

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

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8 SYNOPSIS: Under existing law, it is a crime to harass,
9 interfere, or attempt to interfere with the duties
10 of a police animal or a search and rescue animal.
11 It is also a crime to assault, injure, or cause the
12 death of a police animal or search and rescue
13 animal.

14 This bill would clarify that an animal
15 trained or handled by a Class One Railroad Officer
16 or special agent and working in a canine unit is
17 protected by the police animal protection laws.

18 Amendment 621 of the Constitution of Alabama
19 of 1901, now appearing as Section 111.05 of the
20 Official Recompilation of the Constitution of
21 Alabama of 1901, as amended, prohibits a general
22 law whose purpose or effect would be to require a
23 new or increased expenditure of local funds from
24 becoming effective with regard to a local
25 governmental entity without enactment by a 2/3 vote
26 unless: it comes within one of a number of
27 specified exceptions; it is approved by the

1 affected entity; or the Legislature appropriates
2 funds, or provides a local source of revenue, to
3 the entity for the purpose.

4 The purpose or effect of this bill would be
5 to require a new or increased expenditure of local
6 funds within the meaning of the amendment. However,
7 the bill does not require approval of a local
8 governmental entity or enactment by a 2/3 vote to
9 become effective because it comes within one of the
10 specified exceptions contained in the amendment.

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT
15

16 To amend Section 13A-11-260, Code of Alabama 1975,
17 relating to police animals; to clarify that a trained police
18 animal handled by a Class One Railroad Officer or special
19 agent is within the protection of the police animal protection
20 laws; and in connection therewith would have as its purpose or
21 effect the requirement of a new or increased expenditure of
22 local funds within the meaning of Amendment 621 of the
23 Constitution of Alabama of 1901, now appearing as Section
24 111.05 of the Official Recompilation of the Constitution of
25 Alabama of 1901, as amended.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 13A-11-260, Code of Alabama 1975,
2 is amended to read as follows:

3 "§13A-11-260.

4 "For purposes of this article, the following terms
5 shall have the following meanings:

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

11 "(2) HANDLER. A peace officer, firefighter, search
12 and rescue person, or other specifically trained individual
13 who uses a police animal or search and rescue animal in the
14 performance of his or her duties. For purposes of this
15 article, a peace officer and firefighter are defined in
16 Section 36-30-1.

17 "(3) HARASS. Any act or omission, or attempted act
18 or omission, with or without actual physical contact, which
19 results or could result in harm, disabling, restriction,
20 control of the animal, or a distraction from duties of the
21 animal or handler including, but not limited, to the
22 following:

23 "a. Taunting, teasing, tormenting, mistreating,
24 spitting, shouting, inappropriate gesturing or noises, or
25 approaching in a menacing fashion.

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

1 "c. Spraying, throwing, pushing, or otherwise
2 projecting an item or substance, including a flash of light or
3 laser, in a manner likely to cause harm or distraction from
4 duties.

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

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

9 "(5) POLICE ANIMAL. An animal, generally a dog or
10 horse, which is not a human, with specialized training or in
11 the process of specialized training, which is used by, and
12 under the control of a peace officer, Class One Railroad
13 Officer or special agent, or firefighter, in the performance
14 of his or her duties.

15 "(6) SEARCH AND RESCUE ANIMAL. Any animal with
16 specialized training or in the process of specialized
17 training, which is utilized for the principal purpose of
18 aiding in the detection of missing persons, including, but not
19 limited to, tracking persons who are lost or missing
20 regardless whether living or deceased, sometimes referred to
21 as a "SAR" animal.

22 "(7) SERIOUS PHYSICAL HARM. Any physical harm that
23 carries a substantial risk of death, permanent or temporary
24 maiming or disfigurement, or that causes pain or suffering of
25 any gravity or duration."

26 Section 2. Although this bill would have as its
27 purpose or effect the requirement of a new or increased

1 expenditure of local funds, the bill is excluded from further
2 requirements and application under Amendment 621, now
3 appearing as Section 111.05 of the Official Recompilation of
4 the Constitution of Alabama of 1901, as amended, because the
5 bill defines a new crime or amends the definition of an
6 existing crime.

7 Section 3. This act shall become effective
8 immediately following its passage and approval by the
9 Governor, or its otherwise becoming law.