

1 SB207  
2 197769-3  
3 By Senator Holley  
4 RFD: Judiciary  
5 First Read: 02-APR-19

1 SB207

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4 ENROLLED, An Act,

5 Relating to children and incapacitated persons; to  
6 prohibit any person from leaving a child or an incapacitated  
7 person in a motor vehicle unattended in a manner that creates  
8 an unreasonable risk of injury or harm; to provide criminal  
9 immunity to a person who rescues a child or incapacitated  
10 person from an unattended motor vehicle; and to provide civil  
11 and criminal immunity to a public safety official who rescues  
12 a child or incapacitated person from an unattended motor  
13 vehicle.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

17 (1) CHILD. A person who is under nine years of age.

18 (2) INCAPACITATED PERSON. As defined in Section  
19 26-2A-20, Code of Alabama 1975.

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

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

1           (b) No person shall leave a child or an  
2 incapacitated person in a motor vehicle unattended in a manner  
3 that creates an unreasonable risk of injury or harm to the  
4 child or incapacitated person. A vehicle that has an ambient  
5 interior temperature of 99 degrees Fahrenheit or less shall be  
6 presumed safe.

7           (c) A person who enters a motor vehicle by force or  
8 otherwise at the direction of a public safety official, for  
9 the purpose of removing a child or an incapacitated person  
10 from the vehicle shall be immune from criminal liability for  
11 damage to the motor vehicle if the person meets all of the  
12 following requirements:

13           (1) Determines the motor vehicle is locked or there  
14 is otherwise no reasonable method for the child or  
15 incapacitated person to exit the motor vehicle without  
16 assistance.

17           (2) Has a good faith and reasonable belief, based  
18 upon the known circumstances, that entry into the motor  
19 vehicle is necessary because the child or incapacitated person  
20 is in imminent danger of suffering harm.

21           (3) Contacts a public safety official before  
22 entering the motor vehicle, provides information requested by  
23 the public safety official, and remains in contact with the  
24 public safety official until the child or incapacitated person  
25 is in a safe condition.

1           (4) Uses no more force to enter the motor vehicle  
2 and remove the child or incapacitated person than is  
3 necessary.

4           (5) Remains with the child or incapacitated person  
5 in a safe location in reasonable proximity to the motor  
6 vehicle until law enforcement or other first responders  
7 arrive.

8           Section 2. (a) A public safety official who has been  
9 contacted by a person reporting a child or incapacitated  
10 person in a motor vehicle unattended in a manner that creates  
11 an unreasonable risk of injury or harm to the child or  
12 incapacitated person shall immediately dispatch a locksmith or  
13 towing company with vehicle lockout capabilities and attempt  
14 to make contact with a registered vehicle owner and the  
15 vehicle operator.

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

20           Section 3. This act shall become effective on the  
21 first day of the third month following its passage and  
22 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB207

Senate 23-APR-19

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,  
Secretary.

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House of Representatives  
Passed: 30-MAY-19

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By: Senator Holley