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3 HOUSE PUBLIC SAFETY AND HOMELAND SECURITY COMMITTEE SUBSTITUTE  
4 FOR HB201

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9 SYNOPSIS: Under existing law, a person commits the  
10 crime of cruelty to a dog or cat in the second  
11 degree if he or she deprives the animal necessary  
12 shelter.

13 This bill would provide a specific  
14 definition of the shelter required.

15  
16 A BILL  
17 TO BE ENTITLED  
18 AN ACT

19  
20 Relating to animals; to amend Section 13A-11-240,  
21 Code of Alabama 1975, relating to definitions for animal  
22 cruelty laws, to provide a definition of shelter.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Section 13A-11-240, Code of Alabama 1975,  
25 is amended to read as follows:

26 "§13A-11-240.

1           "(a) The word "torture" as used in this article  
2 shall mean the act of doing physical injury to a dog or cat by  
3 the infliction of inhumane treatment or gross physical abuse  
4 meant to cause ~~said animal~~ the dog or cat intensive or  
5 prolonged pain or serious physical injury, or thereby causing  
6 the death of the dog or cat due to ~~said~~ the act.

7           "(b) The word "cruel" as used in this article shall  
8 mean: ~~Every~~ every act, omission, or neglect, including  
9 abandonment, where unnecessary or unjustifiable pain or  
10 suffering, including abandonment, is caused or where  
11 unnecessary pain or suffering is allowed to continue.

12           "(c) The words "dog or cat" as used in this article  
13 shall mean any domesticated member of the dog or cat family.

14           "(d) The word "shelter" as used in this article  
15 shall mean a measure by which a dog or cat regularly  
16 maintained outdoors is protected from the elements, including  
17 heat, cold, wind, and water. The term includes, but is not  
18 limited to, a commercially manufactured or constructed  
19 structure, providing that the structure has a roof, three  
20 sides, and a floor that satisfies all of the following:

21           "(1) Is structurally sound."

22           "(2) Enables the dog or cat to remain dry and clean."

23           "(3) Provides sufficient space to allow the dog or  
24 cat adequate freedom of movement."

25           "(4) Is properly ventilated and periodically cleaned  
26 to minimize health hazards."

1                   Section 2. This act shall become effective  
2 immediately following its passage and approval by the  
3 Governor, or its otherwise becoming law.