Alabama

Overall Ranking: Bottom Tier

Alabama Research Facility Protection Law

**ALA. CODE § 13A-11-151 (2010). Short title.**

This article may be known and cited as the “Farm Animal, Crop, and Research Facilities Protection Act.”

**ALA. CODE § 13A-11-152 (2010). Definitions.**

As used in this article, the following terms shall have the following meanings:

(1) **ANIMAL.** Every living creature, domestic or wild, with the exception of man and animals used for illegal gaming purposes.

(2) **ANIMAL OR CROP FACILITY.** Any facility engaging in scientific research, education, or agricultural production of or involving the use of animals or crops including any organization with the primary purpose of representing livestock or crop production or processing; any organization with a primary purpose of promoting or marketing livestock or crops; any organization with a primary purpose of promoting or marketing livestock or crop products or materials; any person licensed to practice veterinary medicine; any person licensed to apply chemical applications not limited to pesticides, insecticides, rodenticides, or herbicides; any organization with a primary purpose of representing any of the above; the owner, operator, and employees of any animal or crop facility; and any vehicle, building, greenhouse,
structure, laboratory, pasture, field, paddock, pond, impoundment, or premises where animals or crops are located.

(3) COMMISSIONER. The Commissioner of Agriculture and Industries for the State of Alabama.

(4) CROPS. Any shrub, vine, tree, seedling, shoot, slip, or other plant undergoing experimentation or otherwise capable of producing food, fiber, lawful or legal medicines, nursery stock, floral products, or aesthetic beauty.

(5) PERSON. A human being, and where appropriate, a public or private corporation, an unincorporated corporation, a partnership, a government or a governmental instrumentality, or a private organization, association, coalition, federation, and its officers or spokespersons.


It shall be unlawful for any person to do any of the following:

1. Intentionally release, steal, destroy, demolish, obliterate, or otherwise cause loss of any animal or crop from an animal or crop facility without the consent of the owner.

2. Damage, vandalize, or steal any property on or from an animal or crop facility.

3. Obtain access to an animal or crop facility by false pretenses for the purpose of performing acts not authorized by that facility.

4. Break and enter into any animal or crop facility with the intent to destroy, alter, duplicate, or obtain unauthorized possession of records, data, materials, equipment, animals, or crops.

5. Knowingly obtain control by theft or deception that is unauthorized, or to exert control that is unauthorized over any records, data, materials, equipment, animals, or crops of any animal or crop facility for the purpose of depriving the rightful owner or facility of records, materials, data, equipment, animals, or crops.

6. Possess or use records, materials, data, equipment, crops, or animals in any way to copy or reproduce records or data of an animal or crop facility knowing or reasonably believing that the records, materials, data, equipment, crops, or animals have been obtained by theft or deception, or without authorization of the rightful owners or administrators of the animal or crop facility.

7. Enter or remain on an animal or crop facility with the intent to commit an act prohibited under this section.


Any person who violates Section 13A-11-153 shall be guilty of a Class C felony if the loss is two hundred fifty dollars ($250) or more. Any person who violates Section 13A-11-153 shall be guilty of a Class A misdemeanor if the loss is less
than two hundred fifty dollars ($250).

**ALA. CODE § 13A-11-155 (2010). Restitution.**

Any person convicted of a violation of this article shall also be required by the court to make restitution of two times the value of the animal or crop damaged, destroyed, or lost to the owner or operator of the animal or crop facility for any reasonable costs of replacing materials, data, equipment, animals, crops, and records that may have been damaged, destroyed, lost, or cannot be returned, and reasonable cost of repeating any experimentation that may have been interrupted or invalidated as a result of any violation of this article.

**ALA. CODE § 13A-11-156 (2010). Additional remedies.**

Notwithstanding any remedy available at law, any owner or operator of an animal or crop facility may apply to the circuit court of the county where the animal or crop facility is located for a temporary restraining order and an injunction to restrain any person, organization, or association from committing any violation of this article.


For purposes of enforcing this article, the commissioner may do all of the following:

(1) Investigate any offense under this article.

    (2) Seek the assistance of any law enforcement agency of the United States, the state, or any local government in the conduct of any investigations.

    (3) Coordinate any investigation, to the maximum extent practicable, with the investigations of any law enforcement agency of the United States, the state, or any local government.


This article shall not be construed to repeal any other criminal law except as expressly provided in this article. Whenever conduct prescribed by any provision of this article is also prescribed by any other provision of law, the provision which carries the more serious penalty shall apply.

**Alabama Animal Cruelty Law**

**ALA. CODE § 13A-11-246 (2010). Applicability.**

This article shall not apply to any of the following persons or institutions:
(1) Academic and research enterprises that use dogs or cats for medical or pharmaceutical research or testing.

(2) Any owner of a dog or cat who euthanizes the dog or cat for humane purposes.

(3) Any person who kills a dog or cat found outside of the owned or rented property of the owner or custodian of the dog or cat when the dog or cat threatens immediate physical injury or is causing physical injury to any person, animal, bird, or silvicultural or agricultural industry.

(4) A person who shoots a dog or cat with a BB gun not capable of inflicting serious injury when the dog or cat is defecating or urinating on the person's property.

(5) A person who uses a training device, anti-bark collar, or an invisible fence on his or her own dog or cat or with permission of the owner.

**Alabama Open Records Act**

*Does not contain a specific exemption for research records.*

**Ala. Code § 36-12-40 (2010).** Rights of citizens to inspect and copy public writings; exceptions.

Every citizen has a right to inspect and take a copy of any public writing of this state, except as otherwise expressly provided by statute. ... Notwithstanding the foregoing, records concerning security plans, procedures, assessments, measures, or systems, and any other records relating to, or having an impact upon, the security or safety of persons, structures, facilities, or other infrastructures, including without limitation information concerning critical infrastructure (as defined at 42 U.S.C. § 5195c(e) as amended) and critical energy infrastructure information (as defined at 18 C.F.R. § 388.113(c)(1) as amended) the public disclosure of which could reasonably be expected to be detrimental to the public safety or welfare, and records the disclosure of which would otherwise be detrimental to the best interests of the public shall be exempted from this section. Any public officer who receives a request for records that may appear to relate to critical infrastructure or critical energy infrastructure information, shall notify the owner of such infrastructure in writing of the request and provide the owner an opportunity to comment on the request and on the threats to public safety or welfare that could reasonably be expected from public disclosure on the records.

**Ala. Code § 36-12-41 (2010).** Public officers to provide certified copies of writings upon payment of fees therefor; admissibility in evidence of copies.

Every public officer having the custody of a public writing which a citizen has a right to inspect is bound to give him, on demand, a certified copy of it, on payment of the legal fees therefor, and such copy is admissible as evidence in like cases and with like effect as the original writing.
Alabama Harassment Law

**ALA. CODE § 13A-11-8 (2010). Harassment or harassing communications.**

(a)(1) **HARASSMENT.** A person commits the crime of harassment if, with intent to harass, annoy, or alarm another person, he or she either:

   a. Strikes, shoves, kicks, or otherwise touches a person or subjects him or her to physical contact.

   b. Directs abusive or obscene language or makes an obscene gesture towards another person.

(2) For purposes of this section, harassment shall include a threat, verbal or nonverbal, made with the intent to carry out the threat, that would cause a reasonable person who is the target of the threat to fear for his or her safety.

(3) Harassment is a Class C misdemeanor.

(b)(1) **HARASSING COMMUNICATIONS.** A person commits the crime of harassing communications if, with intent to harass or alarm another person, he or she does any of the following:

   a. Communicates with a person, anonymously or otherwise, by telephone, telegraph, mail, or any other form of written or electronic communication, in a manner likely to harass or cause alarm.

   b. Makes a telephone call, whether or not a conversation ensues, with no purpose of legitimate communication.

   c. Telephones another person and addresses to or about such other person any lewd or obscene words or language.

Nothing in this section shall apply to legitimate business telephone communications.

(2) Harassing communications is a Class C misdemeanor.

Notice: These statutes are provided only for reference purposes and are current through the 2010 legislative session. Every effort has been made to ensure their accuracy, however they will not contain information that has been inserted after their preparation. The National Association for Biomedical Research makes no warranty, express or implied, of the accuracy of these statutes. To be certain of the current version of the statutes and regulations, please refer to the official printed version of the statutes and regulations.