



Compendium of U.S. Animal Protection Laws

Georgia



SUBSTANTIVE PROHIBITIONS AND EXEMPTIONS

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This chapter contains Georgia’s general animal protection and related statutes with an effective date on or before September 1, 2025. 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.

Georgia 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.

ANIMAL PROTECTION LAWS OF GEORGIA

Georgia Laws

SUBSTANTIVE PROHIBITIONS AND EXEMPTIONS

1. Definition of "Animal"	<p>“Animal” shall not include any fish nor shall such term include any pest that might be exterminated or removed from a business, residence, or other structure.”</p> <p>GA. CODE § 16-12-4(a)(1)</p>
2. General Cruelty	<p>Abandoning dogs. GA. CODE § 4-8-3 <i>Misdemeanor</i></p> <p>Cruelty to dogs. GA. CODE § 4-8-5 Exemptions: Self-defense, defense of other, duty of law enforcement officer, dog or rabies control officer, humane society, or veterinarian. GA. CODE § 4-8-5(a)(1),(2), (c) <i>Misdemeanor</i> GA. CODE § 4-8-7</p> <p>Cruelty to animals definitions. GA. CODE § 4-11-2</p> <p>Euthanasia of dogs and cats GA. CODE § 4-11-5.1 <i>Misdemeanor</i> GA. CODE § 4-11-16</p> <p>Unlawful acts by licensed pet dealers. GA. CODE § 4-11-10 <i>Misdemeanor</i> GA. CODE § 4-11-16</p> <p>Abandoning domesticated animals. GA. CODE § 4-11-15.1 <i>Misdemeanor</i> GA. CODE § 4-11-16</p>

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	<p>Cruelty to animals. GA. CODE § 16-12-4(b) <i>1st offense: Misdemeanor</i> <i>Subsequent offenses: High and aggravated misdemeanor</i></p> <p>Violations. GA. CODE § 4-13-10</p> <p>Aggravated cruelty to animals. GA. CODE § 16-12-4(d),(e) <i>1st offense: 5 years prison and/or \$15,000 fine</i> <i>Subsequent offenses: 10 years prison and/or \$100,000 fine</i></p> <p>Exemptions:</p> <ul style="list-style-type: none"> Research animals. GA. CODE § 4-11-9.2(e) Accepted farm animal husbandry practices, slaughter. GA. CODE § 4-11-13 Veterinary practice, research animals, wildlife, accepted farm animal husbandry practices, slaughter, pest control, other. GA. CODE § 16-12-4(g),(h)
<p>3. Animal Fighting</p>	<p>Various dogfighting activities. GA. CODE § 16-12-37 <i>1st offense: 1-5 years imprisonment and/or \$5,000 fine</i> <i>Subsequent offenses: 1-10 years imprisonment and/or \$15,000 fine</i></p> <p>Spectatorship at a dog fight. GA. CODE § 16-12-37 <i>1st offense: High and aggravated misdemeanor</i> <i>2nd offense: 1-5 years imprisonment and/or \$5,000 fine</i> <i>Subsequent offenses: 1-10 years imprisonment and/or \$15,000 fine</i></p> <p>NOTE: Courts have held cockfighting and presumably other forms of animal fighting may be charged as animal cruelty.</p>
<p>4. Sexual Assault</p>	<p>Sexually assaulting an animal. GA. CODE § 16-6-6 <i>1-5 years imprisonment</i></p>

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5. Cruelty to Working Animals	<p>Destroying or causing serious physical injury to a police dog or police horse. GA. CODE § 16-11-107 <i>1st degree: 18 months-5 years imprisonment and/or \$50,000 fine</i> <i>2nd degree: 1-5 years imprisonment and/or \$25,000 fine</i> <i>3rd degree: 6-12 months imprisonment and/or \$5,000 fine</i> <i>4th degree: 12 months imprisonment and/or \$5,000 fine</i></p> <p>Harassment of an assistance dog by humans or other dogs. GA. CODE § 16-11-107.1 <i>Misdemeanor</i></p>
6. Laws Specific to Farmed Animals	<p>Cruelty to horses. GA. CODE § 4-13-3 <i>Misdemeanor</i> GA. CODE § 4-13-10</p>
7. Cruel Hunting, Trapping, and Fishing	<p>Disturbing dens, holes, or homes of wildlife. GA. CODE § 27-1-30</p> <p>Use of pitfalls, snares prohibited unless otherwise permitted. GA. CODE § 27-3-8</p> <p>Required to check traps every 24 hours, restriction on certain body gripping traps. GA. CODE § 27-3-63</p>
REPORTING LAWS	
8. Cross Reporting	[None]
9. Veterinary Reporting	<p>Veterinarians and veterinary technicians may report suspected cases of animal cruelty and dogfighting, and shall be immune from any civil or criminal liability if reports made in good faith. GA. CODE § 4-11-17</p>
10. “Ag-Gag” Laws	[None]
CIVIL AND CIVILIAN INTERVENTION	
11. Emergency Rescue and Relief	[None]
12. Civil Enforcement	[None]

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<p>13. Domestic Relations</p>	<p>Definition of family violence GA. CODE § 19-13-1</p> <p>Household pets may be included in family violence protection orders GA. CODE § 19-13-4</p>
<p>CRIMINAL JUSTICE INTERVENTION</p>	
<p>14. Maximum Penalties and Statute of Limitations</p>	<p>NOTE: Penalties for violations of GA. CODE § 16-12-4; § 16-11-107; § 16-12-37 and § 16-6-6 are defined in substantive statutes, available in the General Cruelty, Animal Fighting, and Sexual Assault sections of this document.</p> <p>Violations relating to dogs. GA. CODE § 4-8-7</p> <p>Undefined violations are misdemeanors and each violation is a separate offense. GA. CODE § 4-11-16</p> <p>Misdemeanor. <i>1 year prison or county jail and/or \$1,000 fine</i> GA. CODE § 17-10-3(a)</p> <p>High and aggravated misdemeanor. <i>1 year prison and/or \$5,000 fine</i> GA. CODE § 17-10-4(a)</p> <p>Statute of Limitations. <i>Misdemeanor: 2 years</i> GA. CODE § 17-3-1(e) <i>Felony: 4 years</i> GA. CODE § 17-3-1(c)</p>
<p>15. Law Enforcement Policies</p>	<p>Commissioner or agents may enter business premises of animal facilities to ensure compliance with this article and any rules or regulations. GA. CODE § 4-11-9</p> <p>Upon probable cause of certain violations, the Commissioner, designated agents, or state or local government animal control officers may apply for inspection warrants and may impound animals found being treated in violation of the laws or of court orders. GA. CODE § 4-11-9.2(a),(c)</p> <p>Any sheriff or other peace officer shall have the authority to enforce certain animal</p>

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	<p>protection statutes. GA. CODE § 4-11-9.2(b)</p> <p>Law enforcement not liable for actions performed at scene of emergency GA. CODE § 35-1-7</p>
<p>16. Seizure</p>	<p>Upon probable cause, the Commissioner, a designated agent, or a state or local government animal control officer may apply for an inspection warrant. GA. CODE § 4-11-9.2(a)</p> <p>The Commissioner, a designated agent, an animal control officer, any sheriff, or other peace officer may impound any animal being mistreated or used in violation of the law, or if a court order is being violated. GA. CODE § 4-11-9.2(c)</p> <p>Prior to an animal being impounded, a licensed accredited veterinarian approved by the Commissioner shall, at the request of the Commissioner, examine and determine the condition or treatment of the animal. GA. CODE § 4-11-9.2(d)</p> <p>Any person impounding an animal shall make arrangements for the animal's care. GA. CODE § 4-11-9.3(a)</p> <p>Any person impounding an animal shall notify the owner immediately. GA. CODE § 4-11-9.4</p>
<p>17. Courtroom Animal Advocate Program</p>	<p>[None]</p>
<p>18. Restitution and Reimbursement</p>	<p>State fund for caring for seized animals in large scale cruelty cases. GA. CODE § 4-11-3</p> <p>Any person impounding or providing care for an impounded animal shall have a lien on such animal for reasonable costs of care. GA. CODE § 4-11-9.3(b)</p> <p>In certain circumstances, upon payment of all costs of impoundment and care, and fulfillment of other set conditions, an impounder is authorized to return an animal. GA. CODE § 4-11-9.3(c),(d)</p> <p>If an animal was improperly impounded, the costs of care and treatment shall be</p>

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paid by the impounding agency.

GA. CODE § 4-11-9.5(b)(5)

If an animal is lawfully impounded and the owner is not found to have committed any offenses relating to the impoundment, upon payment of all costs of impoundment and care, the animal may be returned.

GA. CODE § 4-11-9.5(b)(6)

Any proceeds from the sale of an impounded animal shall first be used to pay the costs of impoundment and costs of care.

GA. CODE § 4-11-9.6(b)

Any agency impounding one or more animals as part of any investigation of a violation of Code Section 4-11-9.2, 16-12-4, or 16-12-37, or otherwise providing care for one or more animals impounded pursuant to this article, may file a petition to require the owner of the animal or animals to pay into the registry of such court funds in an amount sufficient to secure payment of all anticipated costs of impoundment and care.

GA. CODE § 4-11-9.8(a),(d)

If an owner of a lawfully impounded animal is not found to have committed any offenses relating to the impoundment, the animal may be returned under certain circumstances.

GA. CODE § 4-11-9.3(c)

If a seized animal was the object of a crime, the court may order the animal's disposal prior to the trial of the criminal case.

GA. CODE § 4-11-9.3(d)

Provisions governing hearings relating to the disposal of impounded animals.

GA. CODE § 4-11-9.5

Unless, in a prior administrative or legal action in this state or any other state, the owner has been found to have failed to provide humane care to an animal, committed cruelty to animals, engaged in dog fighting, or committed an act prohibited under Code Section 16-12-37, the hearing officer may recommend conditions under which the animal may, upon payment by the owner of all costs of impoundment and care, be returned to the owner.

GA. CODE § 4-11-9.5(b)(6)

Procedure for disposal of an impounded animal.

GA. CODE § 4-11-9.6

19. Forfeiture and Possession Bans

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20. Rehabilitative Sentencing

Before sentencing, the court may require a psychological evaluation.
[GA. CODE § 16-12-4\(f\)](#)

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1. DEFINITION OF "ANIMAL"

GA. CODE § 16-12-4. Cruelty to animals.

- (a) *As used in this Code section, the term:*
- (1) "Animal" shall not include any fish nor shall such term include any pest that might be exterminated or removed from a business, residence, or other structure.
 - (2) "Malice" means:
 - (A) An actual intent, which may be shown by the circumstances connected to the act, to cause the particular harm produced without justification or excuse; or
 - (B) The wanton and willful doing of an act with an awareness of a plain and strong likelihood that a particular harm may result.
- (b) A person commits the offense of cruelty to animals when he or she:
- (1) Causes physical pain, suffering, or death to an animal by any unjustifiable act or omission; or
 - (2) Having intentionally exercised custody, control, possession, or ownership of an animal, fails to provide to such animal adequate food, water, sanitary conditions, or ventilation that is consistent with what a reasonable person of ordinary knowledge would believe is the normal requirement and feeding habit for such animal's size, species, breed, age, and physical condition.
- (c) Any person convicted of the offense of cruelty to animals shall be guilty of a misdemeanor provided, however, that any person who has had a prior adjudication of guilt for the offense of cruelty to animals or aggravated cruelty to animals, or an adjudication of guilt for the commission of an offense under the laws of any other state, territory, possession, or dominion of the United States, or of any foreign nation recognized by the United States, which would constitute the offense of cruelty to animals or aggravated cruelty to animals if committed in this state, including an adjudication of a juvenile for the commission of an act, whether committed in this state or in any other state, territory, possession, or dominion of the United States, or any foreign nation recognized by the United States, which if committed by an adult would constitute the offense of cruelty to animals or aggravated cruelty to animals, upon the second or subsequent conviction of cruelty to animals shall be guilty of a misdemeanor of a high and aggravated nature.
- (d) A person commits the offense of aggravated cruelty to animals when he or she:
- (1) Maliciously causes the death of an animal;
 - (2) Maliciously causes physical harm to an animal by depriving it of a member of its body, by rendering a part of such animal's body useless, or by seriously disfiguring such animal's body or a member thereof;
 - (3) Maliciously tortures an animal by the infliction of or subjection to severe or prolonged physical pain;
 - (4) Maliciously administers poison to an animal, or exposes an animal to any poisonous substance, with the intent that the substance be taken or swallowed by the animal; or
 - (5) Having intentionally exercised custody, control, possession, or ownership of an animal, maliciously fails to provide to such animal adequate food, water, sanitary conditions, or ventilation that is consistent with what a reasonable person of ordinary knowledge would believe is the normal requirement and feeding habit for such animal's size, species, breed, age,

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and physical condition to the extent that the death of such animal results or a member of its body is rendered useless or is seriously disfigured.

- (e) Any person convicted of the offense of aggravated cruelty to animals shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than five years, a fine not to exceed \$15,000.00, or both; provided, however, that any person who has had a prior adjudication of guilt for the offense of aggravated cruelty to animals, or an adjudication of guilt for the commission of an offense under the laws of any other state, territory, possession, or dominion of the United States, or of any foreign nation recognized by the United States, which would constitute the offense of aggravated cruelty to animals if committed in this state, including an adjudication of a juvenile for the commission of an act, whether committed in this state or in any other state, territory, possession, or dominion of the United States, or any foreign nation recognized by the United States, which if committed by an adult would constitute the offense of aggravated cruelty to animals, upon the second or subsequent conviction of aggravated cruelty to animals shall be punished by imprisonment for not less than one nor more than ten years, a fine not to exceed \$100,000.00, or both.
- (f) Before sentencing a defendant for any conviction under this Code section, the sentencing judge may require psychological evaluation of the offender and shall consider the entire criminal record of the offender.
- (g) The provisions of this Code section shall not be construed as prohibiting conduct which is otherwise permitted under the laws of this state or of the United States, including, but not limited to, agricultural, animal husbandry, butchering, food processing, marketing, scientific research, training, medical, zoological, exhibition, competitive, hunting, trapping, fishing, wildlife management, or pest control practices or the authorized practice of veterinary medicine nor to limit in any way the authority or duty of the Department of Agriculture, Department of Natural Resources, any county board of health, any law enforcement officer, dog, animal, or rabies control officer, humane society, veterinarian, or private landowner protecting his or her property.
- (h)
 - (1) In addition to justification and excuse as provided in Article 2 of Chapter 3 of this title, a person shall be justified in injuring or killing an animal when and to the extent that he or she reasonably believes that such act is necessary to defend against an imminent threat of injury or damage to any person, other animal, or property.
 - (2) A person shall not be justified in injuring or killing an animal under the circumstances set forth in paragraph (1) of this subsection when:
 - (A) The person being threatened is attempting to commit, committing, or fleeing after the commission or attempted commission of a crime;
 - (B) The person or other animal being threatened is attempting to commit or committing a trespass or other tortious interference with property; or
 - (C) The animal being threatened is not lawfully on the property where the threat is occurring.
 - (3) The method used to injure or kill an animal under the circumstances set forth in paragraph (1) of this subsection shall be designed to be as humane as is possible under the circumstances. A person who humanely injures or kills an animal under the circumstances indicated in this subsection shall incur no civil liability or criminal responsibility for such injury or death.

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2. GENERAL CRUELTY

GA. CODE § 4-8-3. Abandoning dogs.

No person shall release a dog on any property, public or private, with the intention of abandoning the dog.

GA. CODE § 4-8-5. Cruelty to dogs; authorized killing of dogs.

- (a) *No person shall perform a cruel act on any dog; nor shall any person harm, maim, or kill any dog, or attempt to do so, except that a person may:*
- (1) Defend his or her person or property, or the person or property of another, from injury or damage being caused by a dog; or
 - (2) Kill any dog causing injury or damage to any livestock, poultry, or pet animal.
- (b) The method used for killing the dog shall be designed to be as humane as is possible under the circumstances. A person who humanely kills a dog under the circumstances indicated in subsection (a) of this Code section shall incur no liability for such death.
- (c) This Code section shall not be construed to limit in any way the authority or duty of any law enforcement officer, dog or rabies control officer, humane society, or veterinarian.

GA. CODE § 4-8-7. Violations relating to dogs

Except as provided in Code Sections 16-12-4 and 16-12-37, any person who violates any provision of this article shall be guilty of a misdemeanor.

GA. CODE § 4-11-2. Definitions.

As used in this article, the term:

- (1) *“Adequate food and water” means food and water which is sufficient in an amount and appropriate for the particular type of animal to prevent starvation, dehydration, or a significant risk to the animal’s health from a lack of food or water.*
- (1.1) *“Animal control officer” means an individual authorized by local law or by the governing authority of a county or municipality to carry out the duties imposed by this article or imposed by local ordinance.*
- (2) *“Animal shelter” means any facility operated by or under contract for the state, a county, a municipal corporation, or any other political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals; any veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for such purpose in addition to its customary purposes; and any facility operated, owned, or maintained by*

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- a duly incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals.
- (3) “Equine” means any member of the Equidae species, including horses, mules, and asses.
- (4) “Humane care” of animals means, but is not limited to, the provision of adequate heat, ventilation, sanitary shelter, and wholesome and adequate food and water, consistent with the normal requirements and feeding habits of the animal’s size, species, and breed.
- (5) “Kennel” means any establishment, other than an animal shelter, where dogs or cats are maintained for boarding, holding, training, or similar purposes for a fee or compensation.
- (5.1) “Owner” means a person who intentionally exercises custody, control, possession, or ownership of an animal.
- (6) “Person” means any person, firm, corporation, partnership, association, or other legal entity, any public or private institution, the State of Georgia, or any county, municipal corporation, or political subdivision of the state.
- (7) “Pet dealer” or “pet dealership” means any person who sells, offers to sell, exchanges, or offers for adoption dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets in this state. However, a person who sells only animals that he or she has produced and raised, not to exceed 30 animals a year, shall not be considered a pet dealer under this article unless such person is licensed for a business by a local government or has a Georgia sales tax number. The Commissioner may with respect to any breed of animals decrease the 30 animal per year exception in the foregoing sentence to a lesser number of any animals for any species that is commonly bred and sold for commercial purposes in lesser quantities. Operation of a veterinary hospital or clinic by a licensed veterinarian shall not constitute the veterinarian as a pet dealer, kennel, or stable under this article.
- (8) “Secretary of agriculture” means the secretary of the United States Department of Agriculture.
- (9) “Stable” means any building, structure, pasture, or other enclosure where equines are maintained for boarding, holding, training, breeding, riding, pulling vehicles, or other similar purposes and a fee is charged for maintaining such equines or for the use of such equines.

GA. CODE § 4-11-5.1. Substances and procedures for euthanasia of dogs and cats by animal shelters

- (a) *Except as provided in subsection (b) of this Code section, the use of sodium pentobarbital or a derivative of it shall be the exclusive method for euthanasia of dogs and cats by animal shelters or other facilities which are operated for the collection and care of stray, neglected, abandoned, or unwanted animals. A lethal solution shall be used in the following order of preference:*
- (1) *Intravenous injection by hypodermic needle;*
 - (2) *Intraperitoneal injection by hypodermic needle; or*
 - (3) *If the dog or cat is unconscious, intracardial injection by hypodermic needle.*
- (b) Notwithstanding subsection (a) of this Code section, any substance which is clinically proven to be as humane as sodium pentobarbital and which has been officially recognized as such by the American Veterinary Medical Association may be used in lieu of sodium pentobarbital to perform euthanasia on dogs and cats, but succinylcholine chloride, curare, curariform mixtures, or any substance which acts as a neuromuscular blocking agent may not be used on a dog or cat in lieu of sodium pentobarbital for euthanasia purposes.

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- (c) In addition to the exception provided for in subsection (b) of this Code section, in cases of extraordinary circumstance where the dog or cat poses an extreme risk or danger to the veterinarian, physician, or lay person performing euthanasia, such person shall be allowed the use of any other substance or procedure that is humane to perform euthanasia on such dangerous dog or cat.
- (d) *Under no circumstance shall a chamber using commercially bottled carbon monoxide gas or other lethal gas or a chamber which causes a change in body oxygen by means of altering atmospheric pressure or which is connected to an internal combustion engine and uses the engine exhaust for euthanasia purposes be permitted.*
- (e) A dog or cat may be tranquilized with an approved and humane substance before euthanasia is performed.
- (f) Euthanasia shall be performed by a licensed veterinarian or physician or a lay person who is properly trained in the proper and humane use of a method of euthanasia. Such lay person shall perform euthanasia under supervision of a licensed veterinarian or physician. This shall not be construed so as to require that a veterinarian or physician be present at the time euthanasia is performed.
- (g) No dog or cat may be left unattended between the time euthanasia procedures are first begun and the time death occurs, nor may its body be disposed of until death is confirmed by a qualified person.
- (h) The supervising veterinarian or physician shall be subject to all record-keeping requirements and inspection requirements of the State Board of Pharmacy pertaining to sodium pentobarbital and other drugs authorized under subsection (b) of this Code section and may limit the quantity of possession of sodium pentobarbital and other drugs authorized to ensure compliance with the provisions of this Code section.

GA. CODE § 4-11-9.2. Inspection warrants; impounding of animals.

- (a) At any time there is probable cause to believe that a violation of this article or any rule or regulation adopted pursuant to this article has occurred, the Commissioner, his or her designated agent, or an animal control officer who is an employee of state or local government may apply to the appropriate court in the county in which the animal is located for an inspection warrant under the provisions of Code Section 2-2-11.
- (b) Any sheriff, deputy sheriff, or other peace officer shall have the authority to enforce the provisions of this article and Code Sections 16-12- 4 and 16-12-37.
- (c) The Commissioner, his or her designated agent, an animal control officer who is an employee of state or local government, or any sheriff, deputy sheriff, or other peace officer is authorized to impound any animal:
 - (1) That has not received humane care;
 - (2) That has been subjected to cruelty in violation of Code Section 16-12-4;
 - (3) That is used or intended for use in any violation of Code Section 16-12-37; or
 - (4) If it is determined that any violation of this article has occurred.
- (d) Prior to an animal being impounded pursuant to paragraph (1), (2), or (3) of subsection (c) of this Code section, a licensed accredited veterinarian approved by the Commissioner or a veterinarian employed by a state or federal government and approved by the Commissioner, shall, at the request of the

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Commissioner, his or her designee, an animal control officer, a sheriff, a deputy sheriff, or other peace officer, examine and determine the condition or treatment of the animal.

- (e) *The provisions of this Code section and Code Sections 4-11-9.3 to 4-11-9.6 shall not apply to scientific experiments or investigations conducted by or at an accredited college or university in this state or research facility registered with the Commissioner or the United States Department of Agriculture.*

GA. CODE § 4-11-10. Unlawful acts.

It shall be unlawful for any person licensed under this article or any person employed by a person licensed under this article or under such person's supervision or control to:

- (1) *Commit a violation of Code Section 16-12-4, relating to cruelty to animals;*
- (2) *Fail to keep the pet dealership premises, animal shelter, kennel, or stable in a good state of repair, in a clean and sanitary condition, adequately ventilated, or disinfected when needed;*
- (3) *Fail to provide humane care for any animal; or*
- (4) *Fail to take reasonable care to release for sale, trade, or adoption only those animals that appear to be free of disease, injuries, or abnormalities.*

GA. CODE § 4-11-13. Article not applicable to persons raising animals for human consumption.

The provisions of this article shall not apply to any person who raises, keeps, or maintains animals solely for the purposes of human consumption.

GA. CODE § 4-11-15.1. Unlawful to abandon domestic animal.

Notwithstanding the provisions of Code Section 4-11-13, *it shall be unlawful for any person knowingly and intentionally to abandon any domesticated animal upon any public or private property or public right of way.* This Code section shall not be construed as amending or otherwise affecting the provisions of Chapter 3 of this title, relating to livestock running at large or straying.

GA. CODE § 4-11-16. Penalties for violation

- (a) *Except as otherwise provided in Code Section 4-11-10.1, 16-12-4, or 16-12-37, any person violating any of the provisions of this article shall be guilty of a misdemeanor and shall be punished as provided in Code Section 17-10-3; provided, however, that, if such offense is committed by a corporation, such corporation shall be punished by a fine not to exceed \$1,000.00 for each such violation, community service of not less than 200 hours nor more than 500 hours, or both.*
- (b) *Each violation of this article shall constitute a separate offense.*

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GA. CODE § 4-13-10. Violations.

Except as otherwise provided in Code Section 16-12-4 or 16-12-37, any person, partnership, firm, corporation, or other entity violating any of the provisions of this chapter shall be guilty of a misdemeanor.

GA. CODE § 16-12-4. Cruelty to animals.

- (a) *As used in this Code section, the term:*
- (1) "Animal" shall not include any fish nor shall such term include any pest that might be exterminated or removed from a business, residence, or other structure.
 - (2) "Malice" means:
 - (A) An actual intent, which may be shown by the circumstances connected to the act, to cause the particular harm produced without justification or excuse; or
 - (B) The wanton and willful doing of an act with an awareness of a plain and strong likelihood that a particular harm may result.
- (b) *A person commits the offense of cruelty to animals when he or she:*
- (1) *Causes physical pain, suffering, or death to an animal by any unjustifiable act or omission; or*
 - (2) *Having intentionally exercised custody, control, possession, or ownership of an animal, fails to provide to such animal adequate food, water, sanitary conditions, or ventilation that is consistent with what a reasonable person of ordinary knowledge would believe is the normal requirement and feeding habit for such animal's size, species, breed, age, and physical condition.*
- (c) *Any person convicted of the offense of cruelty to animals shall be guilty of a misdemeanor provided, however, that any person who has had a prior adjudication of guilt for the offense of cruelty to animals or aggravated cruelty to animals, or an adjudication of guilt for the commission of an offense under the laws of any other state, territory, possession, or dominion of the United States, or of any foreign nation recognized by the United States, which would constitute the offense of cruelty to animals or aggravated cruelty to animals if committed in this state, including an adjudication of a juvenile for the commission of an act, whether committed in this state or in any other state, territory, possession, or dominion of the United States, or any foreign nation recognized by the United States, which if committed by an adult would constitute the offense of cruelty to animals or aggravated cruelty to animals, upon the second or subsequent conviction of cruelty to animals shall be guilty of a misdemeanor of a high and aggravated nature.*
- (d) *A person commits the offense of aggravated cruelty to animals when he or she:*
- (1) *Maliciously causes the death of an animal;*
 - (2) *Maliciously causes physical harm to an animal by depriving it of a member of its body, by rendering a part of such animal's body useless, or by seriously disfiguring such animal's body or a member thereof;*
 - (3) *Maliciously tortures an animal by the infliction of or subjection to severe or prolonged physical pain;*
 - (4) *Maliciously administers poison to an animal, or exposes an animal to any poisonous substance, with the intent that the substance be taken or swallowed by the animal; or*

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- (5) *Having intentionally exercised custody, control, possession, or ownership of an animal, maliciously fails to provide to such animal adequate food, water, sanitary conditions, or ventilation that is consistent with what a reasonable person of ordinary knowledge would believe is the normal requirement and feeding habit for such animal's size, species, breed, age, and physical condition to the extent that the death of such animal results or a member of its body is rendered useless or is seriously disfigured.*
- (e) *Any person convicted of the offense of aggravated cruelty to animals shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than five years, a fine not to exceed \$15,000.00, or both; provided, however, that any person who has had a prior adjudication of guilt for the offense of aggravated cruelty to animals, or an adjudication of guilt for the commission of an offense under the laws of any other state, territory, possession, or dominion of the United States, or of any foreign nation recognized by the United States, which would constitute the offense of aggravated cruelty to animals if committed in this state, including an adjudication of a juvenile for the commission of an act, whether committed in this state or in any other state, territory, possession, or dominion of the United States, or any foreign nation recognized by the United States, which if committed by an adult would constitute the offense of aggravated cruelty to animals, upon the second or subsequent conviction of aggravated cruelty to animals shall be punished by imprisonment for not less than one nor more than ten years, a fine not to exceed \$100,000.00, or both.*
- (f) Before sentencing a defendant for any conviction under this Code section, the sentencing judge may require psychological evaluation of the offender and shall consider the entire criminal record of the offender.
- (g) The provisions of this Code section shall not be construed as prohibiting conduct which is otherwise permitted under the laws of this state or of the United States, including, but not limited to, agricultural, animal husbandry, butchering, food processing, marketing, scientific research, training, medical, zoological, exhibition, competitive, hunting, trapping, fishing, wildlife management, or pest control practices or the authorized practice of veterinary medicine nor to limit in any way the authority or duty of the Department of Agriculture, Department of Natural Resources, any county board of health, any law enforcement officer, dog, animal, or rabies control officer, humane society, veterinarian, or private landowner protecting his or her property.
- (h)
- (1) In addition to justification and excuse as provided in Article 2 of Chapter 3 of this title, a person shall be justified in injuring or killing an animal when and to the extent that he or she reasonably believes that such act is necessary to defend against an imminent threat of injury or damage to any person, other animal, or property.
 - (2) A person shall not be justified in injuring or killing an animal under the circumstances set forth in paragraph (1) of this subsection when:
 - (A) The person being threatened is attempting to commit, committing, or fleeing after the commission or attempted commission of a crime;
 - (B) The person or other animal being threatened is attempting to commit or committing a trespass or other tortious interference with property; or
 - (C) The animal being threatened is not lawfully on the property where the threat is occurring.
 - (3) The method used to injure or kill an animal under the circumstances set forth in paragraph (1) of this subsection shall be designed to be as humane as is possible under the circumstances. A

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person who humanely injures or kills an animal under the circumstances indicated in this subsection shall incur no civil liability or criminal responsibility for such injury or death.

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3. ANIMAL FIGHTING

GA. CODE § 16-12-37. Dogfighting.

- (a) *As used in this Code section, the term “dog” means any domestic canine.*
- (b) *Any person who:*
- (1) *Owens, possesses, trains, transports, or sells any dog with the intent that such dog shall be engaged in fighting with another dog;*
 - (2) *For amusement or gain, causes any dog to fight with another dog or for amusement or gain, causes any dogs to injure each other;*
 - (3) *Wagers money or anything of value on the result of such dogfighting;*
 - (4) *Knowingly permits any act in violation of paragraph (1) or (2) of this subsection on any premises under the ownership or control of such person or knowingly aids or abets any such act; or*
 - (5) *Knowingly promotes or advertises an exhibition of fighting with another dog*
- shall be guilty of a felony and, upon the first conviction thereof, shall be punished by imprisonment of not less than one nor more than five years, a fine of not less than \$5,000.00, or both such fine and imprisonment. On a second or subsequent conviction, such person shall be punished by imprisonment of not less than one nor more than ten years, a fine of not less than \$15,000.00, or both such fine and imprisonment. Each act or omission in violation of this subsection shall constitute a separate offense.*
- (c) *Any person who is knowingly present only as a spectator at any place for the fighting of dogs shall, upon a first conviction thereof, be guilty of a misdemeanor of a high and aggravated nature. On a second conviction, such person shall be guilty of a felony and shall be punished by imprisonment of not less than one nor more than five years, a fine of not less than \$5,000.00, or both such fine and imprisonment. On a third or subsequent conviction, such person shall be punished by imprisonment of not less than one nor more than ten years, a fine of not less than \$15,000.00, or both such fine and imprisonment. Each act in violation of this subsection shall constitute a separate offense.*
- (d) *Any dog subject to fighting may be impounded pursuant to the provisions of Code Sections 4-11-9.2 through 4-11-9.6.*
- (e) *This Code section shall not prohibit, impede, or otherwise interfere with animal husbandry, training techniques, competition, events, shows, or practices not otherwise specifically prohibited by law and shall not apply to the following activities:*
- (1) *Owning, using, breeding, training, or equipping any animal to pursue, take, hunt, or recover wildlife or any animal lawfully hunted under Title 27 or participating in hunting or fishing in accordance with the provisions of Title 27 and rules and regulations promulgated pursuant thereto as such rules and regulations existed on the date specified in Code Section 27-1-39;*
 - (2) *Owning, using, breeding, training, or equipping dogs to work livestock for agricultural purposes in accordance with the rules and regulations of the Commissioner of Agriculture as such rules and regulations existed on January 1, 2008;*
 - (3) *Owning, using, breeding, training, or equipping dogs for law enforcement purposes; or*
 - (4) *Owning, using, breeding, training, or equipping any animal to control damage from nuisance or pest species in and around structures or agricultural operations.*

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EDITOR'S NOTE: Cockfighting (and presumably other types of animal fighting) is "cruelty to animals." *Morgan v. State*, 195 Ga. App. 52, 392 S.E.2d 715 (1990).

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4. SEXUAL ASSAULT

GA. CODE § 16-6-6. Bestiality.

- (a) *A person commits the offense of bestiality when he performs or submits to any sexual act with an animal involving the sex organs of the one and the mouth, anus, penis, or vagina of the other.*
- (b) *A person convicted of the offense of bestiality shall be punished by imprisonment for not less than one nor more than five years.*

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5. CRUELTY TO WORKING ANIMALS

GA. CODE § 16-11-107. Interfering with a public safety animal or search and rescue animal.

(a) As used in this Code section, the term:

- (1) 'Public safety animal' means any animal that is specially trained and may be used to assist a public safety officer, as such term is defined in Code Section 16-5-19, in the performance of the officer's official duties.
- (2) 'Search and rescue animal' means any animal that is specially trained and may be used to assist in a search and rescue operation or to search for human remains.

(b)

- (1) *A person commits the offense of* interfering with a public safety animal or search and rescue animal when he or she knows or should have known that an animal is a public safety animal or search and rescue animal and intentionally commits, conspires, or attempts to commit an act that:
 - (A) Frightens, agitates, harasses, or tampers with the animal; or
 - (B) Delays, obstructs, or hinders the animal in the performance of its duty as a public safety animal or search and rescue animal.
- (2) *Any person convicted of a violation of this subsection shall be guilty of a misdemeanor of a high and aggravated nature and, upon conviction thereof, shall be punished by imprisonment not to exceed 12 months, a fine not to exceed \$1,000.00, or both.*

(c)

- (1) *A person commits the offense of harming* public safety animal or search and rescue animal when he or she knows or should have known that an animal is a public safety animal or search and rescue animal and intentionally commits, conspires, or attempts to commit an act that causes or is likely to cause physical harm, pain, or suffering to a public safety animal or search and rescue animal.
- (2) *Any person convicted of a violation of this subsection shall be guilty of a misdemeanor of a high and aggravated nature and, upon conviction thereof, shall be punished by imprisonment for not less than six nor more than 12 months, a fine not to exceed \$5,000.00, or both.*

(d)

- (1) *A person commits the offense of aggravated harming* of a public safety animal or search and rescue animal when he or she knows or should have known that an animal is a public safety animal or search and rescue animal and when he or she intentionally commits, conspires, or attempts to commit an act that:
 - (A) Causes the death of the animal; or
 - (B) Injures the animal in a manner that materially affects its ability to perform as a public safety animal or search and rescue animal.
- (2) *Any person convicted of a violation of this subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than ten*

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years, a fine not to exceed \$50,000.00, or both, and the first two years of such sentence shall not be suspended, probated, deferred, or withheld by a sentencing court; provided, however, that in the court's discretion, the court may depart from such mandatory minimum sentence when the prosecuting attorney and defendant have agreed to a sentence that is below such mandatory minimum.

- (e) In addition to any other penalty provided for under this Code section, the court shall order the defendant to make restitution pursuant to Article 1 of Chapter 14 of Title 17 to the owner of a public safety animal or search and rescue animal for the costs of the veterinary expenses incurred in the treatment of such animal and the costs of any restorative training necessary to enable the animal to resume its duties. Notwithstanding Code Section 17-14-2 to the contrary, restitution when a public safety animal or search and rescue animal dies or is no longer able to engage in performance of its duties as a result of a violation of this Code section, shall additionally include the amount of the actual replacement value of the public safety animal or search and rescue animal, which shall include the value of an animal to replace the public safety animal or search and rescue animal and all costs associated with training such animal and its handler or handlers.
- (f) Nothing in this Code section shall prohibit the killing or euthanasia of a public safety animal or search and rescue animal for humane purposes.
- (g) Nothing in this Code section shall prohibit the defense of a person against a public safety animal or search and rescue animal that attacks such person without or in spite of commands given by its handler.

GA. CODE § 16-11-107.1. Harassment of assistance of dog; penalties.

- (a) As used in this Code section, the term:
 - (1) *“Assistance dog” means a dog that is or has been trained by a licensed or certified person, organization, or agency to perform physical tasks for a physically challenged person. Assistance dogs include guide or leader dogs that guide individuals who are legally blind; hearing dogs that alert individuals who are deaf or hard of hearing to specific sounds; and service dogs for individuals with disabilities other than blindness or deafness, which are trained to perform a variety of physical tasks, including, but not limited to, pulling a wheelchair, lending balance support, picking up dropped objects, or providing assistance in a medical crisis.*
 - (2) *“Harass” means to engage in any conduct directed toward an assistance dog that is knowingly likely to impede or interfere with the assistance dog's performance of its duties or that places the blind, deaf, or physically limited person being served or assisted by the dog in danger of injury.*
 - (3) *“Notice” means an oral or otherwise communicated warning proscribing the behavior of another person and a request that the person stop the particular behavior.*
- (b) *Any person who knowingly and intentionally harasses or attempts to harass an assistance dog, knowing the dog to be an assistance dog, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment for not less than 90 days or a fine not to exceed \$500.00, or both.*
- (c) *Any person who has received notice that his or her behavior is interfering with the use of an assistance dog who continues to knowingly and intentionally harass an assistance dog, knowing the dog to be an assistance dog, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment for not less than 90 days or a fine not to exceed \$500.00, or both, provided that any*

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person who is convicted of a second or subsequent violation of this subsection shall be punished as for a misdemeanor of a high and aggravated nature.

- (d) *Any person who knowingly and intentionally allows his or her dog to harass an assistance dog, knowing the dog to be an assistance dog, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment for not less than 90 days or a fine not to exceed \$500.00, or both, provided that any person who is convicted of a second or subsequent violation of this subsection shall be punished as for a misdemeanor of a high and aggravated nature.*
- (e) *Any person who knowingly and intentionally allows his or her dog to cause death or physical harm to an assistance dog by rendering a part of the assistance dog's body useless or by seriously disfiguring the assistance dog, knowing the dog to be an assistance dog, shall be punished as for a misdemeanor of a high and aggravated nature.*

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6. LAWS SPECIFIC TO FARMED ANIMALS

EDITOR'S NOTE: *This section does **not** contain all state or territorial laws regarding farmed animals. This section contains only criminal statutes with the primary purpose of preventing individual farmed animals from suffering unnecessary pain or suffering.*

GA. CODE § 4-13-3. Prohibited acts or omissions.

It shall be unlawful for the owner of any equine:

- (1) To commit a violation of Code Section 16-12-4, relating to cruelty to animals, which involves an equine owned by, possessed by, or in the custody or control of such person;*
- (2) To fail to provide adequate food and water to such equine;*
- (3) To fail to provide humane care for such equine;*
- (4) To unnecessarily overload, overdrive, torment, or beat any equine or to cause the death of any equine in a cruel or inhumane manner; or*
- (5) To interfere with or hinder the Commissioner or his designated agent or any sheriff, deputy sheriff, or other law enforcement officer in carrying out his duties under this chapter.*

GA. CODE § 4-13-10. Violations

Except as otherwise provided in Code Section 16-12-4 or 16-12-37, any person, partnership, firm, corporation, or other entity violating any of the provisions of this chapter shall be guilty of a misdemeanor.

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7. CRUEL HUNTING, TRAPPING, AND FISHING

EDITOR'S NOTE: *This section does **not** contain all state or territorial laws regarding hunting, trapping, and fishing. This section contains only criminal statutes with the primary purpose of preventing individual wild animals from suffering unnecessary pain or suffering.*

GA. CODE § 27-1-30. Disturbing dens, holes, or homes of wildlife.

Except as otherwise provided by law or regulation, it shall be unlawful to disturb, mutilate, or destroy the dens, holes, or homes of any wildlife; to blind wildlife with lights; or to use explosives, chemicals, electrical or mechanical devices, or smokers of any kind in order to drive such wildlife out of such habitats.

GA. CODE § 27-3-8. Use of pitfalls, snares prohibited.

It shall be unlawful for any person to make use of any pitfall, deadfall, catch, snare, trap, net, salt lick, blind pig, baited hook, or other device for the purpose of taking any game animal or game bird or any other wildlife, except as otherwise provided in this title or by rule or regulation of the board.

GA. CODE § 27-3-63. Unlawful trapping and activities relative thereto.

(a) It shall be unlawful for any person to:

- (1) Trap any wildlife upon the right of way of any public road or highway of this state; provided, however, that this paragraph shall not apply to any person licensed as required by Code Section 27-3-60 who traps beaver upon the right of way of any state highway, county road, or municipal street as an authorized agent, employee, or contractor of the state, county, or municipality for the purpose of preventing, reducing, or stopping damage to such highway, road, or street resulting from beaver activity;
- (2) Set, place, or bait any trap for the purpose of taking any wildlife upon the land or in the waters adjoining the land of any other person, except during the open trapping season for such wildlife, and then only after obtaining the written consent of the owner of the land, which written consent shall be carried upon the trapper's person while engaged in trapping;
- (3) *Trap any wildlife without inspecting the traps used for such purpose at least once during each 24 hour period and removing from the traps any wildlife caught therein;*
- (4) Trap any wildlife by the use of any trap or other device which is not legibly etched, stamped, or tagged by affixing a stamped metal tag showing the owner's permanent trapper's identification number as provided by the department or the owner's name. In the event that a trap or other device etched or stamped with the owner's permanent trapper's identification number or name is being used in the field by another, such trap or device must have attached to it a stamped

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metal tag with the user's permanent trapper's identification number or name. Any trap or other device found in use in the field which is not etched, stamped, or tagged as required by this paragraph may be confiscated and destroyed by the department through its officers and game wardens;

- (5) Ship or otherwise remove or cause to be removed from this state any raw or undressed hide, fur, pelt, or skin of any fur-bearing animal without first making a report to the department of the removal on forms to be furnished by the department for such purpose;
 - (6) Fail to carry a weapon of .22 caliber rimfire while tending traps and to fail to use such weapon to dispatch any fur-bearing animal found in a trap, which animal is to be taken by the person;
 - (7) Fail to carry a choke stick or similar device while tending traps, which device shall be used for releasing domestic animals;
 - (8) *Set on land any trap with a jaw opening larger than 5 3/4 inches, provided that nothing in this Code section shall be construed to restrict the type of trap which may be used in water;*
 - (9) Sell the fur, hide, or pelt of any domestic dog or cat caught by a trap;
 - (10) Sell the raw, undressed fur, hide, skin, or pelt of any fur-bearing animal unless the person has a current valid commercial trapping license or fur dealer license; or
 - (11) *Set any body-gripping trap (as opposed to a leg-hold trap) of a size in excess of 9 1/2 inches square except in water or on land within ten feet of water, including swamps, marshes, and tidal areas.*
- (b) Any person who violates subsection (a) of this Code section shall be guilty of a misdemeanor and shall be punished as for a misdemeanor, subject to a minimum punishment as follows:
- (1) For the first offense, the offender shall be fined not less than \$100.00, except that this minimum fine shall not apply to the offender if he is 17 years of age or younger;
 - (2) For a second offense within a two-year period after the first offense, the offender shall be fined not less than \$300.00; or
 - (3) For a third offense and for each subsequent offense within a two-year period after the first offense, the offender shall be fined not less than \$750.00.

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8. CROSS REPORTING

[None]

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9. VETERINARY REPORTING

GA. CODE § 4-11-17. Reports of animal cruelty or dog fighting by veterinarians or veterinary technicians; immunity from civil or criminal liability.

- (a) *Notwithstanding Code Section 24-12-31 or any other provision of law to the contrary, any licensed veterinarian or veterinary technician having reasonable cause to believe that an animal has been subjected to animal cruelty in violation of Code Section 16-12-4 or an act prohibited under Code Section 16-12-37 may make or cause to be made a report of such violation to the Commissioner, his or her designee, an animal control officer, a law enforcement agency, or a prosecuting attorney and may appear and testify in any judicial or administrative proceeding concerning the care of an animal.*
- (b) *Any person participating in the making of a report pursuant to this Code section or participating in any administrative or judicial proceeding pursuant to this article or Title 16 shall, in so doing, be immune from any civil or criminal liability that might otherwise be incurred or imposed, provided such participation pursuant to this Code section or any other law is made in good faith.*

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10. "AG-GAG" LAWS

[None]

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11. EMERGENCY RESCUE AND RELIEF

[None]

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12. CIVIL ENFORCEMENT

[None]

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13. DOMESTIC RELATIONS

GA. CODE § 19-13-1. “Family violence” defined

As used in this article, the term “family violence” means the occurrence of one or more of the following acts between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household:

- (1) Any felony; or
- (2) Commission of offenses of battery, simple battery, simple assault, assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass.

The term “family violence” shall not be deemed to include reasonable discipline administered by a parent to a child in the form of corporal punishment, restraint, or detention.

GA. CODE § 19-13-4. Protective orders and consent agreements

- (a) The court may, upon the filing of a verified petition, grant any protective order or approve any consent agreement to bring about a cessation of acts of family violence. The court shall not have the authority to issue or approve mutual protective orders concerning paragraph (1), (2), (5), (9), or (11) of this subsection, or any combination thereof, unless the respondent has filed a verified petition as a counter petition pursuant to Code Section 19-13-3 no later than three days, not including Saturdays, Sundays, and legal holidays, prior to the hearing and the provisions of Code Section 19-13-3 have been satisfied.

The orders or agreements may:

- (1) Direct the respondent to refrain from such acts;
- (2) Grant to a party possession of the residence or household of the parties and exclude the other party from the residence or household;
- (3) Require a party to provide suitable alternate housing for a spouse, former spouse, or parent and the parties' child or children;
- (4) Award temporary custody of minor children and establish temporary visitation rights;
- (5) Order the eviction of a party from the residence or household and order assistance to the petitioner in returning to it, or order assistance in retrieving personal property of the petitioner if the respondent's eviction has not been ordered;
- (6) Order either party to make payments for the support of a minor child as required by law;
- (7) Order either party to make payments for the support of a spouse as required by law;
- (8)

(A) Provide for possession of personal property of the parties, including the care, custody, and control of any animal owned, possessed, kept, or held as a household pet by either party or by a minor child living in the household or residence of either party. As used in this paragraph, the term “household pet” means an animal kept for human

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companionship and enjoyment or an animal which is owned or possessed by either party or by a minor child living in the household or residence of either party. Such term shall not include livestock, laboratory animals, working animals, sport animals, or any other animal which is kept for a commercial purpose or for consumption.

(B) Order the respondent to refrain from doing any of the following with respect to any animal owned, possessed, kept, or held as a household pet:

(i) Harassing or harming such household pet;

(ii) Taking, transferring, encumbering, or concealing such household pet; and

(iii) Engaging in any conduct that would be a violation of Code Section 16-12-4;

(9) Order the respondent to refrain from harassing or interfering with the petitioner;

(10) Award costs and attorney's fees to either party; and

(11) Order the respondent to receive appropriate psychiatric or psychological services as a further measure to prevent the recurrence of family violence.

- (b) A copy of the order shall be issued by the clerk of the superior court to the sheriff of the county wherein the order was entered and shall be retained by the sheriff as long as that order shall remain in effect.
- (c) Any order granted under this Code section shall remain in effect for up to one year; provided, however, that upon the motion of a petitioner and notice to the respondent and after a hearing, the court in its discretion may convert a temporary order granted under this Code section to an order effective for not more than three years or to a permanent order.
- (d) A protective order issued pursuant to this Code section shall apply and shall be effective throughout this state. It shall be the duty of every superior court and of every sheriff, every deputy sheriff, and every state, county, or municipal law enforcement officer within this state to enforce and carry out the terms of any valid protective order issued by any court under the provisions of this Code section.

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14. MAXIMUM PENALTIES AND STATUTE OF LIMITATIONS

NOTE: Penalties for violations of GA. CODE § 16-12-4; § 16-11-107; § 16-12-37 and § 16-6-6 are defined in substantive statutes, available in previous sections of this document.

GA. CODE § 4-8-7. Violations relating to dogs.

Except as provided in Code Sections 16-12-4 and 16-12-37, any person who violates any provision of this article shall be guilty of a misdemeanor.

GA. CODE § 4-11-16. Penalties for violation.

- (a) *Except as otherwise provided in Code Section 4-11-10.1, 16-12-4, or 16-12-37, any person violating any of the provisions of this article shall be guilty of a misdemeanor and shall be punished as provided in Code Section 17-10-3; provided, however, that, if such offense is committed by a corporation, such corporation shall be punished by a fine not to exceed \$1,000.00 for each such violation, community service of not less than 200 hours nor more than 500 hours, or both.*
- (b) *Each violation of this article shall constitute a separate offense.*

GA. CODE § 17-3-1. Limitation of prosecutions.

- (a) A prosecution for murder may be commenced at any time.
- (b) Except as otherwise provided in Code Section 17-3-2.1, prosecution for other crimes punishable by death or life imprisonment shall be commenced within seven years after the commission of the crime except as provided by subsection (d) of this Code section; provided, however, that prosecution for the crime of forcible rape shall be commenced within 15 years after the commission of the crime.
- (c) Except as otherwise provided in Code Section 17-3-2.1, *prosecution for felonies other than those specified in subsections (a), (b), and (d) of this Code section shall be commenced within four years after the commission of the crime*, provided that prosecution for felonies committed against victims who are at the time of the commission of the offense under the age of 18 years shall be commenced within seven years after the commission of the crime.
- (d) A prosecution for the following offenses may be commenced at any time when deoxyribonucleic acid (DNA) evidence is used to establish the identity of the accused:
 - (1) Armed robbery, as defined in Code Section 16-8-41;
 - (2) Kidnapping, as defined in Code Section 16-5-40;
 - (3) Rape, as defined in Code Section 16-6-1;
 - (4) Aggravated child molestation, as defined in Code Section 16-6-4;
 - (5) Aggravated sodomy, as defined in Code Section 16-6-2; or
 - (6) Aggravated sexual battery, as defined in Code Section 16-6-22.2;

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provided, however, that a sufficient portion of the physical evidence tested for DNA is preserved and available for testing by the accused and provided, further, that if the DNA evidence does not establish the identity of the accused, the limitation on prosecution shall be as provided in subsections (b) and (c) of this Code section.

(e) *Prosecution for misdemeanors shall be commenced within two years after the commission of the crime.*

GA. CODE § 17-10-3. Misdemeanors, how punished.

(a) *Except as otherwise provided by law, every crime declared to be a misdemeanor shall be punished as follows:*

- (1) *By a fine not to exceed \$1,000.00 or by confinement in the county or other jail, county correctional institution, or such other places as counties may provide for maintenance of county inmates, for a total term not to exceed 12 months, or both;*
- (2) *By confinement under the jurisdiction of the Board of Corrections in a state probation detention center pursuant to Code Section 42-8-35.4 for a determinate term of months which shall not exceed a total term of 12 months; or*
- (3) *If the crime was committed by an inmate within the confines of a state correctional institution, by confinement under the jurisdiction of the Board of Corrections in a state correctional institution or such other institution as the Department of Corrections may direct for a term which shall not exceed 12 months.*

(b) Either the punishment provided in paragraph (1) or (2) of subsection (a) of this Code section, but not both, may be imposed in the discretion of the sentencing judge. Misdemeanor punishment imposed under either paragraph may be subject to suspension or probation. The sentencing courts shall retain jurisdiction to amend, modify, alter, suspend, or probate sentences under paragraph (1) of subsection (a) of this Code section at any time, but in no instance shall any sentence under the paragraph be modified in a manner to place a county inmate under the jurisdiction of the Board of Corrections, except as provided in paragraph (2) of subsection (a) of this Code section.

(c) In all misdemeanor cases in which, upon conviction, a six-month sentence or less is imposed, it is within the authority and discretion of the sentencing judge to allow the sentence to be served on weekends by weekend confinement or during the nonworking hours of the defendant. A weekend shall commence and shall end in the discretion of the sentencing judge, and the nonworking hours of the defendant shall be determined in the discretion of the sentencing judge; provided, however, that the judge shall retain plenary control of the defendant at all times during the sentence period. A weekend term shall be counted as serving two days of the full sentence. Confinement during the nonworking hours of a defendant during any day may be counted as serving a full day of the sentence.

(d) In addition to or instead of any other penalty provided for the punishment of a misdemeanor involving a traffic offense, or punishment of a municipal ordinance involving a traffic offense, with the exception of habitual offenders sentenced under Code Section 17-10-7, a judge may impose any one or more of the following sentences:

- (1) Reexamination by the Department of Driver Services when the judge has good cause to believe that the convicted licensed driver is incompetent or otherwise not qualified to be licensed;
- (2) Satisfactory completion of a defensive driving course or defensive driving program approved by the Department of Driver Services;

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- (3) Within the limits of the authority of the charter powers of a municipality or the punishment prescribed by law in other courts, imprisonment at times specified by the court or release from imprisonment upon such conditions and at such times as may be specified; or
- (4) Probation or suspension of all or any part of a penalty upon such terms and conditions as may be prescribed by the judge. The conditions may include driving with no further motor vehicle violations during a specified time unless the driving privileges have been or will be otherwise suspended or revoked by law; reporting periodically to the court or a specified agency; and performing, or refraining from performing, such acts as may be ordered by the judge.
- (e) Any sentence imposed under subsection (d) of this Code section shall be reported to the Department of Driver Services as prescribed by law.
- (f) The Department of Community Supervision shall lack jurisdiction to supervise misdemeanor offenders, except when the sentence is made concurrent to a probated felony sentence or as provided in Code Section 42-8-109.5. Except as provided in this subsection, the Department of Corrections shall lack jurisdiction to confine misdemeanor offenders.
- (g) This Code section will have no effect upon any offender convicted of a misdemeanor offense prior January 1, 2001, and sentenced to confinement under the jurisdiction of the Board of Corrections or to the supervision of the Department of Corrections.

GA. CODE § 17-10-4. Punishment for misdemeanors of a high and aggravated nature.

- (a) *A person who is convicted of a misdemeanor of a high and aggravated nature shall be punished by a fine not to exceed \$5,000.00 or by confinement in the county or other jail, county correctional institution, or such other places as counties may provide for maintenance of county inmates, for a term not to exceed 12 months, or both; provided, however, that a person convicted of a misdemeanor of a high and aggravated nature which was committed by an inmate within the confines of a state correctional institution and sentenced to confinement as a result of such offense shall be sentenced to confinement under the jurisdiction of the Board of Corrections in a state correctional institution or such other institution as the Department of Corrections may direct for a term which shall not exceed 12 months. In all cases of a conviction of a misdemeanor of a high and aggravated nature, the sentencing court shall retain jurisdiction to amend, modify, alter, suspend, or probate sentences imposed under this Code section at any time; but in no instance shall a sentence imposed under this Code section be modified in such a manner as to increase the amount of fine or the term of confinement.*
- (b) Notwithstanding any laws to the contrary, a person sentenced for a misdemeanor of a high and aggravated nature may earn no more than four days per month earned time allowance.

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15. LAW ENFORCEMENT POLICIES

GA. CODE § 4-11-9. Inspections

The Commissioner or his designated agents are authorized to enter upon any public or private property at any time for the purpose of inspecting the business premises of any pet dealer or any animal shelter, kennel, or stable and the dogs, cats, equines, or other animals housed at such facility to determine if such facility is licensed and for the purpose of enforcing this article and the rules and regulations adopted by the Commissioner pursuant to this article.

GA. CODE § 4-11-9.2. Inspection warrants; impounding of animals.

- (a) *At any time there is probable cause to believe that a violation of this article or any rule or regulation adopted pursuant to this article has occurred, the Commissioner, his or her designated agent, or an animal control officer who is an employee of state or local government may apply to the appropriate court in the county in which the animal is located for an inspection warrant under the provisions of Code Section 2-2-11.*
- (b) *Any sheriff, deputy sheriff, or other peace officer shall have the authority to enforce the provisions of this article and Code Sections 16-12- 4 and 16-12-37.*
- (c) *The Commissioner, his or her designated agent, an animal control officer who is an employee of state or local government, or any sheriff, deputy sheriff, or other peace officer is authorized to impound any animal:*
 - (1) *That has not received humane care;*
 - (2) *That has been subjected to cruelty in violation of Code Section 16-12-4;*
 - (3) *That is used or intended for use in any violation of Code Section 16-12-37; or*
 - (4) *If it is determined that any violation of this article has occurred.*
- (d) *Prior to an animal being impounded pursuant to paragraph (1), (2), or (3) of subsection (c) of this Code section, a licensed accredited veterinarian approved by the Commissioner or a veterinarian employed by a state or federal government and approved by the Commissioner, shall, at the request of the Commissioner, his or her designee, an animal control officer, a sheriff, a deputy sheriff, or other peace officer, examine and determine the condition or treatment of the animal.*
- (e) *The provisions of this Code section and Code Sections 4-11-9.3 to 4- 11-9.6 shall not apply to scientific experiments or investigations conducted by or at an accredited college or university in this state or research facility registered with the Commissioner or the United States Department of Agriculture.*

Ga. Code § 35-1-7. Law enforcement officers, limitation of liability

- (a) *As used in this Code section, the term:*
 - (1) *“Emergency” means an occurrence involving, or appearing to involve, a clear and imminent danger or threat to life, health, or property, including, but not limited to, the*

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rescuing of a person or pet from a locked vehicle when such person or pet remaining within such vehicle presents a clear and imminent danger to such person's or pet's life or health.

(2) *“Law enforcement officer” means any peace officer who is employed by this state or any political subdivision thereof and who is required by the terms of his or her employment, whether by election or appointment, to give his or her full time to the preservation of public order or the protection of life and property or the prevention of crime. Such term shall include sheriffs and deputy sheriffs.*

(3) *“Pet” means any domesticated animal normally maintained in or near the household of its owner.*

(b) *A law enforcement officer shall not be liable at law for any action or actions done while performing any duty at the scene of an emergency except for gross negligence, willful or wanton misconduct, or malfeasance.*

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16. SEIZURE

GA. CODE § 4-11-9.2. Inspection warrants; impounding of animals.

- (a) *At any time there is probable cause to believe that a violation of this article or any rule or regulation adopted pursuant to this article has occurred, the Commissioner, his or her designated agent, or an animal control officer who is an employee of state or local government may apply to the appropriate court in the county in which the animal is located for an inspection warrant under the provisions of Code Section 2-2-11.*
- (b) Any sheriff, deputy sheriff, or other peace officer shall have the authority to enforce the provisions of this article and Code Sections 16-12- 4 and 16-12-37.
- (c) *The Commissioner, his or her designated agent, an animal control officer who is an employee of state or local government, or any sheriff, deputy sheriff, or other peace officer is authorized to impound any animal:*
 - (1) *That has not received humane care;*
 - (2) *That has been subjected to cruelty in violation of Code Section 16-12-4;*
 - (3) *That is used or intended for use in any violation of Code Section 16-12-37; or*
 - (4) *If it is determined that any violation of this article has occurred.*
- (d) *Prior to an animal being impounded pursuant to paragraph (1), (2), or (3) of subsection (c) of this Code section, a licensed accredited veterinarian approved by the Commissioner or a veterinarian employed by a state or federal government and approved by the Commissioner, shall, at the request of the Commissioner, his or her designee, an animal control officer, a sheriff, a deputy sheriff, or other peace officer, examine and determine the condition or treatment of the animal.*
- (e) The provisions of this Code section and Code Sections 4-11-9.3 to 4- 11-9.6 shall not apply to scientific experiments or investigations conducted by or at an accredited college or university in this state or research facility registered with the Commissioner or the United States Department of Agriculture.

GA. CODE § 4-11-9.3. Duty to make arrangements for care of impounded animal; lien for cost of care; return of animal to owner.

- (a) *It shall be the duty of any person impounding an animal under Code Section 4-11-9.2, 16-12-4, or 16-12-37 to make reasonable and proper arrangements to provide the impounded animal with humane care and adequate and necessary veterinary services. Such arrangements may include, but shall not be limited to, providing shelter and care for the animal at any state, federal, county, municipal, or governmental facility or shelter; contracting with a private individual, partnership, corporation, association, or other entity to provide humane care and adequate and necessary veterinary services for a reasonable fee; or allowing a private individual, partnership, corporation, association, or other entity to provide humane care and adequate and necessary veterinary services as a volunteer and at no cost.*
- (b) Any person impounding an animal under this article or Code Section 16-12-4 or 16-12-37 or providing care for an impounded animal shall have a lien on such animal for the reasonable costs of caring for such animal. Such lien may be foreclosed in any court of competent jurisdiction to hear civil cases.

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Liens shall be foreclosed in magistrate courts only when the amount of the lien does not exceed the jurisdictional limits established by law for such courts.

- (c) Any person impounding an animal under this article shall be authorized to return such animal to its owner, upon payment by the owner of all costs of impoundment and care and upon the entry of a consent order, unless such owner has been convicted of, pled guilty to, or pled nolo contendere to animal cruelty or dog fighting under any local, state, or federal law, regulation, or ordinance, or in a prior administrative or legal action in this state or any other state, was found to have failed to provide humane care to an animal, committed cruelty to animals, or committed an act prohibited under Code Section 16-12-37 in violation of the laws of this state or of the United States or any of the several states. Such consent order shall provide conditions relating to the care and treatment of such animal, including, but not limited to, the following, that:
- (1) Such animal shall be given humane care and adequate and necessary veterinary services;
 - (2) Such animal shall not be subjected to cruelty; and
 - (3) The owner shall comply with this article.
- (d)
- (1) The provisions of subsection (c) of this Code section shall not apply to an animal that was an object or instrumentality of a crime. Any agency impounding an animal as a result of a violation of Code Section 4-11-9.2, 16-12-4, or 16-12-37 shall not return such animal to its owner.
 - (2) *Any agency having custody of an animal that was seized as an object or instrumentality of a crime may, with the consent of the prosecuting attorney, apply to the court having jurisdiction over the offense for an order authorizing such agency to dispose of the animal prior to trial of the criminal case as provided by law.*

GA. CODE § 4-11-9.4. Notification to owner of impoundment of animal.

- (a) *It shall be the duty of any person impounding an animal under this article to notify the owner of such animal immediately upon impoundment. Such notice shall state the name and business address of the person impounding the animal, the name and address of the state or local government agency having custody of the animal, a description of the animal, the reason why the animal was impounded, and a statement of the time limits for the owner to respond and request a hearing as provided in Code Section 4-11-9.5. The notice shall be provided by personal service or by registered mail, certified mail, or statutory overnight delivery sent to the last known address of the owner. Service of the notice which complies with subsection (b) of Code Section 9- 11-5 shall in all cases be sufficient. If the owner of such animal is unknown or cannot be found, service of the notice on the owner shall be made by posting the notice in a conspicuous place at the location where the animal was impounded and by publishing a notice once in a newspaper of general circulation in the county where the animal was impounded.*
- (b) *An animal impounded pursuant to this article is deemed to be in the custody of the state or local government agency responsible for enforcement of this article within said county or municipality.*

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17. COURTROOM ANIMAL ADVOCATE PROGRAM

[None]

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18. RESTITUTION AND REIMBURSEMENT

GA. CODE § 4-11-3. Issuance of licenses.

- (a) It shall be unlawful for any person to act as a pet dealer or operate a kennel, stable, or animal shelter unless such person has a valid license issued by the Commissioner of Agriculture. Any person acting without a license in violation of this subsection shall be guilty of a misdemeanor.
- (b) The Commissioner shall license pet dealers and kennel, stable, and animal shelter operators under the applicable provisions of Chapter 5 of Title 2, the “Department of Agriculture Registration, License, and Permit Act.”
- (c) Licenses shall be issued for a period of one year and shall be annually renewable. The Commissioner may establish separate classes of licenses, including wholesale and retail licenses. The Commissioner may establish different fees for the different classes of licenses established, but the annual fee for any such license shall be at least \$50.00 but shall not exceed \$400.00.
 - (c.1)
 - (1)
 - (A) For the period beginning on July 1, 2021, and ending on June 30, 2031, fees identified in subsection (c) of this Code section shall be renewed and, under the authority granted and subject to the conditions imposed by Article III, Section IX, Paragraph VI(r) of the Constitution of Georgia, no more than \$50,000.00 of such collected fees shall be dedicated to the Local Government Companion Animal Trust Fund as provided for in subparagraph (B) of this paragraph, provided that the total amount of funds in such fund at any time shall not exceed \$200,000.00, and such amounts shall not lapse as otherwise required by Article III, Section IX, Paragraph IV(c) of the Constitution of Georgia.
 - (B) *There is established the Local Government Companion Animal Trust Fund as a separate fund of the department. The department shall accept applications from qualified local governments as defined in paragraph (18) of subsection (a) of Code Section 50-8-2 for reimbursement of expenses incurred by such local governments impounding more than 29 dogs or cats or more than nine equines as part of any investigation of a violation of Code Section 4-11-9.2, 16-12-4, or 16-12-37, or otherwise providing care for more than 29 dogs or cats or more than nine equines impounded pursuant to this article or local ordinance. The department shall provide reimbursement to such local governments of such expenses as it deems reasonably and appropriately incurred.*
 - (2)
 - (A) The Commissioner shall administer the provisions of this subsection and shall prepare, by February 1 of each year, an accounting of the funds received and expended pursuant to this subsection. The report shall be made available to the House Committee on Agriculture and Consumer Affairs and the Senate Agriculture and Consumer Affairs Committee.
 - (B) The Commissioner shall retain annually up to \$10,000.00 of the funds collected pursuant to this subsection to offset the costs to the state of implementing and administering this subsection.

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- (3) The department shall promulgate rules and regulations as necessary to implement the provisions of this subsection.
- (4) This subsection shall stand repealed on July 1, 2031.
- (d) Applications for licenses shall be on a form furnished by the Commissioner and, together with such other information as the Commissioner shall require, shall state:
 - (1) The name of the applicant;
 - (2) The business address of the applicant;
 - (3) The complete telephone number of the applicant;
 - (4) The location of the pet dealership, kennel, stable, or animal shelter;
 - (5) The type of ownership of the pet dealership, kennel, stable, or animal shelter; and
 - (6) The name of the owner or, if a partnership, firm, corporation, or other entity, the name of the partners or stockholders.
- (e) Notwithstanding the provisions of subsection (c) of this Code section, the license fees fixed pursuant to subsection (c) of this Code section shall be increased by 100 percent for the renewal of any license which is not renewed within ten days following the expiration date of the license or for the issuance of a new license to any person who has failed to apply for a license within ten days following the date on which written notice of the need for such license has been given to such person by the Commissioner or his authorized representative.

GA. CODE § 4-11-9.3. Duty to make arrangements for care of impounded animal; lien for cost of care; return of animal to owner.

- (a) It shall be the duty of any person impounding an animal under Code Section 4-11-9.2, 16-12-4, or 16-12-37 to make reasonable and proper arrangements to provide the impounded animal with humane care and adequate and necessary veterinary services. Such arrangements may include, but shall not be limited to, providing shelter and care for the animal at any state, federal, county, municipal, or governmental facility or shelter; contracting with a private individual, partnership, corporation, association, or other entity to provide humane care and adequate and necessary veterinary services for a reasonable fee; or allowing a private individual, partnership, corporation, association, or other entity to provide humane care and adequate and necessary veterinary services as a volunteer and at no cost.
- (b) *Any person impounding an animal under this article or Code Section 16-12-4 or 16-12-37 or providing care for an impounded animal shall have a lien on such animal for the reasonable costs of caring for such animal. Such lien may be foreclosed in any court of competent jurisdiction to hear civil cases. Liens shall be foreclosed in magistrate courts only when the amount of the lien does not exceed the jurisdictional limits established by law for such courts.*
- (c) *Any person impounding an animal under this article shall be authorized to return such animal to its owner, upon payment by the owner of all costs of impoundment and care and upon the entry of a consent order, unless such owner has been convicted of, pled guilty to, or pled nolo contendere to animal cruelty or dog fighting under any local, state, or federal law, regulation, or ordinance, or in a prior administrative or legal action in this state or any other state, was found to have failed to provide humane care to an animal, committed cruelty to animals, or committed an act prohibited under Code Section 16-12-37 in violation of the laws of this state or of the United States or any of the several states.*

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Such consent order shall provide conditions relating to the care and treatment of such animal, including, but not limited to, the following, that:

- (1) *Such animal shall be given humane care and adequate and necessary veterinary services;*
- (2) *Such animal shall not be subjected to cruelty; and*
- (3) *The owner shall comply with this article.*

(d)

- (1) *The provisions of subsection (c) of this Code section shall not apply to an animal that was an object or instrumentality of a crime. Any agency impounding an animal as a result of a violation of Code Section 4-11-9.2, 16-12-4, or 16-12-37 shall not return such animal to its owner.*
- (2) *Any agency having custody of an animal that was seized as an object or instrumentality of a crime may, with the consent of the prosecuting attorney, apply to the court having jurisdiction over the offense for an order authorizing such agency to dispose of the animal prior to trial of the criminal case as provided by law.*

GA. CODE § 4-11-9.5. Hearing on impoundment of animal.

- (a) *If the owner of an animal impounded pursuant to this article fails to respond in writing within five business days of the date the notice of impoundment was served, or, if the owner is unknown or could not be found within 30 days of publication of the notice of impoundment, the impounded animal may be disposed of pursuant to Code Section 4-11-9.6.*

(b)

- (1) *If the owner of an animal impounded pursuant to this article refuses to enter into a consent agreement with the government agency having custody of the animal that such animal will be given humane care and adequate and necessary veterinary care, the owner may request, in writing, a hearing within five business days of the date the notice of impoundment was served on such owner, or, if the owner is unknown or could not be found, within 30 days of the date of publication of the notice of impoundment. Such request for hearing shall be served upon the government agency having custody of the animal. If no hearing is requested within the time limits specified in this paragraph and the failure to request such hearing is due in whole or in part to the reasonably avoidable fault of the owner, the right to a hearing shall have been waived.*
- (2) *Within 30 days after receiving a written request for a hearing, the government agency having custody of the animal shall hold a hearing as is provided in Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." If the animal is in the custody of an agency of local government which has, by local law or ordinance, established a procedure for hearing such matters, the body designated in such local law or ordinance shall conduct the hearing required by this Code section. If the local government does not have a hearing procedure, the government agency having custody of the animal may refer the matter to the Office of State Administrative Hearings. If the animal is in the custody of the Department of Agriculture, the Commissioner or his or her designee shall conduct the hearing. The hearing shall be public and all testimony shall be received under oath. A record of the proceedings at such hearing shall be made and maintained by the hearing officer as provided in Code Section 50-13-13.*

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- (3) The scope of the hearing shall be limited to whether the impounding of the animal was authorized by subsection (c) of Code Section 4-11-9.2.
- (4) The hearing officer shall, within five business days after such hearing, forward a decision to the person who impounded the animal and the government agency having custody of the animal.
- (5) *If the hearing officer finds that the animal was improperly impounded, the animal shall be returned to the owner and the cost incurred in providing reasonable care and treatment for the animal from the date of impoundment to the date of the order shall be paid by the impounding agency.*
- (6) *If the hearing officer finds that the animal was lawfully impounded, the hearing officer may:*
- (A) Recommend that the government agency having custody of the animal dispose of the animal as provided in Code Section 4-11-9.6; or
 - (B) *Unless, in a prior administrative or legal action in this state or any other state, the owner has been found to have failed to provide humane care to an animal, committed cruelty to animals, engaged in dog fighting, committed an act prohibited under Code Section 16-12-4, committed an act prohibited under Code Section 16-12-37, or committed an act in violation of any similar local ordinance or regulation, the laws of this state or of the United States or any of the several states, recommend conditions under which the animal may, upon payment by the owner of all costs of impoundment and care, be returned to the owner. Such conditions shall be reduced to writing and served upon the owner and the government agency having custody of the animal. Such conditions may include, but are not limited to, the following, that:*
 - (i) *Such animal shall be given humane care and adequate and necessary veterinary services;*
 - (ii) *Such animal shall not be subjected to mistreatment; and*
 - (iii) *The owner shall comply with this article.*
- (c) The provisions of this Code section shall not apply to an animal that was an object or instrumentality of a crime nor shall any such animal be returned to the owner or disposed of without the approval of the prosecuting attorney.

GA. CODE § 4-11-9.6. Disposal of impounded animal.

- (a) The government agency having custody of an animal impounded pursuant to this article which is not returned to the owner as provided in Code Sections 4- 11-9.3 and 4-11-9.5 , or when ownership of the animal is relinquished by the owner, may dispose of the animal through sale by any commercially feasible means, at a public auction or by sealed bids, adoption, or, if in the opinion of a licensed accredited veterinarian or a veterinarian employed by a state or federal government and approved by the Commissioner such animal has a temperament or condition such that euthanasia is the only reasonable course of action, by humanely disposing of the animal.
- (b) *Any proceeds from the sale of such animal shall be used first to pay the costs associated with the impoundment, including, but not limited to, removal of the animal from the premises, shelter and care of the animal, notice, hearing, and disposition of the animal. Any funds remaining shall:*

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- (1) If the owner is unknown or cannot be found, be paid into the state treasury if the animal was impounded by the Commissioner or his or her designated agent or into the treasury of the local government if the animal was impounded by the sheriff, a deputy sheriff, another law enforcement officer, or an animal control officer; or
- (2) If the owner is known, be paid to the owner.
- (c) The government agency responsible for conducting the sale shall keep a record of all sales, disbursements, and distributions made under this article.

GA. CODE § 4-11-9.8. Recoupment of expenses of impoundment; process.

- (a) *Any agency impounding one or more animals as part of any investigation of a violation of Code Section 4-11-9.2, 16-12-4, or 16-12-37, or otherwise providing care for one or more animals impounded pursuant to this article, may file a petition in a court of competent jurisdiction to hear civil cases requesting the court to require the owner of the animal or animals to pay into the registry of such court funds in an amount sufficient to secure payment of all anticipated costs of impoundment and care.*
- (b) Every such petition shall contain a description of the time, place, and circumstances of the impoundment, the legal authority for same, and the name and address of the owner of the animal or animals impounded.
- (c) Any sheriff, deputy sheriff, or other sworn peace officer shall personally serve written process of the petition on the owner of the animal or animals. If the officer is unable to personally serve written process of the petition on the owner of the animal or animals within 30 days of the date of filing of the petition, the officer shall within ten days thereafter post a copy of the petition on the door of the residence of the owner or in another conspicuous place at the location where the animal or animals were impounded.
- (d)
 - (1) Upon the court's receipt of return of service of process of the petition on the owner, the court shall set a hearing on the petition to determine the need to care for and provide for the animal or animals pending the final disposition of the animal or animals. The hearing shall be conducted no less than ten and no more than 15 business days after the court's receipt of return of service of process of the petition on the owner. Any sheriff, deputy sheriff, or other sworn peace officer shall be authorized to serve written notice on the owner of the date, time, and location of the hearing. If no name and address for the owner are set forth in the petition, then such notice shall be posted in a conspicuous place at the location where the animal or animals were impounded.
 - (2) The scope of the hearing shall be limited to whether the impounding of the animal or animals was authorized. *Upon such a showing, the court shall require payment into the registry of the court of an amount sufficient to cover all costs of impoundment and care, as determined by the court, for a period beginning as of the date of impoundment and ending 30 days after the date of the order.* Neither the result of a hearing provided for under this subsection nor a statement of an owner made at any such hearing shall be admissible in any criminal prosecution related to the impoundment of the animal or animals.

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- (3) *The owner shall be ordered to deposit an amount equal to the portion of the original deposit amount attributable to the first 30 days after the date of the initial order every 30 days thereafter until the owner relinquishes the animal or animals or until final disposition of the animal or animals.* If the required funds are not deposited within five days of the original order setting the amount of the funds, or within five days after the expiration of each applicable subsequent 30 day period, then the animal or animals shall be forfeited to the petitioning agency by operation of law and may, with the consent of any prosecutor prosecuting charges against the owner regarding the owner's animal or animals, be disposed of pursuant to Code Section 4-11-9.6.
- (4) At any time before the final disposition of the animal or animals, the owner may relinquish ownership of the animal or animals. All costs of impoundment and care for the animal or animals from the date of impoundment to the date of the relinquishment shall be paid by the owner unless the owner meets the requirements set forth in paragraph (5) of this subsection.
- (5) In circumstances where only one animal was impounded, and the owner of the animal is, at the initial hearing or at an adjustment hearing, able to prove indigency as described in Chapter 12 of Title 17, the court, in its discretion, may reduce or waive the requirement for the owner to pay costs of impoundment and care pursuant to this Code section.
- (6) The court may correct, alter, or otherwise adjust the owner's 30 day obligation of payment upon a motion made by the owner or petitioning agency at least five days before the expiration date of the then current 30 day payment period. The hearing shall be held within ten days of service of the motion on the opposite party, and any adjustment to the 30 day payment amount shall become effective five days after the court orders, or refuses to order, an adjustment.
- (7) Upon the payment of funds into the court registry in accordance with this Code section, the petitioning agency may immediately begin to draw from those funds for payment of the actual costs incurred by the petitioning agency in keeping and caring for the animal or animals from the date of impoundment to the date of the final disposition of the underlying criminal action regarding the owner and the animal or animals.
- (8) Upon final disposition of the animal or animals, remaining funds deposited with the clerk of the court shall be refunded to the owner.
- (9) In the event that an owner is adjudicated not guilty of all charges specified in a petition filed pursuant to this Code section, such owner may request from the agency that filed the petition a refund of all costs paid by the owner pursuant to such petition. In making any such claim for refund, the procedures provided in Code Section 48-5-380 shall apply.

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19. FORFEITURE AND POSSESSION BANS

GA. CODE § 4-11-9.3. Duty to make arrangements for care of impounded animal; lien for cost of care; return of animal to owner.

- (a) It shall be the duty of any person impounding an animal under Code Section 4-11-9.2, 16-12-4, or 16-12-37 to make reasonable and proper arrangements to provide the impounded animal with humane care and adequate and necessary veterinary services. Such arrangements may include, but shall not be limited to, providing shelter and care for the animal at any state, federal, county, municipal, or governmental facility or shelter; contracting with a private individual, partnership, corporation, association, or other entity to provide humane care and adequate and necessary veterinary services for a reasonable fee; or allowing a private individual, partnership, corporation, association, or other entity to provide humane care and adequate and necessary veterinary services as a volunteer and at no cost.
- (b) Any person impounding an animal under this article or Code Section 16-12-4 or 16-12-37 or providing care for an impounded animal shall have a lien on such animal for the reasonable costs of caring for such animal. Such lien may be foreclosed in any court of competent jurisdiction to hear civil cases. Liens shall be foreclosed in magistrate courts only when the amount of the lien does not exceed the jurisdictional limits established by law for such courts.
- (c) *Any person impounding an animal under this article shall be authorized to return such animal to its owner, upon payment by the owner of all costs of impoundment and care and upon the entry of a consent order, unless such owner has been convicted of, pled guilty to, or pled nolo contendere to animal cruelty or dog fighting under any local, state, or federal law, regulation, or ordinance, or in a prior administrative or legal action in this state or any other state, was found to have failed to provide humane care to an animal, committed cruelty to animals, or committed an act prohibited under Code Section 16-12-37 in violation of the laws of this state or of the United States or any of the several states. Such consent order shall provide conditions relating to the care and treatment of such animal, including, but not limited to, the following, that:*
- (1) *Such animal shall be given humane care and adequate and necessary veterinary services;*
 - (2) *Such animal shall not be subjected to cruelty; and*
 - (3) *The owner shall comply with this article.*
- (d)
- (1) *The provisions of subsection (c) of this Code section shall not apply to an animal that was an object or instrumentality of a crime. Any agency impounding an animal as a result of a violation of Code Section 4-11-9.2, 16-12-4, or 16-12-37 shall not return such animal to its owner.*
 - (2) *Any agency having custody of an animal that was seized as an object or instrumentality of a crime may, with the consent of the prosecuting attorney, apply to the court having jurisdiction over the offense for an order authorizing such agency to dispose of the animal prior to trial of the criminal case as provided by law.*

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GA. CODE § 4-11-9.5. Hearing on impoundment of animal.

- (a) *If the owner of an animal impounded pursuant to this article fails to respond in writing within five business days of the date the notice of impoundment was served, or, if the owner is unknown or could not be found within 30 days of publication of the notice of impoundment, the impounded animal may be disposed of pursuant to Code Section 4-11-9.6.*
- (b)
- (1) *If the owner of an animal impounded pursuant to this article refuses to enter into a consent agreement with the government agency having custody of the animal that such animal will be given humane care and adequate and necessary veterinary care, the owner may request, in writing, a hearing within five business days of the date the notice of impoundment was served on such owner, or, if the owner is unknown or could not be found, within 30 days of the date of publication of the notice of impoundment. Such request for hearing shall be served upon the government agency having custody of the animal. If no hearing is requested within the time limits specified in this paragraph and the failure to request such hearing is due in whole or in part to the reasonably avoidable fault of the owner, the right to a hearing shall have been waived.*
 - (2) *Within 30 days after receiving a written request for a hearing, the government agency having custody of the animal shall hold a hearing as is provided in Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." If the animal is in the custody of an agency of local government which has, by local law or ordinance, established a procedure for hearing such matters, the body designated in such local law or ordinance shall conduct the hearing required by this Code section. If the local government does not have a hearing procedure, the government agency having custody of the animal may refer the matter to the Office of State Administrative Hearings. If the animal is in the custody of the Department of Agriculture, the Commissioner or his or her designee shall conduct the hearing. The hearing shall be public and all testimony shall be received under oath. A record of the proceedings at such hearing shall be made and maintained by the hearing officer as provided in Code Section 50-13-13.*
 - (3) *The scope of the hearing shall be limited to whether the impounding of the animal was authorized by subsection (c) of Code Section 4-11-9.2.*
 - (4) *The hearing officer shall, within five business days after such hearing, forward a decision to the person who impounded the animal and the government agency having custody of the animal.*
 - (5) *If the hearing officer finds that the animal was improperly impounded, the animal shall be returned to the owner and the cost incurred in providing reasonable care and treatment for the animal from the date of impoundment to the date of the order shall be paid by the impounding agency.*
 - (6) *If the hearing officer finds that the animal was lawfully impounded, the hearing officer may:*
 - (A) *Recommend that the government agency having custody of the animal dispose of the animal as provided in Code Section 4-11-9.6; or*

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- (B) *Unless, in a prior administrative or legal action in this state or any other state, the owner has been found to have failed to provide humane care to an animal, committed cruelty to animals, engaged in dog fighting, committed an act prohibited under Code Section 16-12-4, committed an act prohibited under Code Section 16-12-37, or committed an act in violation of any similar local ordinance or regulation, the laws of this state or of the United States or any of the several states, recommend conditions under which the animal may, upon payment by the owner of all costs of impoundment and care, be returned to the owner. Such conditions shall be reduced to writing and served upon the owner and the government agency having custody of the animal. Such conditions may include, but are not limited to, the following, that:*
- (i) *Such animal shall be given humane care and adequate and necessary veterinary services;*
 - (ii) *Such animal shall not be subjected to mistreatment; and*
 - (iii) *The owner shall comply with this article.*
- (c) *The provisions of this Code section shall not apply to an animal that was an object or instrumentality of a crime nor shall any such animal be returned to the owner or disposed of without the approval of the prosecuting attorney.*

GA. CODE § 4-11-9.6. Disposal of impounded animal.

- (a) *The government agency having custody of an animal impounded pursuant to this article which is not returned to the owner as provided in Code Sections 4- 11-9.3 and 4-11-9.5, or when ownership of the animal is relinquished by the owner, may dispose of the animal through sale by any commercially feasible means, at a public auction or by sealed bids, adoption, or, if in the opinion of a licensed accredited veterinarian or a veterinarian employed by a state or federal government and approved by the Commissioner such animal has a temperament or condition such that euthanasia is the only reasonable course of action, by humanely disposing of the animal.*
- (b) Any proceeds from the sale of such animal shall be used first to pay the costs associated with the impoundment, including, but not limited to, removal of the animal from the premises, shelter and care of the animal, notice, hearing, and disposition of the animal. Any funds remaining shall:
- (1) If the owner is unknown or cannot be found, be paid into the state treasury if the animal was impounded by the Commissioner or his or her designated agent or into the treasury of the local government if the animal was impounded by the sheriff, a deputy sheriff, another law enforcement officer, or an animal control officer; or
 - (2) If the owner is known, be paid to the owner.
- (c) The government agency responsible for conducting the sale shall keep a record of all sales, disbursements, and distributions made under this article.

ANIMAL PROTECTION LAWS OF GEORGIA**20. REHABILITATIVE SENTENCING****GA. CODE § 16-12-4. Cruelty to animals.**

- (a) As used in this Code section, the term:
- (1) "Animal" shall not include any fish nor shall such term include any pest that might be exterminated or removed from a business, residence, or other structure.
 - (2) "Malice" means:
 - (A) An actual intent, which may be shown by the circumstances connected to the act, to cause the particular harm produced without justification or excuse; or
 - (B) The wanton and willful doing of an act with an awareness of a plain and strong likelihood that a particular harm may result.
- (b) A person commits the offense of cruelty to animals when he or she:
- (1) Causes physical pain, suffering, or death to an animal by any unjustifiable act or omission; or
 - (2) Having intentionally exercised custody, control, possession, or ownership of an animal, fails to provide to such animal adequate food, water, sanitary conditions, or ventilation that is consistent with what a reasonable person of ordinary knowledge would believe is the normal requirement and feeding habit for such animal's size, species, breed, age, and physical condition.
- (c) Any person convicted of the offense of cruelty to animals shall be guilty of a misdemeanor provided, however, that any person who has had a prior adjudication of guilt for the offense of cruelty to animals or aggravated cruelty to animals, or an adjudication of guilt for the commission of an offense under the laws of any other state, territory, possession, or dominion of the United States, or of any foreign nation recognized by the United States, which would constitute the offense of cruelty to animals or aggravated cruelty to animals if committed in this state, including an adjudication of a juvenile for the commission of an act, whether committed in this state or in any other state, territory, possession, or dominion of the United States, or any foreign nation recognized by the United States, which if committed by an adult would constitute the offense of cruelty to animals or aggravated cruelty to animals, upon the second or subsequent conviction of cruelty to animals shall be guilty of a misdemeanor of a high and aggravated nature.
- (d) A person commits the offense of aggravated cruelty to animals when he or she:
- (1) Maliciously causes the death of an animal;
 - (2) Maliciously causes physical harm to an animal by depriving it of a member of its body, by rendering a part of such animal's body useless, or by seriously disfiguring such animal's body or a member thereof;
 - (3) Maliciously tortures an animal by the infliction of or subjection to severe or prolonged physical pain;
 - (4) Maliciously administers poison to an animal, or exposes an animal to any poisonous substance, with the intent that the substance be taken or swallowed by the animal; or
 - (5) Having intentionally exercised custody, control, possession, or ownership of an animal, maliciously fails to provide to such animal adequate food, water, sanitary conditions, or ventilation that is consistent with what a reasonable person of ordinary knowledge would

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believe is the normal requirement and feeding habit for such animal's size, species, breed, age, and physical condition to the extent that the death of such animal results or a member of its body is rendered useless or is seriously disfigured.

- (e) Any person convicted of the offense of aggravated cruelty to animals shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than five years, a fine not to exceed \$15,000.00, or both; provided, however, that any person who has had a prior adjudication of guilt for the offense of aggravated cruelty to animals, or an adjudication of guilt for the commission of an offense under the laws of any other state, territory, possession, or dominion of the United States, or of any foreign nation recognized by the United States, which would constitute the offense of aggravated cruelty to animals if committed in this state, including an adjudication of a juvenile for the commission of an act, whether committed in this state or in any other state, territory, possession, or dominion of the United States, or any foreign nation recognized by the United States, which if committed by an adult would constitute the offense of aggravated cruelty to animals, upon the second or subsequent conviction of aggravated cruelty to animals shall be punished by imprisonment for not less than one nor more than ten years, a fine not to exceed \$100,000.00, or both.
- (f) *Before sentencing a defendant for any conviction under this Code section, the sentencing judge may require psychological evaluation of the offender and shall consider the entire criminal record of the offender.*
- (g) The provisions of this Code section shall not be construed as prohibiting conduct which is otherwise permitted under the laws of this state or of the United States, including, but not limited to, agricultural, animal husbandry, butchering, food processing, marketing, scientific research, training, medical, zoological, exhibition, competitive, hunting, trapping, fishing, wildlife management, or pest control practices or the authorized practice of veterinary medicine nor to limit in any way the authority or duty of the Department of Agriculture, Department of Natural Resources, any county board of health, any law enforcement officer, dog, animal, or rabies control officer, humane society, veterinarian, or private landowner protecting his or her property.
- (h)
 - (1) In addition to justification and excuse as provided in Article 2 of Chapter 3 of this title, a person shall be justified in injuring or killing an animal when and to the extent that he or she reasonably believes that such act is necessary to defend against an imminent threat of injury or damage to any person, other animal, or property.
 - (2) A person shall not be justified in injuring or killing an animal under the circumstances set forth in paragraph (1) of this subsection when:
 - (A) The person being threatened is attempting to commit, committing, or fleeing after the commission or attempted commission of a crime;
 - (B) The person or other animal being threatened is attempting to commit or committing a trespass or other tortious interference with property; or
 - (C) The animal being threatened is not lawfully on the property where the threat is occurring.
 - (3) The method used to injure or kill an animal under the circumstances set forth in paragraph (1) of this subsection shall be designed to be as humane as is possible under the circumstances. A person who humanely injures or kills an animal under the circumstances indicated in this subsection shall incur no civil liability or criminal responsibility for such injury or death.