

State Laws Prohibiting Leaving Animals In Unattended Vehicles

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Issue

Do any states have laws that prohibit a person from leaving an animal in an unattended motor vehicle? Do the laws allow someone to break into a vehicle to rescue an animal? This report updates OLR Report [2015-R-0192](#).

Summary

Twenty-seven states have laws that explicitly address leaving an animal in an unattended vehicle: Arizona, California, Colorado, Delaware, Florida, Illinois, Indiana, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, Washington, West Virginia, and Wisconsin (see Table 1 below).

These laws either prohibit a person from leaving an animal in an unattended vehicle, allow certain people (e.g., police and animal control officers) to rescue an animal that is confined in a vehicle, or both. Generally, the person may, without liability, use reasonable force to rescue the animal given the circumstances.

In Connecticut, depending on the facts and circumstances of the case, a person leaving an animal confined in a parked vehicle in adverse weather (e.g., extreme heat or cold) may be charged with animal cruelty.

Under Connecticut law, a person commits animal cruelty if he or she, among other things, tortures, cruelly beats or kills, deprives of necessary sustenance, or unjustifiably injures an animal. A person is also guilty of this crime if (1) when confining an animal, they fail to provide the animal proper care or to supply it with wholesome air, food, and water or (2) when having custody of an animal, they inflict cruelty upon it or fail to provide it proper food, drink, or protection from the weather. Animal cruelty is punishable by up to one year in prison, a fine of up to \$1,000, or both for a first offense and is a class D felony for a subsequent offense. Intentional and malicious animal cruelty is a class D felony for a first offense and a Class C felony for a subsequent offense ([CGS § 53-247](#)).

Table 1: State Laws Concerning Animals Left in an Unattended Vehicle

<i>State and Citation</i>	<i>Prohibited Activity</i>	<i>Penalty</i>	<i>Rescue Provision</i>
<p>Arizona</p> <p>A.R.S.</p> <p>§§ 13-2910 and 12-558.02</p>	<p>Intentionally, knowingly, or recklessly leaving an animal unattended and confined in a motor vehicle where physical injury or death is likely to result</p>	<p>Class 1 misdemeanor</p>	<p>A peace officer or animal control enforcement agent or deputy may use reasonable force to open a vehicle to rescue an animal.</p> <p>A person may use reasonable force to enter a locked and unattended vehicle to remove a confined domestic animal without civil liability if the person (1) has a good faith belief that the animal is in imminent danger of suffering injury or death; (2) determines there is no reasonable method to remove the animal; (3) notifies a peace officer, emergency medical service or first responder, or an animal control enforcement agency or deputy before entering; and (4) remains with the animal until first responders arrive.</p>
<p>California</p> <p>Cal. Penal Code § 597.7</p> <p>Cal. Civ. Code § 43.100</p>	<p>Leaving or confining an animal in an unattended motor vehicle under conditions that endanger the animal's health or well-being due to heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death</p>	<p>First conviction: up to a \$100 fine, but if the animal suffered great bodily injury, then up to a \$500 fine, up to six months in county jail, or both</p> <p>Subsequent conviction: up to a \$500 fine, up to six months in county jail, or both</p>	<p>A person with a reasonable, good faith belief that forcible entry is necessary because the animal is in imminent danger of harm (1) must contact the local law enforcement agency, fire department, animal control, or 911 operator; (2) may take reasonable steps to enter the vehicle to rescue the animal after determining there is no other exit for the animal; and (3) must remain with the animal until an emergency responder arrives and immediately turn the animal over to the responder. Such a person is immune from civil liability.</p> <p>A peace officer, animal control officer, or humane officer (1) may take all steps necessary to remove the animal from the vehicle after making a reasonable effort to locate the person responsible and (2) must leave a written note indicating where the animal can be claimed.</p> <p>An owner may claim the animal after paying all charges for the maintenance, care, medical treatment, or impoundment of the animal.</p>

Table 1 (continued)

<i>State and Citation</i>	<i>Prohibited Activity</i>	<i>Penalty</i>	<i>Rescue Provision</i>
Colorado C.R.S.A. §§ 13-21-108.4 and 18-1-706.5	None specified	None specified	A person is immune from civil or criminal liability for property damage resulting from his or her forcible entry into a locked vehicle to rescue an at-risk dog or cat if the person (1) has reasonable belief that the animal is in imminent danger of death or suffering serious bodily injury, (2) determines forcible entry is necessary, (3) makes reasonable effort to locate the owner, (4) contacts law enforcement prior to entering the vehicle, and (5) remains with the animal until a first responder arrives. If the rescuer must leave the scene, he or she must leave a written note and contact law enforcement first.
Delaware 11 Del.C. § 1325	Confining an animal (not including fish, crustacea, or molluska) unattended in a standing or parked motor vehicle in which the temperature is either so high or low as to endanger the health or safety of the animal	First offense: issued warning Subsequent offenses: Class A misdemeanor	A law enforcement officer, animal control officer, or firefighter with probable cause (1) may use reasonable force to remove the animal and (2) must use reasonable means to contact the owner. If unable to contact the owner, he or she must leave a written note with the location where the animal may be claimed before taking the animal to a shelter.
Florida F.S.A. § 768.139	None specified	None specified	A person who enters a motor vehicle to remove a vulnerable domestic animal is immune from civil liability for damage to the motor vehicle if the person (1) determines there is no reasonable way for the animal to exit without help, (2) has a good faith and reasonable belief that the animal is in imminent danger of suffering harm, (3) contacts law enforcement before entering the vehicle or immediately after, (4) uses no more force than necessary, and (5) remains with the animal until a first responder arrives.

Table 1 (continued)

<i>State and Citation</i>	<i>Prohibited Activity</i>	<i>Penalty</i>	<i>Rescue Provision</i>
Illinois 510 ILCS 70/7.1	Confining an animal in a motor vehicle in a way that places it in a life- or health-threatening situation due to prolonged exposure to extreme heat or cold without proper ventilation or other precaution against the heat or cold	First conviction: class C misdemeanor Subsequent conviction: class B misdemeanor	A law enforcement officer, animal control officer, or agriculture department investigator may enter the vehicle using any reasonable means after making a reasonable effort to locate the person responsible.
Indiana IC 34-6-2-34.3 and IC 34-30-30-3	None specified	None specified	<p>A person who forcibly enters a motor vehicle to remove a domestic animal is liable to the owner or lessee for one-half of repair costs for damages, unless liability is waived. The person is immune from other civil or criminal liability if he or she (1) reasonably believes the animal is in danger of suffering serious harm, (2) determines forcible entry is the only option, (3) calls 911 before entry, (4) uses no more force than is necessary, and (5) stays with the animal until a first responder arrives.</p> <p>Law enforcement officers, firefighters, government officers whose primary duties are to ensure public safety, emergency responders, animal control officers, veterinarians, and veterinarian assistants are not liable for repair costs if the rescue happens when acting in the course and scope of employment.</p>

Table 1 (continued)

<i>State and Citation</i>	<i>Prohibited Activity</i>	<i>Penalty</i>	<i>Rescue Provision</i>
Maine 7 M.R.S.A. § 4019	Leaving an animal in a motor vehicle if the animal's safety, health, or well-being appears to be in immediate danger from heat, cold, or lack of adequate ventilation and extreme suffering or death could reasonably be expected	None specified, but the animal's owner can claim the animal only after paying all charges accrued for the animal's maintenance, care, medical treatment, and impoundment	A law enforcement officer, humane agent, animal control officer, firefighter, first responder, or licensed security guard (1) may take all steps reasonably necessary to remove the animal from the vehicle and (2) must leave a written note indicating where the animal may be claimed.
Maryland MD Code, Trans., § 21-1004.1	Leaving a cat or dog unattended in a standing or parked motor vehicle in a manner that endangers the animal's health or safety	Motor vehicle violation (currently a \$70 fine)	The following people may use reasonable force to remove a cat or dog from a motor vehicle: law enforcement officer, public safety employee, animal control officer, officer of a prevention of cruelty to animals society authorized to make arrests, or fire and rescue service volunteer or professional.
Massachusetts M.G.L.A. 140 § 174F	Confining an animal in a motor vehicle in a manner that could reasonably be expected to threaten the health of the animal due to exposure to extreme heat or cold	Civil infraction, subject to a fine up to the following amount: First offense: \$150 Second offense: \$300 Third or subsequent offense: \$500	An animal control officer, law enforcement officer, or fire fighter (1) may use reasonable means to remove an animal from a motor vehicle and (2) must leave written notice indicating where the animal may be claimed. An owner may claim the animal after paying all charges for the maintenance, care, medical treatment, or impoundment of the animal. Any person with a reasonable, good faith belief that entry to the vehicle is necessary to prevent imminent danger or harm to the animal may use reasonable force to remove an animal from a motor vehicle, but first must (1) try to locate the vehicle owner, (2) notify law enforcement or call 911, (3) determine there is no other reasonable exit for the animal, and (4) remain with the animal until a first responder arrives. Rescuers are immune from criminal or civil liability.

Table 1 (continued)

<i>State and Citation</i>	<i>Prohibited Activity</i>	<i>Penalty</i>	<i>Rescue Provision</i>
Minnesota M.S.A. § 346.57	Leaving a cat or dog unattended in a standing or parked motor vehicle in a manner that endangers the animal's health or safety	Petty misdemeanor, subject to a \$25 fine	A peace officer, humane agent, dog warden, or fire or rescue department volunteer or professional (1) may use reasonable force to remove a cat or dog from a vehicle and (2) must use reasonable means to contact the animal's owner to arrange for its return. If unable to contact the owner, the rescuer may take the dog or cat to an animal shelter.
Nevada N.R.S. SB 409, § 3 N.R.S. § 574.055	Leaving a pet unattended in a parked or standing motor vehicle during extreme heat, cold, or any other conditions that present a significant risk to the health and safety of the pet	Misdemeanor	The following people may use any reasonable means necessary to protect and remove a pet from a motor vehicle without incurring civil liability: peace officer, animal control officer, public safety officer, fire department employee or volunteer, or member of a search and rescue organization that is under a sheriff's supervision.
New Hampshire N.H. Rev. Stat. § 644:8-aa	Confining an animal in a motor vehicle or other enclosed space in which the temperature is either so high or so low as to cause serious harm	Misdemeanor	A law enforcement officer or agent of a licensed humane organization may take action necessary to rescue a confined animal endangered by extreme temperatures.
New Jersey N.J.S.A. § 4:22-26(c)	Leaving a living animal or creature unattended in a vehicle under inhumane conditions adverse to its health or welfare	Between \$500 and \$2,000 fine	None specified

Table 1 (continued)

<i>State and Citation</i>	<i>Prohibited Activity</i>	<i>Penalty</i>	<i>Rescue Provision</i>
New York N.Y. Agri & Mkts § 353-d	Confining a companion animal in a motor vehicle in extreme heat or cold without proper ventilation or other protection, placing the animal in imminent danger of death or serious physical injury	First offense: between \$50 and \$100 fine Subsequent offense: between \$100 and \$250 fine	A police officer, peace officer, or peace officer acting as an agent of an incorporated humane society (1) may take necessary steps to remove the animal from the vehicle and (2) must leave a written note indicating where the animal will be taken.
North Carolina N.C.G.S.A. §§ 14-363.3 & 14-360	Leaving an animal confined in a motor vehicle under conditions that are likely to cause suffering, injury, or death due to heat, cold, lack of adequate ventilation, or other endangering conditions	None specified, but may be charged with cruelty to animals, which is a class 1 misdemeanor or class H felony, depending on the circumstances	An animal control officer, appointed animal cruelty investigator, law enforcement officer, firefighter, or rescue squad worker may enter the vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the person responsible
North Dakota NDCC § 36-21.2-12	Leaving an animal unattended in a motor vehicle endangering the animal's health and safety	Infraction	A law enforcement officer may use reasonable means to remove an animal from a vehicle.
Ohio R.C. § 959.133	None specified	None specified	A person who forcibly enters a motor vehicle to remove an animal from the vehicle is immune from civil liability for damages if he or she (1) determines forcible entry is the only option, (2) reasonably believes the animal in the vehicle is in imminent danger of suffering harm, (3) calls law enforcement before entry, (4) leaves written notice on the vehicle, (5) stays with the animal until emergency responders arrive, and (6) uses no more force than is necessary.

Table 1 (continued)

State and Citation	Prohibited Activity	Penalty	Rescue Provision
Oregon Ch. 424, § 1 (2017)	None specified	None specified	A person who enters a motor vehicle to remove a domestic animal left unattended is not subject to criminal or civil liability if he or she (1) determines forcible entry is the only option, (2) reasonably believes the animal is in imminent danger of suffering harm, (3) notifies law enforcement before entry or as soon as practicable, (4) uses no more force than is necessary, and (5) stays with the animal until emergency responders arrive.
Rhode Island R.I. Gen. Laws § 4-1-3.2	Confining an animal in a motor vehicle and placing the animal in a life- or extreme health-threatening situation by exposing it to a prolonged period of extreme heat or cold without proper ventilation or other protection	Knowingly violating the law is punishable by up to one year in prison, a fine of up to \$1,000, or both The animal's owner can claim the animal only after paying all charges accrued for the animal's maintenance, care, medical treatment, and impoundment	An animal control officer, law enforcement officer, or firefighter (1) may enter a vehicle by any reasonable means necessary under the circumstances to rescue the animal after making a reasonable effort to locate the person responsible and (2) must leave a written note indicating where the animal may be claimed.
South Dakota SDCL § 40-1-36	Leaving a cat, dog, or other small animal unattended in a standing or parked vehicle in a manner that endangers the animal's health or safety	None specified	A peace officer or humane society officer or agent may use reasonable force to remove an animal from a vehicle.

Table 1 (continued)

<i>State and Citation</i>	<i>Prohibited Activity</i>	<i>Penalty</i>	<i>Rescue Provision</i>
Tennessee T. C. A. § 29-34-209	None specified	None specified	A person with a reasonable, good faith belief that forcible entry is necessary because the animal is in imminent danger of suffering harm who has contacted the local law enforcement agency, fire department, or 911 operator (1) may, without civil liability, use no more force than is necessary to enter the vehicle to rescue the animal and (2) must (a) leave a written note indicating where the animal will be taken and (b) remain with the animal until an emergency responder arrives.
Vermont 13 V.S.A. §§ 386, 352, & 353 12 V.S.A. § 5784	Leaving an animal unattended in a standing or parked motor vehicle in a manner that endangers the animal's health or safety	<p>First conviction: up to one year in prison, up to a \$2,000 fine, or both</p> <p>Subsequent conviction: up to two years in prison, up to a \$5,000 fine, or both</p> <p>If the person is a first time offender, in lieu of a criminal arrest, a law enforcement officer may issue a civil citation and assess a fine of up to \$500</p> <p>The owner is liable for reasonable expenses incurred for rescuing the animal</p>	<p>A humane officer or member of a fire and rescue service (1) may use reasonable force to remove an animal from a vehicle; (2) bring the animal to a humane society, veterinarian, or town or municipal pound; and (3) must, if the owner cannot be found, leave a written note indicating where the animal may be claimed.</p> <p>Any person with a reasonable, good faith belief that forcible entry is necessary because the animal is in imminent danger of harm who has contacted the local law enforcement agency, fire department, or 911 operator (1) may, without civil liability, use no more force than necessary to enter the vehicle to rescue the animal after determining there is no reasonable exit for the animal and (2) must (a) remain with the animal until an emergency responder arrives and (b) leave a written note indicating authorities were notified and where the animal will be taken.</p>

Table 1 (continued)

<i>State and Citation</i>	<i>Prohibited Activity</i>	<i>Penalty</i>	<i>Rescue Provision</i>
Virginia VA ST § 3.2-6504.1	None specified	None specified	A law enforcement officer, firefighter, emergency medical personnel, or animal control officer may forcibly enter a motor vehicle to remove an unattended companion animal at risk of serious bodily injury or death without liability, unless gross negligence or willful misconduct results in property damage or injury.
Washington RCWA §§ 16.52.340 and 7.80.120	Leaving or confining an animal unattended in a motor vehicle or enclosed space if the animal could be harmed or killed due to excessive heat, cold, lack of ventilation, or lack of necessary water	Class 2 civil infraction, subject to a maximum fine of \$125 (not including statutory assessments) Animal cruelty charges may also apply	An animal control or law enforcement officer who reasonably believes an animal is suffering or likely to suffer harm may enter a vehicle or enclosed space to remove the animal by any means reasonable under the circumstances.
West Virginia W.Va. Code § 61-8-19	Leaving an animal unattended and confined in a motor vehicle when physical injury or death is likely to result	First conviction: misdemeanor, subject to up to six months in jail, a fine of between \$300 and \$2,000, or both Subsequent conviction: misdemeanor, subject to jail for at least 90 days, a fine of between \$500 and \$3,000, or both A person convicted may be (1) required to complete a psychiatric or psychological evaluation and an anger management program and (2) prohibited from owning or possessing an animal for five years	None specified

Table 1 (continued)

<i>State and Citation</i>	<i>Prohibited Activity</i>	<i>Penalty</i>	<i>Rescue Provision</i>
Wisconsin W.S.A. § 895.484	None specified	None specified	A person who forcibly enters a motor vehicle to remove a domestic animal is immune from civil liability if he or she (1) reasonably believes the animal is in imminent danger of suffering bodily harm unless removed; (2) determines forcible entry is necessary; (3) calls 911 or contacts law enforcement, emergency medical services, or animal control before entry; (4) stays with the animal until emergency responders arrive; (5) uses no more force than is necessary; and (6) if leaving the scene, also leaves detailed written notice.

Sources: Individual state laws and Michigan State University College of Law's Animal Center (<https://www.animallaw.info/topic/table-state-laws-protect-animals-left-parked-vehicles>)

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