

1 SB262
2 198252-1
3 By Senator Holley
4 RFD: Judiciary
5 First Read: 09-APR-19

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8 SYNOPSIS: Under existing law, there is no prohibition
9 against leaving a domestic animal in a motor
10 vehicle unattended in a manner that creates an
11 unreasonable risk of injury or harm to the animal.

12 Also under existing law, there is no
13 specific provision that provides criminal immunity
14 to a person who rescues a domestic animal from an
15 unattended motor vehicle.

16 This bill would prohibit any person from
17 leaving a domestic animal in a motor vehicle
18 unattended in a manner that creates an unreasonable
19 risk of injury or harm to the animal.

20 This bill would also provide criminal
21 immunity to a person who rescues a domestic animal
22 from an unattended motor vehicle.

23 This bill would provide civil and criminal
24 immunity to a public safety official who rescues an
25 animal from an unattended motor vehicle.

1 This bill would also make it a crime to
2 leave a domestic animal in an unattended motor
3 vehicle under certain circumstances.

4 Amendment 621 of the Constitution of Alabama
5 1901 prohibits a general law whose purpose or
6 effect would be to require a new or increased
7 expenditure of local funds from becoming effective
8 with regard to a local governmental entity without
9 enactment by a 2/3 vote unless: it comes within one
10 of a number of specified exceptions; it is approved
11 by the affected entity; or the Legislature
12 appropriates funds, or provides a local source of
13 revenue, to the entity for the purpose.

14 The purpose or effect of this general law
15 would be to require a new or increased expenditure
16 of local funds within the meaning of Amendment 621.
17 If this bill is not enacted by a 2/3 vote, it will
18 not become effective with regard to a local entity
19 unless approved by the local entity or until, and
20 only as long as, the Legislature appropriates funds
21 or provides for a local source of revenue.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 Relating to animals; to prohibit any person from
2 leaving a domestic animal in a motor vehicle unattended in a
3 manner that creates an unreasonable risk of injury or harm to
4 the animal; to provide criminal immunity to a person who
5 rescues a domestic animal from an unattended motor vehicle; to
6 provide civil and criminal immunity to a public safety
7 official who rescues an animal from an unattended motor
8 vehicle; to amend Section 13A-11-241, Code of Alabama 1975, to
9 make it a crime to leave a domestic animal in an unattended
10 motor vehicle under certain circumstances; and in connection
11 therewith would have as its purpose or effect the requirement
12 of a new or increased expenditure of local funds.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. (a) As used in this section, the
15 following terms shall have the following meanings:

16 (1) DOMESTIC ANIMAL. A dog, cat, or other vertebrate
17 animal that is kept, or intended to be kept, as a household
18 pet. The term does not include livestock or other farm animals
19 as defined in Section 3-5-1, Code of Alabama 1975.

20 (2) MOTOR VEHICLE. As defined in Section 32-1-1.1,
21 Code of Alabama 1975.

22 (3) PUBLIC SAFETY OFFICIAL. An individual employed
23 by a law enforcement agency, fire department, or 911 emergency
24 service.

25 (b) No person shall leave a domestic animal in a
26 motor vehicle unattended in a manner that creates an
27 unreasonable risk of injury or harm to the animal. A vehicle

1 that has an ambient interior temperature of 99 degrees
2 Fahrenheit or less shall be presumed safe.

3 (c) A person who enters a motor vehicle by force or
4 otherwise at the direction of a public safety official, for
5 the purpose of removing a domestic animal from the vehicle
6 shall be immune from criminal liability for damage to the
7 motor vehicle if the person meets all of the following
8 requirements:

9 (1) Determines the motor vehicle is locked or there
10 is otherwise no reasonable method for the animal to exit the
11 motor vehicle without assistance.

12 (2) Has a good faith and reasonable belief, based
13 upon the known circumstances, that entry into the motor
14 vehicle is necessary because the animal is in imminent danger
15 of suffering harm.

16 (3) Contacts a public safety official before
17 entering the motor vehicle, provides information requested by
18 the public safety official, and remains in contact with the
19 public safety official until the animal is in a safe
20 condition.

21 (4) Uses no more force to enter the motor vehicle
22 and remove the animal than is necessary.

23 (5) Remains with the animal in a safe location in
24 reasonable proximity to the motor vehicle until law
25 enforcement or other first responders arrive.

26 (6) Maintains control of the animal at all times to
27 prevent harm to the animal or others.

1 (d) If a person removes a domestic animal from a
2 motor vehicle pursuant to subsection (c) and the animal bites
3 or otherwise physically injures another person during the
4 course of the rescue effort, the owner of the domestic animal
5 shall be immune from civil or criminal liability for any
6 injuries sustained by the injured person.

7 Section 2. (a) A public safety official who has been
8 contacted by a person reporting a domestic animal in a motor
9 vehicle unattended in a manner that creates an unreasonable
10 risk of injury or harm to the animal shall do the following:

11 (1) Immediately dispatch a locksmith or towing
12 company with vehicle lockout capabilities and attempt to make
13 contact with a registered vehicle owner and the vehicle
14 operator.

15 (2) Dispatch an available public safety official
16 with the highest level of domestic animal experience. If no
17 official with domestic animal experience is available, then
18 the official shall consult with a veterinarian or K9 officer
19 for assistance in determining the animal's condition.

20 (3) Attempt to make contact with the registered
21 vehicle owner and the vehicle operator.

22 (b) A public safety official, acting reasonably in
23 the course of his or her employment and pursuant to this act,
24 shall be immune from criminal liability and civil liability in
25 accordance with Section 36-1-12, Code of Alabama 1975.

26 Section 3. Section 13A-11-241, Code of Alabama 1975,
27 is amended to read as follows:

1 "§13A-11-241.

2 "(a) A person commits the crime of cruelty to a dog
3 or cat in the first degree if he or she intentionally tortures
4 any dog or cat or skins a domestic dog or cat or offers for
5 sale or exchange or offers to buy or exchange the fur, hide,
6 or pelt of a domestic dog or cat. Cruelty to a dog or cat in
7 the first degree is a Class C felony. A conviction for a
8 felony pursuant to this section shall not be considered a
9 felony for purposes of the Habitual Felony Offender Act,
10 Sections 13A-5-9 to 13A-5-10.1, inclusive.

11 "(b) A person commits the crime of cruelty to a dog
12 or cat in the second degree if he or she, in a cruel manner,
13 overloads, overdrives, deprives of necessary sustenance or
14 shelter, unnecessarily or cruelly beats, injures, mutilates,
15 or causes the same to be done. Cruelty to a dog or cat in the
16 second degree is a Class A misdemeanor.

17 "(c) A person commits the crime of cruelty to an
18 animal in the second degree if any of the following occurs:

19 "(1) He or she is the owner of a domestic animal, as
20 defined in Section 1 of the act adding this amendatory
21 language, and the animal is left unattended in a motor vehicle
22 in a manner that creates an unreasonable risk of injury or
23 harm to the animal.

24 "(2) The animal is deceased as a result of being
25 left unattended in a motor vehicle.

26 "(3) The ambient interior temperature of the motor
27 vehicle is greater than 99 degrees Fahrenheit, the animal's

1 internal temperature exceeds the heat exhaustion threshold for
2 that species by one degree Fahrenheit, and the animal is
3 exhibiting visible signs of heat stroke."

4 Section 4. All persons transporting a domestic
5 animal that has been rescued under subsection (c) of Section
6 13A-11-241, Code of Alabama 1975, shall prevent the animal
7 from suffering hypothermia or heat exhaustion. If an animal is
8 transported in an exterior box that is not heated or cooled,
9 the vehicle operator shall physically check the animal for
10 signs of hypothermia or heat exhaustion every 30 minutes. If
11 the animal displays signs of hypothermia or heat exhaustion,
12 the person shall transport the animal to a nearby
13 veterinarian.

14 Section 5. Although this bill would have as its
15 purpose or effect the requirement of a new or increased
16 expenditure of local funds, the bill is excluded from further
17 requirements and application under Amendment 621, now
18 appearing as Section 111.05 of the Official Recompilation of
19 the Constitution of Alabama of 1901, as amended, because the
20 bill defines a new crime or amends the definition of an
21 existing crime.

22 Section 6. This act shall become effective on the
23 first day of the third month following its passage and
24 approval by the Governor, or its otherwise becoming law.