SB262

198252-1

By Senator Holley

RFD: Judiciary

First Read: 09-APR-19
SYNOPSIS: Under existing law, there is no prohibition against leaving a domestic animal in a motor vehicle unattended in a manner that creates an unreasonable risk of injury or harm to the animal. Also under existing law, there is no specific provision that provides criminal immunity to a person who rescues a domestic animal from an unattended motor vehicle.

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

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

This bill would provide civil and criminal immunity to a public safety official who rescues an animal from an unattended motor vehicle.
This bill would also make it a crime to leave a domestic animal in an unattended motor vehicle under certain circumstances.

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

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

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

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

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

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

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

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

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

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

(6) Maintains control of the animal at all times to prevent harm to the animal or others.
(d) If a person removes a domestic animal from a motor vehicle pursuant to subsection (c) and the animal bites or otherwise physically injures another person during the course of the rescue effort, the owner of the domestic animal shall be immune from civil or criminal liability for any injuries sustained by the injured person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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