

1 SB67
2 204208-3
3 By Senator Holley
4 RFD: Governmental Affairs
5 First Read: 04-FEB-20
6 PFD: 01/30/2020

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

26 (1) DOMESTIC ANIMAL. A dog, cat, or other vertebrate
27 animal that is kept, or intended to be kept, as a household

1 pet. The term does not include livestock or other farm animals
2 as defined in Section 3-5-1, Code of Alabama 1975.

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

5 (3) PUBLIC SAFETY OFFICIAL. An individual employed
6 by a law enforcement agency, fire department, or 911 emergency
7 service.

8 (b) No person shall leave a domestic animal in a
9 motor vehicle unattended in a manner that creates an
10 unreasonable risk of injury or harm to the animal. A vehicle
11 that has an ambient interior temperature of 99 degrees
12 Fahrenheit or less shall be presumed safe.

13 (c) A person who enters a motor vehicle by force or
14 otherwise at the direction of a public safety official, for
15 the purpose of removing a domestic animal from the vehicle
16 shall be immune from criminal liability for damage to the
17 motor vehicle if the person meets all of the following
18 requirements:

19 (1) Determines the motor vehicle is locked or there
20 is otherwise no reasonable method for the animal to exit the
21 motor vehicle without assistance.

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

26 (3) Contacts a public safety official before
27 entering the motor vehicle, provides information requested by

1 the public safety official, and remains in contact with the
2 public safety official until the animal is in a safe
3 condition.

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

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

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

11 (d) If a person removes a domestic animal from a
12 motor vehicle pursuant to subsection (c) and the animal bites
13 or otherwise physically injures another person during the
14 course of the rescue effort, the owner of the domestic animal
15 shall be immune from civil or criminal liability for any
16 injuries sustained by the injured person.

17 (e) The prohibition in subsection (b) does not apply
18 to any dog used primarily for hunting and located in the bed
19 of a truck or a trailer.

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

24 (1) Dispatch a locksmith or towing company with
25 vehicle lockout capabilities and attempt to make contact with
26 a registered vehicle owner and the vehicle operator.

1 (2) Dispatch the appropriate officer or public
2 safety official available in the jurisdiction who can respond
3 effectively, to include attempting to contact a veterinarian
4 to provide additional direction in responding to the animal's
5 condition.

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

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

12 "§13A-11-241.

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

22 "(b) A person commits the crime of cruelty to a dog
23 or cat in the second degree if he or she, in a cruel manner,
24 overloads, overdrives, deprives of necessary sustenance or
25 shelter, unnecessarily or cruelly beats, injures, mutilates,
26 or causes the same to be done. Cruelty to a dog or cat in the
27 second degree is a Class A misdemeanor.

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

3 "(1) He or she has a domestic animal, in his or her
4 care, custody, or control as defined in Section 1 of the act
5 adding this amendatory language, and the animal is left
6 unattended in a motor vehicle in a manner that creates an
7 unreasonable risk of injury or harm to the animal.

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

10 "(3) The ambient interior temperature of the motor
11 vehicle is greater than 99 degrees Fahrenheit, the animal's
12 internal temperature exceeds the heat exhaustion threshold for
13 that species by one degree Fahrenheit, and the animal is
14 exhibiting visible signs of heat stroke."

15 Section 4. All persons transporting a domestic
16 animal that has been rescued under subsection (c) of Section
17 13A-11-241, or subdivision (a)(1) of Section 13A-11-243 Code
18 of Alabama 1975, shall prevent the animal from suffering
19 hypothermia or heat exhaustion. If an animal is transported in
20 an exterior box that is not heated or cooled, the vehicle
21 operator shall physically check the animal for signs of
22 hypothermia or heat exhaustion every 30 minutes. If the animal
23 displays signs of hypothermia or heat exhaustion, the person
24 shall transport the animal to a nearby veterinarian.

25 Section 5. Although this bill would have as its
26 purpose or effect the requirement of a new or increased
27 expenditure of local funds, the bill is excluded from further

1 requirements and application under Amendment 621, now
2 appearing as Section 111.05 of the Official ReCompilation of
3 the Constitution of Alabama of 1901, as amended, because the
4 bill defines a new crime or amends the definition of an
5 existing crime.

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

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Senate

Read for the first time and referred to the Senate
committee on Governmental Affairs..... 04-FEB-20

Read for the second time and placed on the calen-
dar 1 amendment..... 11-FEB-20

Read for the third time and passed as amended 13-FEB-20

Yeas 33
Nays 0

Patrick Harris,
Secretary.