

1 HB259
2 147628-3
3 By Representative DeMarco
4 RFD: Agriculture and Forestry
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ENROLLED, An Act,

Relating to police animals and search and rescue animals and handlers of these animals; to make it a crime to harass, interfere, or attempt to interfere with the duties of the animal or handler; to make it a crime to assault or injure, to attempt to assault or injure, or to cause or attempt to cause the death of a police animal or search and rescue animal; to provide penalties for violations; to provide for restitution of certain expenses; to provide for exclusions and defenses; to repeal Section 13A-11-15 of the Code of Alabama 1975; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For purposes of this act, the following terms shall have the following meanings:

(1) CONTAINMENT AREA. Any area used to hold a police animal or search and rescue animal regardless whether on duty or off duty, including, but not limited to, a kennel, car unit, trailer, tent, staging area, stable, paddock, tie-out, or fenced area or pasture.

1 (2) HANDLER. A peace officer, firefighter, search
2 and rescue person, or other specifically trained individual
3 who uses a police animal or search and rescue animal in the
4 performance of his or her duties. For purposes of this act, a
5 peace officer and firefighter are defined in Section 36-30-1,
6 Code of Alabama 1975.

7 (3) HARASS. Any act or omission, or attempted act
8 or omission, with or without actual physical contact, which
9 results or could result in harm, disabling, restriction,
10 control of the animal, or a distraction from duties of the
11 animal or handler including, but not limited, to the
12 following:

13 a. Taunting, teasing, tormenting, mistreating,
14 spitting, shouting, inappropriate gesturing or noises, or
15 approaching in a menacing fashion.

16 b. Poking, prodding, striking, or kicking.

17 c. Spraying, throwing, pushing, or otherwise
18 projecting an item or substance, including a flash of light or
19 laser, in a manner likely to cause harm or distraction from
20 duties.

21 d. Placing food, drugs, chemicals, poison or other
22 items in the path, area of operation, or containment.

23 (4) PHYSICAL HARM. Any injury, illness, or other
24 impairment, regardless of its gravity or duration.

1 (5) POLICE ANIMAL. An animal, generally a dog or
 2 horse, which is not a human, with specialized training or in
 3 the process of specialized training, which is used by, and
 4 under the control of a peace officer or firefighter, in the
 5 performance of his or her duties.

6 (6) SEARCH AND RESCUE ANIMAL. Any animal with
 7 specialized training or in the process of specialized
 8 training, which is utilized for the principal purpose of
 9 aiding in the detection of missing persons, including, but not
 10 limited to, tracking persons who are lost or missing
 11 regardless whether living or deceased, sometimes referred to
 12 as a "SAR" animal.

13 (7) SERIOUS PHYSICAL HARM. Any physical harm that
 14 carries a substantial risk of death, permanent or temporary
 15 maiming or disfigurement, or that causes pain or suffering of
 16 any gravity or duration.

17 Section 2. (a) Any person who intentionally and
 18 knowingly causes, attempts to cause, or causes another person
 19 to harass, interfere, or obstruct a police animal or search
 20 and rescue animal being used by a handler in lawfully
 21 performing duties or causes harassment, interference, or
 22 obstruction of a handler in lawfully performing his or her
 23 duties is guilty of a Class A misdemeanor.

24 (b) Any person who intentionally and knowingly
 25 causes or attempts to cause physical harm to a police animal

1 or search and rescue animal which results in no long-term
2 damage or disfigurement of the animal and any temporary loss
3 of service of the animal does not exceed 30 calendar days, is
4 guilty of a Class A misdemeanor.

5 (c) Any person who intentionally and knowingly
6 causes or attempts to cause serious physical harm, theft, or
7 death of a police animal or search and rescue animal is guilty
8 of a Class C felony.

9 (d) Any person who intentionally and knowingly
10 enters a containment area of a police animal or search and
11 rescue animal without the consent of the handler, causes or
12 attempts to cause any item or substance to enter the
13 containment area without the consent of the handler, or who
14 releases a police animal or search and rescue animal without
15 the consent of the handler, is guilty of a Class A
16 misdemeanor.

17 (e) An owner or keeper of a dog or other animal, who
18 fails to reasonably restrain the dog or animal from taunting,
19 tormenting, chasing, approaching in a menacing fashion or
20 apparent attitude of attack, or attempting to bite or
21 otherwise endanger a police animal or search and rescue
22 animal, is responsible for any violation of this act in the
23 same manner as if he or she knowingly caused or attempted to
24 cause the violation.

1 Section 3. (a) This act shall apply regardless
2 whether the police animal or search and rescue animal is in
3 the actual performance of assisting a handler in his or her
4 duties or is off duty.

5 (b) If the police animal or search and rescue animal
6 is in a containment area not in the immediate presence of the
7 handler, this act only applies to an offender who knows or
8 should know at the time of the violation that the animal that
9 is the subject of the violation is a police animal or search
10 and rescue animal.

11 Section 4. In addition to any other penalties
12 imposed, any person who violates this act may be ordered by
13 the court to pay restitution to the owner of the police animal
14 or search and rescue animal and the agency involved for
15 expenses caused by the violation, including, but not limited
16 to, the following:

17 (1) Any veterinary expenses resulting from the
18 violation.

19 (2) Replacement costs of the animal if it is stolen,
20 killed, or disabled temporarily or permanently, and can no
21 longer perform its duties.

22 (3) The salary of the handler for the period of time
23 his or her services are lost to the employer and any expenses
24 for a replacement employee during that period of time, if
25 needed.

1 (4) The value of any services lost to employer until
2 replacement services are obtained.

3 (5) Any lost or damaged equipment.

4 (6) Training, retraining, or rehabilitation expenses
5 for the animal and for the handler.

6 Section 5. (a) This act does not prohibit a
7 credentialed euthanasia technician, an authorized handler, or
8 a veterinarian from euthanizing a police animal or search and
9 rescue animal in an emergency if the animal is critically
10 wounded and would otherwise endure undue suffering and pain.

11 (b) It is a defense that the accused person, acting
12 as handler or as an employee or agent of the handler or
13 employing agency, engaged in a reasonable act of training,
14 handling, or discipline of the animal or reasonably believed
15 the violating conduct was necessary to prevent serious
16 physical harm or death of another person.

17 Section 6. Section 13A-11-15 of the Code of Alabama
18 1975, is repealed.

19 Section 7. Although this bill would have as its
20 purpose or effect the requirement of a new or increased
21 expenditure of local funds, the bill is excluded from further
22 requirements and application under Amendment 621, now
23 appearing as Section 111.05 of the Official Recompilation of
24 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

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

