

1 HB485
2 217505-3
3 By Representatives Drake, Carns and Crawford
4 RFD: Agriculture and Forestry
5 First Read: 10-MAR-22

8 SYNOPSIS: Under current law, an animal control officer
9 or law enforcement officer cannot initiate an
10 investigation of injury to livestock caused by
11 dogs.

12 This bill would authorize animal control
13 officers and law enforcement officers to
14 investigate when a dog is reported to have caused
15 injury to livestock.

16 This bill would make it a Class B
17 misdemeanor for a person who fails to properly
18 restrain a dog that is known to kill livestock and
19 a Class C misdemeanor for a person who does not
20 comply with an investigation by an animal control
21 officer or law enforcement officer.

22 This bill would repeal provisions relating
23 to the liability of a person whose dog harms
24 livestock.

25 This bill would also make nonsubstantive,
26 technical revisions to update the existing code
27 language to current style.

1 Amendment 621 of the Constitution of Alabama
2 of 1901, as amended by Amendment 890, now appearing
3 as Section 111.05 of the Official ReCompilation of
4 the Constitution of Alabama of 1901, as amended,
5 prohibits a general law whose purpose or effect
6 would be to require a new or increased expenditure
7 of local funds from becoming effective with regard
8 to a local governmental entity without enactment by
9 a 2/3 vote unless: it comes within one of a number
10 of specified exceptions; it is approved by the
11 affected entity; or the Legislature appropriates
12 funds, or provides a local source of revenue, to
13 the entity for the purpose.

14 The purpose or effect of this bill would be
15 to require a new or increased expenditure of local
16 funds within the meaning of the amendment. If this
17 bill is not enacted by a 2/3 vote, it will not
18 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 livestock; to amend Sections 3-1-1 and
2 3-1-5, Code of Alabama 1975; to provide a private cause of
3 action for damages to livestock caused by a dog; to authorize
4 certain officers to initiate an investigation of injury to
5 livestock caused by dogs; and to repeal Sections 3-1-4 and
6 3-1-6, Code of Alabama 1975, relating to liability of a person
7 whose dog harms livestock; to make nonsubstantive, technical
8 revisions to update the existing code language to current
9 style; and in connection therewith to have as its purpose or
10 effect the requirement of a new or increased expenditure of
11 local funds within the meaning of Amendment 621 of the
12 Constitution of Alabama of 1901, as amended by Amendment 890,
13 now appearing as Section 111.05 of the Official Recompilation
14 of the Constitution of Alabama of 1901, as amended.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Sections 3-1-1 and 3-1-5, Code of Alabama
17 1975, are amended to read as follows:

18 "§3-1-1.

19 ~~"No person shall keep any dog which has been known~~
20 ~~to kill or worry sheep or other stock without being set upon~~
21 ~~the same. Any person knowingly keeping such dog is liable for~~
22 ~~double the value of all stock killed or injured by such dog,~~
23 ~~such damages to be recovered by the owner of such stock before~~
24 ~~any court of competent jurisdiction and no~~ (a) As used in this
25 section, "owner" means a person having a right of property in
26 a dog, who keeps or harbors a dog, or who has a dog in his or
27 her care or acts as the custodian of a dog.

1 "(b) (1) The owner of any dog that kills or injures
2 livestock while the dog is not on the premises of the owner
3 shall be liable for damages to the livestock caused by the
4 dog. A person whose livestock is killed or injured as provided
5 in this subsection may bring a civil action in a court of
6 competent jurisdiction to recover damages. The court may award
7 actual damages, compensatory damages, punitive damages, or
8 injunctive relief. A prevailing plaintiff shall be awarded
9 attorney fees and costs. The court shall award double damages
10 if the court finds that the owner of a dog knew or should have
11 known the dog has killed or injured livestock on a previous
12 occasion.

13 "(2) The owner of any dog that the owner knows or
14 should have known has killed or injured livestock while the
15 dog was not on the premises of the owner shall be responsible
16 for keeping the dog secure or restrained in a manner that does
17 not allow the dog to kill or injure livestock while off the
18 premises of the owner. A violation of this section is a Class
19 B misdemeanor.

20 "(c) (1) An animal control officer may initiate an
21 investigation when a dog has been suspected of harassing,
22 harming, or killing livestock.

23 "(2) An owner of a dog that is the subject of an
24 investigation pursuant to this section who refuses to
25 surrender the dog to an animal control officer or law
26 enforcement officer, upon the request of the animal control

1 officer, as defined in Section 3-6A-3, or law enforcement
2 officer, shall be guilty of a Class C misdemeanor.

3 "(d) No action shall be maintained against anyone
4 for killing ~~such a~~ dog while the dog is in the act of killing
5 or injuring livestock.

6 "§3-1-5.

7 "(a) Every person owning or having in charge any dog
8 or dogs shall at all times confine such dog or dogs to the
9 limits of his own premises or the premises on which such dog
10 or dogs is or are regularly kept. Nothing in this section
11 shall prevent the owner of any dog or dogs or other person or
12 persons having such dog or dogs in his or their charge from
13 allowing such dog or dogs to accompany such owner or other
14 person or persons elsewhere than on the premises on which such
15 dog or dogs is or are regularly kept. Any person violating
16 this section shall be guilty of a Class B misdemeanor ~~and~~
17 ~~shall be fined not less than \$2.00 nor more than \$50.00.~~

18 "(b) This section shall not apply to the running at
19 large of any dog or dogs within the corporate limits of any
20 city or town in this state that requires a license tag to be
21 kept on dogs nor shall this section apply in any county in
22 this state until the same has been adopted by the county
23 commission of such county."

24 Section 2. Sections 3-1-4 and 3-1-6, Code of Alabama
25 1975, relating to liability of an owner whose dog harms or
26 kills livestock, are repealed.

1 Section 3. The purpose or effect of this bill would
2 be to require a new or increased expenditure of local funds
3 within the meaning of Amendment 621 of the Constitution of
4 Alabama of 1901, as amended by Amendment 890, now appearing as
5 Section 111.05 of the Official ReCompilation of the
6 Constitution of Alabama of 1901, as amended. If this bill is
7 not enacted by a 2/3 vote, it will not become effective with
8 regard to a local entity unless approved by the local entity
9 or until, and only as long as, the Legislature appropriates
10 funds or provides for a local source of revenue.

11 Section 4. This act shall become effective on the
12 first day of the third month following its passage and
13 approval by the Governor, or its otherwise becoming law.