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3 HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR SB67
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8 SYNOPSIS: Under existing law, there is no prohibition
9 against leaving a domestic animal in a motor
10 vehicle unattended in a manner that creates an
11 unreasonable risk of injury or harm to the animal.

12 Also under existing law, there is no
13 specific provision that provides criminal immunity
14 to a person who rescues a domestic animal from an
15 unattended motor vehicle.

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

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

23 This bill would provide civil and criminal
24 immunity to a public safety official who rescues an
25 animal from an unattended motor vehicle.
26

27 A BILL

1 TO BE ENTITLED

2 AN ACT

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4 Relating to animals; to prohibit any person from
5 leaving a domestic animal in a motor vehicle unattended in a
6 manner that creates an unreasonable risk of injury or harm to
7 the animal; to provide criminal immunity to a person who
8 rescues a domestic animal from an unattended motor vehicle;
9 and to provide civil and criminal immunity to a public safety
10 official who rescues an animal from an unattended motor
11 vehicle.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

24 (b) No person shall leave a domestic animal in a
25 motor vehicle unattended in a manner that creates an
26 unreasonable risk of injury or harm to the animal.

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

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

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

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

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

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

24 (6) Maintains control of the animal at all times to
25 prevent harm to the animal or others.

26 (d) If a person removes a domestic animal from a
27 motor vehicle pursuant to subsection (c) and the animal bites

1 or otherwise physically injures another person during the
2 course of the rescue effort, the owner of the domestic animal
3 shall be immune from civil or criminal liability for any
4 injuries sustained by the injured person.

5 (e) The prohibition in subsection (b) does not apply
6 to any dog used primarily for hunting and located in the bed
7 of a truck or a trailer.

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

12 (1) Dispatch a locksmith or towing company with
13 vehicle lockout capabilities and attempt to make contact with
14 a registered vehicle owner and the vehicle operator.

15 (2) Dispatch the appropriate officer or public
16 safety official available in the jurisdiction who can respond
17 effectively, to include attempting to contact a veterinarian
18 to provide additional direction in responding to the animal's
19 condition.

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

24 Section 3. All persons transporting a domestic
25 animal that has been removed from its location pursuant to
26 Section 1 of this act or subdivision (a)(1) of Section
27 13A-11-243, Code of Alabama 1975, shall prevent the animal

1 from suffering hypothermia or heat exhaustion. If an animal is
2 transported in an exterior box that is not heated or cooled,
3 the vehicle operator shall physically check the animal for
4 signs of hypothermia or heat exhaustion every 30 minutes. If
5 the animal displays signs of hypothermia or heat exhaustion,
6 the person shall transport the animal to a nearby
7 veterinarian.

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