

1 HB209  
2 165184-2  
3 By Representatives Treadaway, Farley and Faulkner  
4 RFD: Public Safety and Homeland Security  
5 First Read: 10-MAR-15

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ENROLLED, An Act,

To amend Section 13A-11-260, Code of Alabama 1975, relating to police animals; to clarify that a trained police animal handled by a Class One Railroad Officer or special agent is within the protection of the police animal protection laws; 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. Section 13A-11-260, Code of Alabama 1975, is amended to read as follows:

"§13A-11-260.

"For purposes of this article, 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.

"(2) HANDLER. A peace officer, firefighter, search and rescue person, or other specifically trained individual

1 who uses a police animal or search and rescue animal in the  
2 performance of his or her duties. For purposes of this  
3 article, a peace officer and firefighter are defined in  
4 Section 36-30-1.

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

11 "a. Taunting, teasing, tormenting, mistreating,  
12 spitting, shouting, inappropriate gesturing or noises, or  
13 approaching in a menacing fashion.

14 "b. Poking, prodding, striking, or kicking.

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

19 "d. Placing food, drugs, chemicals, poison, or other  
20 items in the path, area of operation, or containment.

21 "(4) PHYSICAL HARM. Any injury, illness, or other  
22 impairment, regardless of its gravity or duration.

23 "(5) POLICE ANIMAL. An animal, generally a dog or  
24 horse, which is not a human, with specialized training or in  
25 the process of specialized training, which is used by, and

1 under the control of a peace officer, Class One Railroad  
2 Officer or special agent, or firefighter, in the performance  
3 of his or her duties.

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

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

15 Section 2. Although this bill would have as its  
16 purpose or effect the requirement of a new or increased  
17 expenditure of local funds, the bill is excluded from further  
18 requirements and application under Amendment 621, now  
19 appearing as Section 111.05 of the Official Recompilation of  
20 the Constitution of Alabama of 1901, as amended, because the  
21 bill defines a new crime or amends the definition of an  
22 existing crime.

23 Section 3. This act shall become effective  
24 immediately following its passage and approval by the  
25 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 07-MAY-15.

Jeff Woodard  
Clerk

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Senate	04-JUN-15	Passed
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