breed conformation.*
- D.
- (1)
    - (a) Except as provided in Subparagraph (b) of this Paragraph, whoever commits the offense of sexual abuse of an animal shall be fined not more

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than two thousand dollars, imprisoned, with or without hard labor, for not more than five years, or both.

(b) Whoever commits a second or subsequent offense of sexual abuse of an animal, 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 more than ten years, or both.

(2) In addition to any other penalty imposed, a person convicted of violating this Section shall be ordered to:

(a) Relinquish custody of all animals.

(b) Not harbor, own, possess, or exercise control over any animal for any length of time deemed appropriate by the court, but not less than five years.

(c) Not reside in any household where an animal is present; engage in an occupation, whether paid or unpaid, involving animals; or participate in a volunteer position at any establishment where animals are present, for any length of time deemed appropriate by the court, but not less than five years.

(d) Undergo a psychological evaluation for sex offenders and participate in any recommended psychological treatment. Any costs associated with any evaluation or treatment ordered by the court shall be paid by the defendant.

(e) If the convicted person is not the owner, reimburse the owner for any expenses incurred for medical treatment or rehabilitation of the victimized animal.

(3) If a person convicted of the offense of sexual abuse of an animal is released on parole, the committee on parole shall require the person, as a condition of parole, to participate in a sex offender program as defined by R.S. 15:828(A)(2)(b).

E.

(1) Any law enforcement officer investigating a violation of this Section may lawfully take possession of an animal that he has reason to believe has been victimized under this Section in order to protect the health or safety of the animal or the health or safety of others, and to obtain evidence of the offense.

(2) Any animal seized pursuant to this Section shall be promptly taken to a shelter facility or veterinary clinic to be examined by a veterinarian for evidence of sexual contact.

(3) With respect to an animal so seized and impounded, all provisions of R.S. 14:102.2 and 102.3 shall apply to the seizure, impoundment, and disposition of the animal.

F. Prosecution under this Section shall not preclude prosecution under any other applicable provision of law.

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### 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 food, proper drink, proper shelter, or proper veterinary care.
  - (d) Abandons 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 cruel 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.
  - (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

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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 tampers with livestock at a public livestock exhibition or at a private 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*

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*processing of agriculture products as defined in R.S. 3:3602(5) and (6).*

D. Repealed by Acts 2007, No. 425, § 2, effective August 15, 2008.

### 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

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- 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.

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

- 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.*

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- (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.

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### 4. FIGHTING AND RACKETEERING

**NOTE:** [seizure](#), [restitution](#), and [forfeiture](#) statutes specific to animal fighting are available in those respective sections of this document.

#### 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.*



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- (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.

### 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.*
- 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.*

### 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.*

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- 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," 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.*

### 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.*

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- 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.*

### 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.*
  - (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.*

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## 5. SEXUAL ASSAULT

## LA. REV. STAT. ANN. § 14:89.3. Sexual abuse of an animal.

- A. *Sexual abuse of an animal is the knowing and intentional performance of any of the following:*
- (1) *Engaging in sexual contact with an animal.*
  - (2) *Possessing, selling, transferring, purchasing, or otherwise obtaining an animal with the intent that it be subject to sexual contact.*
  - (3) *Organizing, promoting, conducting, aiding or abetting, or participating in as an observer, any act involving sexual contact with an animal.*
  - (4) *Causing, coercing, aiding, or abetting another person to engage in sexual contact with an animal.*
  - (5) *Permitting sexual contact with an animal to be conducted on any premises under his charge or control.*
  - (6) *Advertising, soliciting, offering, or accepting the offer of an animal with the intent that it be used for sexual contact.*
  - (7) *Filming, distributing, or possessing pornographic images of a person and an animal engaged in any of the activities described in Paragraphs (1) through (6) of this Subsection.*
- B. *For purposes of this Section:*
- (1) *“Animal” means any nonhuman creature, whether alive or dead.*
  - (2) *“Sexual contact” means:*
    - (a) *Any act committed for the purpose of sexual arousal or sexual gratification, abuse, or financial gain, between a person and an animal involving contact between the sex organs or anus of one and the mouth, sex organs, or anus of the other.*
    - (b) *The insertion, however slight, of any part of the body of a person or any object into the vaginal or anal opening of an animal, touching by a person of the sex organs or anus of an animal, or the insertion of any part of the animal's body into the vaginal or anal opening of the person.*
- C. *This Section shall not apply to any of the following:*
- (1) *Accepted veterinary practices.*
  - (2) *Artificial insemination of an animal for reproductive purposes.*
  - (3) *Accepted animal husbandry practices, including grooming, raising, breeding, or assisting with the birthing process of animals or any other procedure that provides care for an animal.*
  - (4) *Generally accepted practices related to the judging of breed conformation.*
- D.
- (1)
    - (a) *Except as provided in Subparagraph (b) of this Paragraph, whoever commits the offense of sexual abuse of an animal shall be fined not more*

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*than two thousand dollars, imprisoned, with or without hard labor, for not more than five years, or both.*

(b) *Whoever commits a second or subsequent offense of sexual abuse of an animal, 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 more than ten years, or both.*

(2) In addition to any other penalty imposed, a person convicted of violating this Section shall be ordered to:

(a) Relinquish custody of all animals.

(b) Not harbor, own, possess, or exercise control over any animal for any length of time deemed appropriate by the court, but not less than five years.

(c) Not reside in any household where an animal is present; engage in an occupation, whether paid or unpaid, involving animals; or participate in a volunteer position at any establishment where animals are present, for any length of time deemed appropriate by the court, but not less than five years.

(d) Undergo a psychological evaluation for sex offenders and participate in any recommended psychological treatment. Any costs associated with any evaluation or treatment ordered by the court shall be paid by the defendant.

(e) If the convicted person is not the owner, reimburse the owner for any expenses incurred for medical treatment or rehabilitation of the victimized animal.

(3) If a person convicted of the offense of sexual abuse of an animal is released on parole, the committee on parole shall require the person, as a condition of parole, to participate in a sex offender program as defined by R.S. 15:828(A)(2)(b).

E.

(1) Any law enforcement officer investigating a violation of this Section may lawfully take possession of an animal that he has reason to believe has been victimized under this Section in order to protect the health or safety of the animal or the health or safety of others, and to obtain evidence of the offense.

(2) Any animal seized pursuant to this Section shall be promptly taken to a shelter facility or veterinary clinic to be examined by a veterinarian for evidence of sexual contact.

(3) With respect to an animal so seized and impounded, all provisions of R.S. 14:102.2 and 102.3 shall apply to the seizure, impoundment, and disposition of the animal.

F. Prosecution under this Section shall not preclude prosecution under any other applicable provision of law.

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## 6. CRUELTY TO WORKING ANIMALS

## 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*

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**ANIMAL PROTECTION LAWS OF LOUISIANA**

*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.

## ANIMAL PROTECTION LAWS OF LOUISIANA

### 7. MAXIMUM PENALTIES & STATUTES OF LIMITATIONS

**NOTE:** all penalties are defined in substantive statutes, available in the [General Cruelty, Fighting and Racketeering](#), and [Sexual Assault](#) sections of this document.

#### LA C.Cr.P. Art. 572 Limitation of prosecution of noncapital offenses.

- A. Except as provided in Articles 571 and 571.1, no person shall be prosecuted, tried, or punished for an offense not punishable by death or life imprisonment, unless the prosecution is instituted within the following periods of time after the offense has been committed:
  - (1) Six years, for a felony necessarily punishable by imprisonment at hard labor.
  - (2) *Four years, for a felony not necessarily punishable by imprisonment at hard labor.*
  - (3) *Two years, for a misdemeanor punishable by a fine, or imprisonment, or both.*
  - (4) Six months, for a misdemeanor punishable only by a fine or forfeiture.
- B.
  - (1) Notwithstanding the provisions of Article 571.1 and Paragraph A of this Article, prosecutions for any sex offense may be commenced beyond the time limitations set forth in this Title if the identity of the offender is established after the expiration of such time limitation through the use of a DNA profile.
  - (2) A prosecution under the exception provided by this Paragraph shall be commenced within three years from the date on which the identity of the suspect is established by DNA testing.
  - (3) For purposes of this Article, “DNA” means deoxyribonucleic acid, which is located in cells and provides an individual's personal genetic blue print and which encodes genetic information that is the basis of human heredity and forensic identification.
  - (4) This Paragraph shall have retroactive application to crimes committed prior to June 20, 2003.
- C. Upon expiration of the time period in which a prosecution may be instituted, any bail bond applicable to that prosecution which bond has not been forfeited shall also expire, and all obligations of that bail undertaking shall be extinguished as a matter of law.



## ANIMAL PROTECTION LAWS OF LOUISIANA

### 8. CROSS ENFORCEMENT & REPORTING

#### LA. REV. STAT. ANN. § 14:403.6. Reporting of neglect or abuse of animals.

- A. *Any state or local law enforcement officer, or any employee of government or of a government contractor who in his professional capacity routinely investigates alleged abuse or neglect or sexual abuse of a child, or abuse or neglect of an adult under the provisions of R.S. 15:1507, who becomes aware of evidence of neglect or abuse of an animal shall report such incident to the law enforcement authority of the governing authority in which the incident has occurred or the local animal welfare authority. The name and identifying information regarding the reporter of animal maltreatment shall be confidential.*
- B. *No person required to report under the provisions of Subsection A of this Section shall knowingly and willfully obstruct the procedures for receiving and investigating a report of abuse or neglect or shall disclose, without authorization, confidential information which was reported.*
- C. *No person shall make a report required by this Section knowing that any information therein is false.*

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**ANIMAL PROTECTION LAWS OF LOUISIANA**

**9. VETERINARY REPORTING & IMMUNITY**

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## ANIMAL PROTECTION LAWS OF LOUISIANA

### 10. LAW ENFORCEMENT POLICIES

#### **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.*

#### **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.*

#### **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.*

#### **LA. REV. STAT. ANN. § 3:2431. Humane society may arrange for care of animals**

*All officers of incorporated humane societies, in cities over twenty-five thousand and under one hundred thousand inhabitants, and all officers of the law in the cities, who are hereby made special officers of the societies, when in their judgment cruelty is being practiced towards any animal or the animal is bruised, wounded, crippled, abraded, sick, or diseased, may remove the animal whenever found to any stable designated by the humane society, for care and treatment, there to remain until sufficiently recovered to resume service.*

## ANIMAL PROTECTION LAWS OF LOUISIANA

### **LA. REV. STAT. ANN. § 3:2432. Arrangement with stable for care of animals.**

*Before any humane society can avail itself of the provisions of this Part, the humane society shall arrange with some stable for the care of animals and charges shall be fifty cents per day, provided however, the medical attendance shall be extra. If the society maintains its own stable the charges shall be as above set out.*

### **LA. REV. STAT. ANN. § 3:2437. Liability of society to stable or veterinarian; privilege upon animals.**

*The humane society shall be liable to the stable or veterinarian for their expenses and services under this Part, but only as per the scale of charges agreed upon, and the society may remove the animals and change surgeons at its pleasure. A privilege is created upon all animals treated as above set out, in favor of the humane society, and it shall be superior to any other privilege on the animals.*

### **LA. REV. STAT. ANN. § 3:2438. Opportunity to owner to treat animal if proper treatment is given.**

*No officer of any humane society, or other officer, shall remove any animal to their stable or one designated by them, or to engage any veterinarian to treat any animals as provided herein, without first giving the owner the privilege of removing the animal to his own stable or a stable designated by him; the owner may furnish his own treatment or veterinarian, at all times, but the officer of the humane society may inspect the animal at all times, and if in his opinion the treatment accorded the animal is not proper or beneficial, the officer may place him in the society's stable or designated stable and under the care of their own surgeon as herein above set out. Should there be a disagreement as to the merits of the treatment of the animal, it shall be decided as set out in R.S. 3:2435.*

### **LA. REV. STAT. ANN. § 3:2439. Court review of humane society's treatment of animal; damages limited to costs.**

*Any person feeling himself aggrieved at the action of the humane society or its officers may try the issues before a court of competent jurisdiction, but the issues meant herein shall only be as to whether the animal's condition is such as to warrant action by the society or whether the animal is in condition to be used, before or after treatment, or whether the treatment accorded the animal by the owner, as set out in R.S. 3:2438 is proper or beneficial; no damages except the actual court costs shall be assessed against the society.*

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## ANIMAL PROTECTION LAWS OF LOUISIANA

### 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.*

## ANIMAL PROTECTION LAWS OF LOUISIANA

### 11. SEIZURE

#### **LA. REV. STAT. ANN. § 3:2431. Humane society may arrange for care of animals**

*All officers of incorporated humane societies, in cities over twenty-five thousand and under one hundred thousand inhabitants, and all officers of the law in the cities, who are hereby made special officers of the societies, when in their judgment cruelty is being practiced towards any animal or the animal is bruised, wounded, crippled, abraded, sick, or diseased, may remove the animal whenever found to any stable designated by the humane society, for care and treatment, there to remain until sufficiently recovered to resume service.*

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## ANIMAL PROTECTION LAWS OF LOUISIANA

### LA. REV. STAT. ANN. § 14:89.3. Sexual abuse of an animal.

- A. Sexual abuse of an animal is the knowing and intentional performance of any of the following:
- (1) Engaging in sexual contact with an animal.
  - (2) Possessing, selling, transferring, purchasing, or otherwise obtaining an animal with the intent that it be subject to sexual contact.
  - (3) Organizing, promoting, conducting, aiding or abetting, or participating in as an observer, any act involving sexual contact with an animal.
  - (4) Causing, coercing, aiding, or abetting another person to engage in sexual contact with an animal.
  - (5) Permitting sexual contact with an animal to be conducted on any premises under his charge or control.
  - (6) Advertising, soliciting, offering, or accepting the offer of an animal with the intent that it be used for sexual contact.
  - (7) Filming, distributing, or possessing pornographic images of a person and an animal engaged in any of the activities described in Paragraphs (1) through (6) of this Subsection.
- B. For purposes of this Section:
- (1) "Animal" means any nonhuman creature, whether alive or dead.
  - (2) "Sexual contact" means:
    - (a) Any act committed for the purpose of sexual arousal or sexual gratification, abuse, or financial gain, between a person and an animal involving contact between the sex organs or anus of one and the mouth, sex organs, or anus of the other.
    - (b) The insertion, however slight, of any part of the body of a person or any object into the vaginal or anal opening of an animal, touching by a person of the sex organs or anus of an animal, or the insertion of any part of the animal's body into the vaginal or anal opening of the person.
- C. This Section shall not apply to any of the following:
- (1) Accepted veterinary practices.
  - (2) Artificial insemination of an animal for reproductive purposes.
  - (3) Accepted animal husbandry practices, including grooming, raising, breeding, or assisting with the birthing process of animals or any other procedure that provides care for an animal.
  - (4) Generally accepted practices related to the judging of breed conformation.
- D.
- (1)
    - (a) Except as provided in Subparagraph (b) of this Paragraph, whoever commits the offense of sexual abuse of an animal shall be fined not more than two thousand dollars, imprisoned, with or without hard labor, for not more than five years, or both.

## ANIMAL PROTECTION LAWS OF LOUISIANA

- (b) Whoever commits a second or subsequent offense of sexual abuse of an animal, 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 more than ten years, or both.
  - (2) In addition to any other penalty imposed, a person convicted of violating this Section shall be ordered to:
    - (a) Relinquish custody of all animals.
    - (b) Not harbor, own, possess, or exercise control over any animal for any length of time deemed appropriate by the court, but not less than five years.
    - (c) Not reside in any household where an animal is present; engage in an occupation, whether paid or unpaid, involving animals; or participate in a volunteer position at any establishment where animals are present, for any length of time deemed appropriate by the court, but not less than five years.
    - (d) Undergo a psychological evaluation for sex offenders and participate in any recommended psychological treatment. Any costs associated with any evaluation or treatment ordered by the court shall be paid by the defendant.
    - (e) If the convicted person is not the owner, reimburse the owner for any expenses incurred for medical treatment or rehabilitation of the victimized animal.
  - (3) If a person convicted of the offense of sexual abuse of an animal is released on parole, the committee on parole shall require the person, as a condition of parole, to participate in a sex offender program as defined by R.S. 15:828(A)(2)(b).
- E.
- (1) *Any law enforcement officer investigating a violation of this Section may lawfully take possession of an animal that he has reason to believe has been victimized under this Section in order to protect the health or safety of the animal or the health or safety of others, and to obtain evidence of the offense.*
  - (2) *Any animal seized pursuant to this Section shall be promptly taken to a shelter facility or veterinary clinic to be examined by a veterinarian for evidence of sexual contact.*
  - (3) *With respect to an animal so seized and impounded, all provisions of R.S. 14:102.2 and 102.3 shall apply to the seizure, impoundment, and disposition of the animal.*
- F. Prosecution under this Section shall not preclude prosecution under any other applicable provision of law.



## ANIMAL PROTECTION LAWS OF LOUISIANA

### 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 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 LA. REV. STAT. 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 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 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.

## ANIMAL PROTECTION LAWS OF LOUISIANA

- 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 a 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.

### 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.*

### 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.*

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

- A.

## ANIMAL PROTECTION LAWS OF LOUISIANA

- (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

## ANIMAL PROTECTION LAWS OF LOUISIANA

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.

### **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.*

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**ANIMAL PROTECTION LAWS OF LOUISIANA**

**12. COURTROOM ANIMAL ADVOCATE PROGRAM**

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## ANIMAL PROTECTION LAWS OF LOUISIANA

## 13. PROTECTION ORDERS

## LA. CH. C. ART. 1569. Temporary restraining order.

- A. *Upon good cause shown in an ex parte proceeding, the court may enter a temporary restraining order, without bond, as it deems necessary to protect from abuse the petitioner, any children, or any person alleged to be an incompetent. Immediate and present danger of abuse shall constitute good cause for purposes of this Article. The order may include but is not limited to the following:*
- (1)
    - (a) Directing the defendant to refrain from abusing, harassing, or interfering with the person or employment or going near the residence or place of employment of the petitioner, the children, or any person alleged to be incompetent, on whose behalf a petition was filed under this Chapter.
    - (b) Directing the defendant to refrain from activities associated with a coerced abortion as defined in Article 603.
  - (2) Awarding to a party the use and possession of specified community property, such as an automobile.
  - (3) Granting possession to the petitioner of the residence or household to the exclusion of the defendant, by evicting the defendant or restoring possession to the petitioner when either:
    - (a) The residence is jointly owned in equal proportion or leased by the defendant and the petitioner or the person on whose behalf the petition is brought.
    - (b) The residence is solely owned by the petitioner or the person on whose behalf the petition is brought.
    - (c) The residence is solely leased by defendant and defendant has a duty to support the petitioner or the person on whose behalf the petition is brought.
  - (4) Prohibiting either party from the transferring, encumbering, or otherwise disposing of property mutually owned or leased by the parties, except when in the ordinary course of business, or for the necessary support of the party or the minor children.
  - (5) Awarding temporary custody of children or persons alleged to be incompetent.
  - (6) Awarding or restoring possession to the petitioner of all separate property and all personal property, including but not limited to telephones or other communication equipment, computer, medications, clothing, toiletries, social security cards, birth certificates or other forms of identification, tools of the trade, checkbook, keys, automobile, photographs, jewelry, or any other items or personal effects of the petitioner and restraining the defendant from transferring, encumbering, concealing, or disposing of the personal or separate

## ANIMAL PROTECTION LAWS OF LOUISIANA

property of the petitioner.

- (7) *Granting to the petitioner the exclusive care, possession, or control of any pets belonging to or under the care of the petitioner or minor children residing in the residence or household of either party, and directing the defendant to refrain from harassing, interfering with, abusing or injuring any pet, without legal justification, known to be owned, possessed, leased, kept, or held by either party or a minor child residing in the residence or household of either party.*
- B. If a temporary restraining order is granted without notice, the matter shall be set within twenty-one days for a rule to show cause why the protective order should not be issued, at which time the petitioner must prove the allegations of abuse by a preponderance of the evidence. The defendant shall be given notice of the temporary restraining order and the hearing on the rule to show cause by service of process as required by law.
- C. During the existence of the temporary restraining order, a party shall have the right to return to the family residence once to recover his or her personal clothing and necessities, provided that the party is accompanied by a law enforcement officer to insure the protection and safety of the parties.
- D. If no temporary restraining order has been granted, the court shall issue a rule to show cause why the protective order should not be issued, and set the rule for hearing on the earliest day that the business of the court will permit, but in any case within ten days from the date of service of the petition, at which time the petitioner must prove the allegations of abuse by a preponderance of the evidence. The defendant shall be given notice by service of process as required by law.
- E. If the hearing pursuant to paragraph B or D of this article is continued, the court shall make or extend such temporary restraining order as it deems necessary. Any continuance of a hearing ordered pursuant to paragraph B or D of this article shall not exceed fifteen days, unless good cause is shown for further continuance.
- F. The court may, in its discretion, grant an emergency temporary restraining order outside regular court hours.
- G. Repealed by Acts 1999, No. 1200, § 5, effective August 15, 1999.
- H. Immediately upon rendering a decision granting the relief requested by the petitioner, the judge shall cause to have prepared a Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), shall sign such order, and shall immediately forward it to the clerk of court for filing, on the day that the order is issued.
- I. If a temporary restraining order is issued or extended, the clerk of the issuing court shall transmit the Uniform Abuse Prevention Order to the Judicial Administrator's Office, Louisiana Supreme Court, for entry into the Louisiana Protective Order Registry, as provided in R.S. 46:2136.2(A), by facsimile transmission, mail, or direct electronic input, as expeditiously as possible, but no later than the end of the next business day after the order is filed with the clerk of court. The clerk of the issuing court shall also send a copy of the Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), or any modification thereof, to the chief law enforcement officer of the parish where the person or persons protected by the order reside by facsimile transmission or direct

## ANIMAL PROTECTION LAWS OF LOUISIANA

electronic input as expeditiously as possible, but no later than the end of the next business day after the order is filed with the clerk of court. A copy of the Uniform Abuse Prevention Order shall be retained on file in the office of the chief law enforcement officer until otherwise directed by the court.

### LA. REV. STAT. ANN. § 46:2135. Temporary restraining order.

- A. *Upon good cause shown in an ex parte proceeding, the court may enter a temporary restraining order, without bond, as it deems necessary to protect from abuse the petitioner, any minor children, or any person alleged to be an incompetent. Any person who shows immediate and present danger of abuse shall constitute good cause for purposes of this Subsection. The court shall consider any and all past history of abuse, or threats thereof, in determining the existence of an immediate and present danger of abuse. There is no requirement that the abuse itself be recent, immediate, or present. The order may include but is not limited to the following:*
- (1) Directing the defendant to refrain from abusing, harassing, or interfering with the person or employment or going near the residence or place of employment of the petitioner, the minor children, or any person alleged to be incompetent, on whose behalf a petition was filed under this Part.
  - (2) Awarding to a party use and possession of specified jointly owned or leased property, such as an automobile.
  - (3) Granting possession to the petitioner of the residence or household to the exclusion of the defendant, by evicting the defendant or restoring possession to the petitioner where:
    - (a) The residence is jointly owned in equal proportion or leased by the defendant and the petitioner or the person on whose behalf the petition is brought;
    - (b) The residence is solely owned by the petitioner or the person on whose behalf the petition is brought; or
    - (c) The residence is solely leased by defendant and defendant has a duty to support the petitioner or the person on whose behalf the petition is brought.
  - (4) Prohibiting either party from the transferring, encumbering, or otherwise disposing of property mutually owned or leased by the parties, except when in the ordinary course of business, or for the necessary support of the party or the minor children.
  - (5) Awarding temporary custody of minor children or persons alleged to be incompetent.
  - (6) Awarding or restoring possession to the petitioner of all separate property and all personal property, including but not limited to telephones or other communication equipment, computer, medications, clothing, toiletries, social



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security cards, birth certificates or other forms of identification, tools of the trade, checkbook, keys, automobile, photographs, jewelry, or any other items or personal effects of the petitioner and restraining the defendant from transferring, encumbering, concealing, or disposing of the personal or separate property of the petitioner.

- (7) *Granting to the petitioner the exclusive care, possession, or control of any pets belonging to or under the care of the petitioner or minor children residing in the residence or household of either party, and directing the defendant to refrain from harassing, interfering with, abusing or injuring any pet, without legal justification, known to be owned, possessed, leased, kept, or held by either party or a minor child residing in the residence or household of either party.*
- B. If a temporary restraining order is granted without notice, the matter shall be set within twenty-one days for a rule to show cause why the protective order should not be issued, at which time the petitioner must prove the allegations of abuse by a preponderance of the evidence. The defendant shall be given notice of the temporary restraining order and the hearing on the rule to show cause by service of process as required by law within twenty-four hours of the issuance of the order.
- C. During the existence of the temporary restraining order, a party shall have the right to return to the family residence once to recover his or her personal clothing and necessities, provided that the party is accompanied by a law enforcement officer to insure the protection and safety of the parties.
- D. If no temporary restraining order has been granted, the court shall issue a rule to show cause why the protective order should not be issued, and set the rule for hearing on the earliest day that the business of the court will permit, but in any case within ten days from the date of service of the petition, at which time the petitioner must prove the allegations of abuse by a preponderance of the evidence. The defendant shall be given notice by service of process as required by law.
- E. If the hearing pursuant to subsection B or D of this section is continued, the court shall make or extend such temporary restraining orders as it deems necessary. Any continuance of a hearing ordered pursuant to subsection B or D of this section shall not exceed fifteen days, unless good cause is shown for further continuance.
- F. The court may, in its discretion, grant an emergency temporary restraining order outside regular court hours.
- G. Immediately upon entering a temporary restraining order, the judge shall cause to have prepared a Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), shall sign such order, and shall immediately forward it to the clerk of court for filing, on the day that the order is issued.
- H. The clerk of the issuing court shall transmit the Uniform Abuse Prevention Order to the Judicial Administrator's Officer, Louisiana Supreme Court, for entry into the Louisiana Protective Order Registry, as provided by R.S. 46:2136.2(A), by facsimile transmission or direct electronic input as expeditiously as possible, but no later than the end of the next business day after the order is filed with the clerk of court. The clerk of the issuing court

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shall also send a copy of the Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), or any modification thereof, to the chief law enforcement officer of the parish where the person or persons protected by the order reside by facsimile transmission or direct electronic input as expeditiously as possible, but no later than the end of the next business day after the order is filed with the clerk of court. A copy of the Uniform Abuse Prevention Order shall be reviewed by the law enforcement agency and shall be retained on file in the office of the chief law enforcement officer until otherwise directed by the court.

- I. The initial rule to show cause hearing required pursuant to Subsection B or D may be conducted by a hearing officer who is qualified and selected in the same manner provided in R.S. 46:236.5(C). The hearing officer shall be subject to the applicable limitations and shall follow the applicable procedures provided in R.S. 46:236.5(C). The hearing officer shall make recommendations to the court as to the action that should be taken in the matter.
- J. Upon filing a petition for a temporary restraining order, regardless of whether the court grants the temporary restraining order, the clerk of court shall notify the petitioner of his right to initiate criminal proceedings and shall inform the petitioner that the granting of a temporary restraining order pursuant to the provisions of this Section does not automatically file criminal charges against the defendant.

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### 14. RESTITUTION

#### LA. REV. STAT. ANN. § 3:2454. Sale or disposal of animal; disposition of sale proceeds.

- A. *If, in accordance with the notice, the animal is sold at public or private sale, the proceeds shall be applied to the amount, if any, due the custodian for any goods or services furnished to the animal, including all reasonable charges of notice, advertisement, and sale. The balance, if any, shall be paid to the owner of the animal, and the custodian shall retain the right to proceed against the owner for any deficiency.*
- B. Prior to the time of sale of such animal or transfer thereof to the nearest humane society or animal control agency, or other disposal thereof, any person claiming the right of property or possession of such animal may pay the amount necessary to satisfy the charges for services rendered to the animal, or on behalf of the animal, including all reasonable charges of notice and sale. Upon payment of this amount, the animal shall be delivered to the person making the demand, if he is entitled to possession. Otherwise the animal shall be retained according to the terms of the notice, and shall be sold, or otherwise disposed of.

#### LA. REV. STAT. ANN. § 14:89.3. Sexual abuse of an animal.

- A. Sexual abuse of an animal is the knowing and intentional performance of any of the following:
  - (1) Engaging in sexual contact with an animal.
  - (2) Possessing, selling, transferring, purchasing, or otherwise obtaining an animal with the intent that it be subject to sexual contact.
  - (3) Organizing, promoting, conducting, aiding or abetting, or participating in as an observer, any act involving sexual contact with an animal.
  - (4) Causing, coercing, aiding, or abetting another person to engage in sexual contact with an animal.
  - (5) Permitting sexual contact with an animal to be conducted on any premises under his charge or control.
  - (6) Advertising, soliciting, offering, or accepting the offer of an animal with the intent that it be used for sexual contact.
  - (7) Filming, distributing, or possessing pornographic images of a person and an animal engaged in any of the activities described in Paragraphs (1) through (6) of this Subsection.
- B. For purposes of this Section:
  - (1) "Animal" means any nonhuman creature, whether alive or dead.
  - (2) "Sexual contact" means:

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- (a) Any act committed for the purpose of sexual arousal or sexual gratification, abuse, or financial gain, between a person and an animal involving contact between the sex organs or anus of one and the mouth, sex organs, or anus of the other.
  - (b) The insertion, however slight, of any part of the body of a person or any object into the vaginal or anal opening of an animal, touching by a person of the sex organs or anus of an animal, or the insertion of any part of the animal's body into the vaginal or anal opening of the person.
- C. This Section shall not apply to any of the following:
  - (1) Accepted veterinary practices.
  - (2) Artificial insemination of an animal for reproductive purposes.
  - (3) Accepted animal husbandry practices, including grooming, raising, breeding, or assisting with the birthing process of animals or any other procedure that provides care for an animal.
  - (4) Generally accepted practices related to the judging of breed conformation.
- D.
  - (1)
    - (a) Except as provided in Subparagraph (b) of this Paragraph, whoever commits the offense of sexual abuse of an animal shall be fined not more than two thousand dollars, imprisoned, with or without hard labor, for not more than five years, or both.
    - (b) Whoever commits a second or subsequent offense of sexual abuse of an animal, 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 more than ten years, or both.
  - (2) *In addition to any other penalty imposed, a person convicted of violating this Section shall be ordered to:*
    - (a) Relinquish custody of all animals.
    - (b) Not harbor, own, possess, or exercise control over any animal for any length of time deemed appropriate by the court, but not less than five years.
    - (c) Not reside in any household where an animal is present; engage in an occupation, whether paid or unpaid, involving animals; or participate in a volunteer position at any establishment where animals are present, for any length of time deemed appropriate by the court, but not less than five years.
    - (d) Undergo a psychological evaluation for sex offenders and participate in any recommended psychological treatment. Any costs associated with any evaluation or treatment ordered by the court shall be paid by the defendant.

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(e) *If the convicted person is not the owner, reimburse the owner for any expenses incurred for medical treatment or rehabilitation of the victimized animal.*

- (3) If a person convicted of the offense of sexual abuse of an animal is released on parole, the committee on parole shall require the person, as a condition of parole, to participate in a sex offender program as defined by R.S. 15:828(A)(2)(b).

E.

- (1) Any law enforcement officer investigating a violation of this Section may lawfully take possession of an animal that he has reason to believe has been victimized under this Section in order to protect the health or safety of the animal or the health or safety of others, and to obtain evidence of the offense.
- (2) Any animal seized pursuant to this Section shall be promptly taken to a shelter facility or veterinary clinic to be examined by a veterinarian for evidence of sexual contact.
- (3) With respect to an animal so seized and impounded, all provisions of R.S. 14:102.2 and 102.3 shall apply to the seizure, impoundment, and disposition of the animal.

F. Prosecution under this Section shall not preclude prosecution under any other applicable provision of law.

### 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 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 LA. REV. STAT. 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.

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- 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 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 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 a 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.

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

A.

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- (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*



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*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.*

### 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



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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.*

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### 15. FORFEITURE & POSSESSION BANS

#### LA. REV. STAT. ANN. § 3:2436. Sale of animal on owner's failure to pay for treatment.

After the animal has been cared for and treated the owner of the stable as well as the veterinarian treating the animal shall notify the president of the society by sending a statement of their charges, and the president of the society shall cause a registered notice to be sent to the owner of the animal, apprising him of the fact that the animal is ready to resume service and advising him as to the amount of the charges. *Should the owner not take the animal and pay the charges within five days after the receipt of the notice, the society may sell the animal at public auction in the manner now provided by law for judicial sales; the excess of the charges and expenses shall go to the owner of the animal.*

#### LA. REV. STAT. ANN. § 3:2437. Liability of society to stable or veterinarian; privilege upon animals.

The humane society shall be liable to the stable or veterinarian for their expenses and services under this Part, but only as per the scale of charges agreed upon, and the society may remove the animals and change surgeons at its pleasure. *A privilege is created upon all animals treated as above set out, in favor of the humane society, and it shall be superior to any other privilege on the animals.*

#### LA. REV. STAT. ANN. § 3:2452. Abandoned animals.

- A. An animal shall be considered abandoned when the owner thereof has not paid the charge for veterinary services, including medical, or for boarding, within ten days after rendition to the owner of the invoice for such services or boarding and no other agreement with the owner has been reached for the payment of such charge for services or boarding. The person to whom the charges are due may then give notice, as provided in R.S. 3:2453.
- B. After a declared emergency, an animal shall be considered abandoned when such animal is receiving temporary shelter services in a facility operated by the Department of Agriculture and Forestry and the owner has not claimed the animal within thirty days of the declared emergency and a reasonable effort has been made to contact the owner.
- C. *The owner of an abandoned animal shall be deemed to have relinquished all rights and claims to such animal by virtue of such abandonment, except as provided in R.S. 3:2454(B).*

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### LA. REV. STAT. ANN. § 3:2453. Notice requirements; freedom from liability.

- A. *The notice required in R.S. 3:2452(A) above shall be given to the owner of the animal or the owner's agent at his last known address by registered mail or by certified mail, return receipt requested, and shall contain a statement that if the animal is not claimed within ten days after receipt of the notice, the animal may be sold, donated, turned over to the nearest humane society or animal control center, or otherwise disposed of as the person having custody of the animal may deem proper.*
- B. In the event that the notice described in Subsection A cannot be delivered for any reason, or in the event that such notice is returned as “refused”, “addressee unknown”, “not at this address”, or other similar designation, then the animal may be sold, donated, turned over to the nearest humane society or animal control agency, or otherwise disposed of as the person having custody of the animal may deem proper.
- C. The receipt of notice by the owner or his agent, or the return as “refused”, “addressee unknown”, “not at this address”, or other similar designation, whichever is applicable, shall relieve the custodian of any liability for the sale, donation, euthanasia, or other disposal of the animal.

### LA. REV. STAT. ANN. § 14:89.3. Sexual abuse of an animal.

- A. Sexual abuse of an animal is the knowing and intentional performance of any of the following:
  - (1) Engaging in sexual contact with an animal.
  - (2) Possessing, selling, transferring, purchasing, or otherwise obtaining an animal with the intent that it be subject to sexual contact.
  - (3) Organizing, promoting, conducting, aiding or abetting, or participating in as an observer, any act involving sexual contact with an animal.
  - (4) Causing, coercing, aiding, or abetting another person to engage in sexual contact with an animal.
  - (5) Permitting sexual contact with an animal to be conducted on any premises under his charge or control.
  - (6) Advertising, soliciting, offering, or accepting the offer of an animal with the intent that it be used for sexual contact.
  - (7) Filming, distributing, or possessing pornographic images of a person and an animal engaged in any of the activities described in Paragraphs (1) through (6) of this Subsection.
- B. For purposes of this Section:
  - (1) “Animal” means any nonhuman creature, whether alive or dead.
  - (2) “Sexual contact” means:
    - (a) Any act committed for the purpose of sexual arousal or sexual gratification, abuse, or financial gain, between a person and

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an animal involving contact between the sex organs or anus of one and the mouth, sex organs, or anus of the other.

- (b) The insertion, however slight, of any part of the body of a person or any object into the vaginal or anal opening of an animal, touching by a person of the sex organs or anus of an animal, or the insertion of any part of the animal's body into the vaginal or anal opening of the person.

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

- (1) Accepted veterinary practices.
- (2) Artificial insemination of an animal for reproductive purposes.
- (3) Accepted animal husbandry practices, including grooming, raising, breeding, or assisting with the birthing process of animals or any other procedure that provides care for an animal.
- (4) Generally accepted practices related to the judging of breed conformation.

D.

(1)

- (a) Except as provided in Subparagraph (b) of this Paragraph, whoever commits the offense of sexual abuse of an animal shall be fined not more than two thousand dollars, imprisoned, with or without hard labor, for not more than five years, or both.
- (b) Whoever commits a second or subsequent offense of sexual abuse of an animal, 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 more than ten years, or both.

(2) *In addition to any other penalty imposed, a person convicted of violating this Section shall be ordered to:*

- (a) *Relinquish custody of all animals.*
- (b) *Not harbor, own, possess, or exercise control over any animal for any length of time deemed appropriate by the court, but not less than five years.*
- (c) *Not reside in any household where an animal is present; engage in an occupation, whether paid or unpaid, involving animals; or participate in a volunteer position at any establishment where animals are present, for any length of time deemed appropriate by the court, but not less than five years.*
- (d) Undergo a psychological evaluation for sex offenders and participate in any recommended psychological treatment. Any costs associated with any evaluation or treatment ordered by the court shall be paid by the defendant.
- (e) If the convicted person is not the owner, reimburse the owner for any expenses incurred for medical treatment or rehabilitation of the victimized animal.

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- (3) If a person convicted of the offense of sexual abuse of an animal is released on parole, the committee on parole shall require the person, as a condition of parole, to participate in a sex offender program as defined by R.S. 15:828(A)(2)(b).
- E.
- (1) Any law enforcement officer investigating a violation of this Section may lawfully take possession of an animal that he has reason to believe has been victimized under this Section in order to protect the health or safety of the animal or the health or safety of others, and to obtain evidence of the offense.
- (2) Any animal seized pursuant to this Section shall be promptly taken to a shelter facility or veterinary clinic to be examined by a veterinarian for evidence of sexual contact.
- (3) With respect to an animal so seized and impounded, all provisions of R.S. 14:102.2 and 102.3 shall apply to the seizure, impoundment, and disposition of the animal.
- F. Prosecution under this Section shall not preclude prosecution under any other applicable provision of law.

### 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 food, proper drink, proper shelter, or proper veterinary care.
  - (d) Abandons 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 cruel 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.

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- (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.
  - (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 tampers with livestock at a public livestock exhibition or at a private 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*

## ANIMAL PROTECTION LAWS OF LOUISIANA

*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 processing of agriculture products as defined in R.S. 3:3602(5) and (6).
- D. Repealed by Acts 2007, No. 425, § 2, effective August 15, 2008.

### 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 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 LA. REV. STAT. 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.*

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- 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 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 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 a 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.*

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

A.



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- (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

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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.

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### 16. COURT-ORDERED TREATMENT

#### LA. REV. STAT. ANN. § 14:89.3. Sexual abuse of an animal.

- A. Sexual abuse of an animal is the knowing and intentional performance of any of the following:
- (1) Engaging in sexual contact with an animal.
  - (2) Possessing, selling, transferring, purchasing, or otherwise obtaining an animal with the intent that it be subject to sexual contact.
  - (3) Organizing, promoting, conducting, aiding or abetting, or participating in as an observer, any act involving sexual contact with an animal.
  - (4) Causing, coercing, aiding, or abetting another person to engage in sexual contact with an animal.
  - (5) Permitting sexual contact with an animal to be conducted on any premises under his charge or control.
  - (6) Advertising, soliciting, offering, or accepting the offer of an animal with the intent that it be used for sexual contact.
  - (7) Filming, distributing, or possessing pornographic images of a person and an animal engaged in any of the activities described in Paragraphs (1) through (6) of this Subsection.
- B. For purposes of this Section:
- (1) "Animal" means any nonhuman creature, whether alive or dead.
  - (2) "Sexual contact" means:
    - (a) Any act committed for the purpose of sexual arousal or sexual gratification, abuse, or financial gain, between a person and an animal involving contact between the sex organs or anus of one and the mouth, sex organs, or anus of the other.
    - (b) The insertion, however slight, of any part of the body of a person or any object into the vaginal or anal opening of an animal, touching by a person of the sex organs or anus of an animal, or the insertion of any part of the animal's body into the vaginal or anal opening of the person.
- C. This Section shall not apply to any of the following:
- (1) Accepted veterinary practices.
  - (2) Artificial insemination of an animal for reproductive purposes.
  - (3) Accepted animal husbandry practices, including grooming, raising, breeding, or assisting with the birthing process of animals or any other procedure that provides care for an animal.
  - (4) Generally accepted practices related to the judging of breed conformation.
- D.
- (1)
    - (a) Except as provided in Subparagraph (b) of this Paragraph, whoever commits the offense of sexual abuse of an animal shall be fined not more

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than two thousand dollars, imprisoned, with or without hard labor, for not more than five years, or both.

- (b) Whoever commits a second or subsequent offense of sexual abuse of an animal, 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 more than ten years, or both.

(2) *In addition to any other penalty imposed, a person convicted of violating this Section shall be ordered to:*

- (a) Relinquish custody of all animals.
- (b) Not harbor, own, possess, or exercise control over any animal for any length of time deemed appropriate by the court, but not less than five years.
- (c) Not reside in any household where an animal is present; engage in an occupation, whether paid or unpaid, involving animals; or participate in a volunteer position at any establishment where animals are present, for any length of time deemed appropriate by the court, but not less than five years.
- (d) *Undergo a psychological evaluation for sex offenders and participate in any recommended psychological treatment. Any costs associated with any evaluation or treatment ordered by the court shall be paid by the defendant.*
- (e) If the convicted person is not the owner, reimburse the owner for any expenses incurred for medical treatment or rehabilitation of the victimized animal.

(3) If a person convicted of the offense of sexual abuse of an animal is released on parole, the committee on parole shall require the person, as a condition of parole, to participate in a sex offender program as defined by R.S. 15:828(A)(2)(b).

E.

- (1) Any law enforcement officer investigating a violation of this Section may lawfully take possession of an animal that he has reason to believe has been victimized under this Section in order to protect the health or safety of the animal or the health or safety of others, and to obtain evidence of the offense.
- (2) Any animal seized pursuant to this Section shall be promptly taken to a shelter facility or veterinary clinic to be examined by a veterinarian for evidence of sexual contact.
- (3) With respect to an animal so seized and impounded, all provisions of R.S. 14:102.2 and 102.3 shall apply to the seizure, impoundment, and disposition of the animal.

F. Prosecution under this Section shall not preclude prosecution under any other applicable provision of law.

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### 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 food, proper drink, proper shelter, or proper veterinary care.
  - (d) Abandons 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 cruel 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.
  - (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*

## ANIMAL PROTECTION LAWS OF LOUISIANA

*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 tampers with livestock at a public livestock exhibition or at a private 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 processing of agriculture products as defined in R.S. 3:3602(5) and (6).
- D. Repealed by Acts 2007, No. 425, § 2, effective August 15, 2008.

**ANIMAL PROTECTION LAWS OF LOUISIANA****17. HOT CARS****LA. REV. STAT. ANN. § 37:1738.1. Immunity from liability; gratuitous emergency care to domestic animal.**

- A. *There shall be no liability on the part of a person for property damage or trespass to a motor vehicle, if the damage was caused while the person was rescuing an animal in distress as provided in this Section. The immunity from liability for property damage to a motor vehicle as provided herein does not affect a person's liability for bodily injury suffered by the animal while the person was rescuing the animal.*
- B. *The immunity provided by Subsection A of this Section shall apply only if the person:*
- (1) Makes a good-faith attempt, based on the circumstances known to the person at the time, to locate the owner of the motor vehicle before entering, forcibly or otherwise, the vehicle.*
  - (2) Contacts the local law enforcement agency, the fire department, animal control, or the 911 emergency operator before entering the motor vehicle forcibly or otherwise.*
  - (3) Determines the motor vehicle is locked and has a good-faith belief that there are no other reasonable means for the animal to be removed from the vehicle.*
  - (4) Believes that removal of the animal from the motor vehicle is necessary because the animal is in imminent danger of death.*
  - (5) Uses force that was reasonably necessary under the circumstances to enter the motor vehicle to rescue the animal.*
  - (6) Places a notice on the windshield of the motor vehicle providing details of the person's contact information, the reason the entry was made, the location of the animal, and notice that the proper authorities have been notified.*
  - (7) Remains with the animal in a safe location, out of the elements of nature but reasonably close to the motor vehicle, until emergency responders from law enforcement, fire, or animal control arrive, unless the person cannot remain with the animal, in which case the person shall notify the local law enforcement agency, the fire department, animal control, or the 911 emergency operator, as applicable, before leaving the motor vehicle, and shall then take the animal to the closest shelter, as applicable.*
- C. *As used in this Section:*
- (1) "Animal" means any cat or dog kept for pleasure, companionship, or other purposes that are not purely commercial.*
  - (2) "In distress" means any condition that endangers the health or well-being of an animal due to heat, cold, or lack of adequate ventilation or any other circumstances that could reasonably be expected to cause suffering, disability, or death.*

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- (3) *“Unattended” means an animal who has been left in a motor vehicle when the driver or operator of the vehicle is more than thirty feet from the vehicle or cannot be contacted by verbally calling out for the owner of the vehicle.*



**ANIMAL PROTECTION LAWS OF LOUISIANA****18. CIVIL NUISANCE ABATEMENT****LA. REV. STAT. ANN. § 13:4721. Gambling houses; definition; declared public nuisances.**

*For the purposes of this Sub-part, or for the purposes of any action or prosecution hereunder, a gambling house is (1) any place whatever where any game of chance of any kind or character is played for money, for wagers, or for tokens, and where the conduct of such place operates, directly or indirectly, to the profit of one or more individuals and not exclusively to the direct profit of the actual participants in such game; and (2) any place whatsoever where races, athletic contests and sports and games are not actually held and where opportunity is afforded for wagering upon races, athletic contests, sports and games of chance.*

*All gambling houses as herein defined are declared to be public nuisances, and the owner thereof, and the agent for such owner, or the lessee, sublessee or other occupants thereof are declared to be guilty of maintaining a public nuisance.*

**LA. REV. STAT. ANN. § 13:4722. Abatement of nuisances; right to maintain action.**

*The district attorney, in the name and on behalf of the parish and without the payment of any costs, the sheriff or the parish governing authority through its parish attorney or other designated representative, in the name of and on behalf of the parish and without the payment of any costs, or any ten residents of the election precinct wherein any nuisance described in R.S. 13:4721 exists, whether natural or artificial persons, shall have the right to file a suit in the district court having jurisdiction thereof in this state, or in the Civil District Court for the Parish of Orleans in the event it has jurisdiction, to abate the nuisances described in R.S. 13:4721 and to have the owner, lessee, sublessee, agent or other occupant thereof declared guilty of maintaining a public nuisance.*

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**19. AG-GAG LAWS**

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**ANIMAL PROTECTION LAWS OF LOUISIANA**

**20. BREED SPECIFIC LEGISLATION**

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