

1 SB181  
2 216706-2  
3 By Senator Holley  
4 RFD: Judiciary  
5 First Read: 02-FEB-22

8 SYNOPSIS: Under existing law, there is no prohibition  
9 against leaving an unattended domestic animal in a  
10 motor vehicle 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 civil or criminal  
14 immunity to a person who rescues a domestic animal  
15 from an unattended motor vehicle.

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

20 This bill would provide civil and criminal  
21 immunity to any person who rescues an animal from  
22 an unattended motor vehicle.

23 Amendment 621 of the Constitution of Alabama  
24 of 1901, as amended by Amendment 890, now appearing  
25 as Section 111.05 of the Official Recompilation of  
26 the Constitution of Alabama of 1901, as amended,  
27 prohibits a general law whose purpose or effect

1 would be to require a new or increased expenditure  
2 of local funds from becoming effective with regard  
3 to a local governmental entity without enactment by  
4 a 2/3 vote unless: it comes within one of a number  
5 of specified exceptions; it is approved by the  
6 affected entity; or the Legislature appropriates  
7 funds, or provides a local source of revenue, to  
8 the entity for the purpose.

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

16  
17 A BILL  
18 TO BE ENTITLED  
19 AN ACT  
20

21 Relating to animals; to amend Sections 13A-11-240,  
22 13A-11-241, 13A-11-242, 13A-11-243, 13A-11-244, 13A-11-245,  
23 and 13A-11-246, Code of Alabama 1975, to prohibit any person  
24 from leaving an unattended domestic animal in a motor vehicle  
25 in a manner that creates an unreasonable risk of injury or  
26 harm to the animal; to add Sections 13A-11-241.1,  
27 13A-11-241.2, 13A-11-241.3 to the Code of Alabama 1975, to

1 provide civil and criminal immunity to any person who rescues  
2 an unattended domestic animal from a motor vehicle; and in  
3 connection therewith would have as its purpose or effect the  
4 requirement of a new or increased expenditure of local funds  
5 within the meaning of Amendment 621 of the Constitution of  
6 Alabama of 1901, as amended by Amendment 890, now appearing as  
7 Section 111.05 of the Official Recompilation of the  
8 Constitution of Alabama of 1901, as amended.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Sections 13A-11-240, 13A-11-241,  
11 13A-11-242, 13A-11-243, 13A-11-244, 13A-11-245, and  
12 13A-11-246, Code of Alabama 1975, are amended to read as  
13 follows:

14 "§13A-11-240.

15 ~~"(a) The word "torture" as used in this article~~  
16 ~~shall mean the act of doing physical injury to a dog or cat by~~  
17 ~~the infliction of inhumane treatment or gross physical abuse~~  
18 ~~meant to cause said animal intensive or prolonged pain or~~  
19 ~~serious physical injury, or thereby causing death due to said~~  
20 ~~act.~~

21 ~~"(b) The word "cruel" as used in this article shall~~  
22 ~~mean: Every act, omission, or neglect, including abandonment,~~  
23 ~~where unnecessary or unjustifiable pain or suffering,~~  
24 ~~including abandonment, is caused or where unnecessary pain or~~  
25 ~~suffering is allowed to continue.~~

26 ~~"(c) The words "dog or cat" as used in this article~~  
27 ~~shall mean any domesticated member of the dog or cat family.~~

1           "As used in this article, the following words shall  
2 have the following meanings:

3           "(1) CRUELTY. Every act, omission, or neglect,  
4 including abandonment, where unnecessary or unjustifiable pain  
5 or suffering, including abandonment, is caused or where  
6 unnecessary pain or suffering is allowed to continue.

7           "(2) DOMESTIC ANIMAL. A dog or cat. The term does  
8 not include livestock or other farm animals as defined in  
9 Section 3-5-1.

10          "(3) MOTOR VEHICLE. As defined in Section 32-1-1.1.

11          "(4) PUBLIC SAFETY OFFICIAL. Animal control  
12 personnel employed by a county or municipality or an  
13 individual employed by a law enforcement agency, fire  
14 department, or 911 emergency service.

15          "(5) TORTURE. The act of doing physical injury to a  
16 domestic animal by the infliction of inhumane treatment or  
17 gross physical abuse that results in intensive or prolonged  
18 pain, serious physical injury, or death.

19          "§13A-11-241.

20          "(a) (1) A person commits the crime of cruelty to a  
21 ~~dog or cat~~ domestic animal in the first degree if he or she  
22 intentionally tortures ~~any dog or cat or,~~ skins a ~~domestic dog~~  
23 ~~or cat,~~ or offers for sale or exchange or offers to buy or  
24 exchange the fur, hide, or pelt of a domestic ~~dog or cat~~  
25 animal.

26          "(2) Cruelty to a ~~dog or cat~~ domestic animal in the  
27 first degree is a Class C felony.

1           "(3) A conviction for a felony pursuant to this  
2 ~~section~~ subsection shall not be considered a felony for  
3 purposes of the Habitual Felony Offender Act, Sections 13A-5-9  
4 to 13A-5-10.1, inclusive.

5           "(b) (1) A person commits the crime of cruelty to a  
6 ~~dog or cat~~ domestic animal in the second degree if he or she,  
7 in a cruel manner, ~~overloads,~~ does any of the following:

8           "a. Overloads, overdrives, or deprives a domestic  
9 animal of necessary sustenance or shelter, ~~unnecessarily or~~  
10 ~~cruelly beats, injuries.~~

11           "b. Beats, injures, mutilates, or causes ~~the same to~~  
12 ~~be done~~ injury or mutilation to a domestic animal.

13           "c. Leaves a domestic animal under his or her care,  
14 custody, or control unattended in a motor vehicle in a manner  
15 that creates an unreasonable risk of injury or harm to the  
16 animal, or results in the death of the animal.

17           "d. Leaves a domestic animal under his or her care,  
18 custody, or control unattended in a motor vehicle and all of  
19 the following occur:

20           "1. The ambient interior temperature of the motor  
21 vehicle is greater than 99 degrees Fahrenheit.

22           "2. The animal's internal temperature exceeds its  
23 heat exhaustion threshold by one degree Fahrenheit.

24           "3. The animal is exhibiting visible signs of heat  
25 stroke.

26           "(2) Cruelty to a ~~dog or cat~~ domestic animal in the  
27 second degree is a Class A misdemeanor.

1           "(c) The prohibition in subsection (b) does not  
2 apply to any dog located in the bed of a truck or trailer that  
3 is used primarily for hunting.

4           "§13A-11-242.

5           "Any county or municipality may appoint one or more  
6 trained agents to inspect alleged violations of this article,  
7 to protect ~~dogs or cats~~ a domestic animal from any cruelty  
8 charged, and to prevent any cruelty to ~~any dog or cat~~ a  
9 domestic animal. Any appointment made pursuant to this section  
10 shall be made at a meeting of the local governing body duly  
11 called with notice.

12           "§13A-11-243.

13           "(a) Any law enforcement officer and any agent of  
14 the county or the municipality appointed pursuant to Section  
15 13A-11-242, having reasonable belief, evidence of, or having  
16 found a ~~dog or cat~~ domestic animal to be neglected or cruelly  
17 treated may perform either of the following:

18           "(1) Remove the ~~dog or cat~~ domestic animal from its  
19 present location.

20           "(2) Order the owner of the ~~dog or cat~~ domestic  
21 animal to provide certain care to the ~~dog or cat~~ domestic  
22 animal at the owner's expense without the removal of the ~~dog~~  
23 ~~or cat~~ domestic animal from its present location.

24           "(b) Neither the county or municipality, nor any  
25 employee or agent of the county or municipality, acting in  
26 good faith, shall be liable for any actions taken under this

1 section, regardless of whether ~~or not the dog or cat~~ the  
2 domestic animal is returned to its owner after impoundment.

3 "§13A-11-244.

4 ~~"(a)~~ The law enforcement officer or any agent of the  
5 county or of the municipality, without the requirement of any  
6 fee or charge for court costs, shall immediately petition the  
7 municipal court, l if the violation involves a municipal  
8 ordinance, l or the district court in the county in which the  
9 ~~dog or cat~~ domestic animal is found for a hearing to be set  
10 within 20 days of seizure of the ~~dog or cat~~ domestic animal or  
11 issuance of the order to provide care. The hearing shall be  
12 held not more than 10 days after the setting of the hearing  
13 date. The owner, if known, shall be notified of the date of  
14 the hearing at least five days prior to the date of the  
15 hearing. The hearing shall ~~to~~ determine whether the owner, if  
16 known, is able to provide adequately and protectively for the  
17 ~~dog or cat~~ domestic animal and is fit to have custody of the  
18 ~~dog or cat~~ domestic animal. The hearing shall be concluded and  
19 the court order entered within 30 days after the date the  
20 hearing is commenced.

21 ~~"(b) The owner, at least five days prior to holding~~  
22 ~~such a hearing, shall be notified of the date of the hearing~~  
23 ~~to determine if the owner is able to provide adequately and~~  
24 ~~protectively for the dog or cat and is fit to have custody of~~  
25 ~~the dog or cat.~~

26 "§13A-11-245.



1           "(a) The law enforcement officer or agent of the  
2 county or municipality may provide for the ~~dog or cat~~ domestic  
3 animal until ~~either the dog or cat~~ the domestic animal is  
4 returned to the owner by the court, or the court refuses to  
5 return the ~~dog or cat~~ domestic animal to the owner and  
6 implements one of the procedures pursuant to subsection (c).

7           "(b) If the owner is adjudged by the court, with  
8 certification from a licensed veterinarian, to be able to  
9 provide adequately for and have custody of the ~~dog or cat~~  
10 domestic animal, the ~~dog or cat~~ domestic animal shall be  
11 returned to the owner.

12           "(c) If the court determines that the owner of the  
13 ~~dog or cat~~ domestic animal is unable, unwilling, or unfit to  
14 adequately provide for, protect, and have custody of the ~~dog~~  
15 ~~or cat~~ domestic animal, the court may implement the following  
16 by court order:

17           "(1) Upon the testimony of the person taking  
18 custody, a licensed veterinarian, or another qualified witness  
19 that the ~~dog or cat~~ domestic animal requires destruction or  
20 other disposition for humane reasons or is of no commercial  
21 value, order the ~~dog or cat~~ domestic animal destroyed or  
22 remanded directly to the custody of the ~~dog or cat~~ animal  
23 control, humane shelter, or similar facility designated by the  
24 county or the municipality or other appropriate person to be  
25 disposed of by the facility or person in a humane manner.

26           "(2) Upon proof of the costs incurred by the agent  
27 or agency having custody of the ~~dog or cat~~ domestic animal,

1 order that the owner pay any costs incurred for the care of  
2 the ~~dog or cat~~ domestic animal and for any costs incurred in  
3 destroying the ~~dog or cat~~ domestic animal. A separate hearing  
4 may be held by the judge of the district court on the  
5 assessment of costs, which assessment shall include all costs  
6 of notice and hearing. In the event the court finds the owner  
7 innocent of charges, the owner shall not be charged with costs  
8 of the care of the ~~dog or cat~~ domestic animal in custody.

9 "(d) If the court determines that the owner is  
10 unable, unwilling, or unfit to adequately provide for and  
11 protect any other ~~dog or cat~~ domestic animal in the custody of  
12 the owner that was not originally seized by the agency, agent,  
13 or other person when the ~~dog or cat~~ domestic animal in custody  
14 was seized, the court may enjoin the owner of further  
15 possession or custody of the unseized ~~dog or cat~~ domestic  
16 animal.

17 "§13A-11-246.

18 "This article shall not apply to any of the  
19 following persons or institutions:

20 "(1) Academic and research enterprises that use ~~dogs~~  
21 ~~or cats~~ domestic animals for medical or pharmaceutical  
22 research or testing.

23 "(2) Any owner of a ~~dog or cat~~ domestic animal who  
24 euthanizes the ~~dog or cat~~ domestic animal for humane purposes.

25 "(3) Any person who kills a ~~dog or cat~~ domestic  
26 animal found outside of the owned or rented property of the  
27 owner or custodian of the ~~dog or cat~~ domestic animal when the

1 ~~dog or cat~~ domestic animal threatens immediate physical injury  
2 or is causing physical injury to any person, animal, bird, or  
3 silvicultural or agricultural industry.

4 "(4) A person who shoots a ~~dog or cat~~ domestic  
5 animal with a BB gun not capable of inflicting serious injury  
6 when the ~~dog or cat~~ domestic animal is defecating or urinating  
7 on the person's property.

8 "(5) A person who uses a training device, anti-bark  
9 collar, or an invisible fence on his or her own ~~dog or cat~~  
10 domestic animal or with permission of the owner."

11 Section 2. Sections 13A-11-241.1, 13A-11-241.2,  
12 13A-11-241.3 are added to the Code of Alabama 1975, to read as  
13 follows:

14 §13A-11-241.1.

15 (a) An individual who enters a motor vehicle by  
16 force or otherwise at the direction of a public safety  
17 official, for the purpose of removing a domestic animal from  
18 the vehicle, shall be immune from civil and criminal liability  
19 for damage to the motor vehicle if the individual meets all of  
20 the following requirements:

21 (1) Determines the motor vehicle is locked or there  
22 is otherwise no reasonable method for the domestic animal to  
23 exit the motor vehicle without assistance.

24 (2) Has a good faith and reasonable belief, based  
25 upon the known circumstances, that entry into the motor  
26 vehicle is necessary because the domestic animal is in  
27 imminent danger of suffering harm.

1           (3) Contacts a public safety official before  
2 entering the motor vehicle, provides information requested by  
3 the public safety official, and remains in contact with the  
4 public safety official until the domestic animal is in a safe  
5 condition.

6           (4) Uses no more force than is necessary to enter  
7 the motor vehicle and remove the domestic animal.

8           (5) Remains with the domestic animal in a safe  
9 location in reasonable proximity to the motor vehicle until  
10 law enforcement or other first responders arrive.

11           (6) Maintains control of the domestic animal at all  
12 times to prevent harm to the animal or others.

13           (b) (1) A public safety official who has been  
14 contacted by an individual reporting that an unattended  
15 domestic animal is in a motor vehicle in a manner that creates  
16 an unreasonable risk of injury or harm to the domestic animal  
17 shall do the following:

18           a. Dispatch a locksmith or towing company with  
19 vehicle lockout capabilities and attempt to make contact with  
20 a registered vehicle owner and the vehicle operator.

21           b. Dispatch the appropriate officer or public safety  
22 official available in the jurisdiction who can respond  
23 effectively, to include attempting to contact a veterinarian  
24 to provide additional assistance in responding to the domestic  
25 animal's condition.

26           (b) (2) A public safety official, acting reasonably  
27 in the course of his or her employment and pursuant to Section

1 2 of this amendatory act, shall be immune from civil and  
2 criminal liability in accordance with Section 36-1-12, Code of  
3 Alabama 1975.

4 §13A-11-241.2.

5 If an individual removes a domestic animal from a  
6 motor vehicle pursuant to Section 13-11-241.1 and the animal  
7 bites or otherwise physically injures another individual  
8 during the course of the rescue effort, the owner of the  
9 domestic animal shall be immune from civil or criminal  
10 liability for any injuries sustained by the injured individual  
11 unless the owner is in violation of Section 13-11-241.

12 §13A-11-241.3.

13 Any individual transporting a domestic animal that  
14 has been rescued under Section 2 of this amendatory act, shall  
15 prevent the animal from suffering hypothermia or heat  
16 exhaustion. If an animal is transported in an exterior box  
17 that is not heated or cooled, the vehicle operator shall  
18 physically check the animal for signs of hypothermia or heat  
19 exhaustion every 30 minutes. If the animal displays signs of  
20 hypothermia or heat exhaustion, the individual shall transport  
21 the animal to a nearby veterinarian.

22 Section 3. Although this bill would have as its  
23 purpose or effect the requirement of a new or increased  
24 expenditure of local funds, the bill is excluded from further  
25 requirements and application under Amendment 621 because the  
26 bill defines a new crime or amends the definition of an  
27 existing crime.

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