

Senate Bill 516

By: Senators Ladd of the 41st, Brown of the 26th and Polak of the 42nd

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 30 of the Official Code of Georgia Annotated, relating to  
2 general provisions relative to handicapped persons, so as to define a certain term; to provide  
3 that it shall be unlawful for any person willfully to allow his or her dog to attack or otherwise  
4 interfere with an assistance dog; to provide that it shall be unlawful for any person to exercise  
5 control over an assistance dog with the intent to deprive the user of the dog's services; to  
6 provide for penalties and restitution; to provide for an effective date; to repeal conflicting  
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Chapter 1 of Title 30 of the Official Code of Georgia Annotated, relating to general  
11 provisions relative to handicapped persons, is amended by striking in its entirety Code  
12 Section 30-1-6, relating to assaulting, beating, harassing, or injuring guide or dogs assisting  
13 disabled persons, and inserting in lieu thereof the following:

14 "30-1-6.

15 (a) As used in this Code section, the term 'assistance dog' includes guide dogs which guide  
16 persons who are visually impaired, hearing dogs which alert persons who are deaf to  
17 certain sounds, and service dogs which are trained to perform tasks to assist persons with  
18 disabilities other than blindness or deafness including, without limitation, pulling a  
19 wheelchair, lending balance support, picking up dropped objects, or providing assistance  
20 in a medical crisis. Such term also includes dogs undergoing a formal training regimen to  
21 become an assistance dog. Such term shall not include dogs kept solely for comfort,  
22 protection, or emotional support.

23 (b) It shall be unlawful for any person to:

24 (1) Willfully ~~and maliciously~~ to assault, beat, harass, injure, or attempt to assault, beat,  
25 harass, or injure a dog that he or she knows or has reason to believe is ~~a guide or leader~~

1 ~~dog for a blind individual, a hearing dog for a deaf or audibly impaired individual, or a~~  
 2 ~~service dog for a physically limited individual; and an assistance dog;~~

3 (2) ~~Willfully and maliciously to impede or interfere with, or attempt to impede or~~  
 4 ~~interfere with, duties performed by a dog that he or she knows or has reason to believe~~  
 5 ~~is a guide or leader dog for a blind individual, a hearing dog for a deaf or audibly~~  
 6 ~~impaired individual, or a service dog for a physically limited individual an assistance dog;~~

7 (3) Willfully to allow any dog under his or her control or in his or her custody to attack,  
 8 injure, intimidate, or otherwise interfere with the activities of an assistance dog; or

9 (4) To obtain or exert control over an assistance dog without legal privilege with the  
 10 intent to deprive the user of the services of the assistance dog.

11 ~~(b) As used in subsection (a) of this Code section, the term 'harass' means to engage in any~~  
 12 ~~conduct directed toward a guide, leader, hearing, or service dog that is likely to impede or~~  
 13 ~~interfere with the dog's performance of its duties or that places the blind, deaf, or~~  
 14 ~~physically limited person being served or assisted by the dog in danger of injury.~~

15 (c) Any person who violates subsection ~~(a)~~ (b) of this Code section shall be guilty of a  
 16 misdemeanor ~~punishable by imprisonment for not more than 90 days or a fine of not more~~  
 17 ~~than \$500.00, or both. Any person who violates subsection (b) of this Code section with~~  
 18 ~~malicious intent shall be guilty of a misdemeanor of a high and aggravated nature. Each~~  
 19 ~~such violation shall constitute a separate offense. In addition to any other punishment, such~~  
 20 ~~person shall be ordered to make full restitution to the owner and user of the assistance dog,~~  
 21 ~~including, without limitation, the value of replacement of a disabled or killed assistance~~  
 22 ~~dog, the retraining of a damaged assistance dog, and all veterinary and medical expenses~~  
 23 ~~incurred by the owner and user of the assistance dog as a result of the violation. Nothing~~  
 24 ~~in this Code section shall preclude any civil remedies available for the action constituting~~  
 25 ~~such violation.~~

26 (d) In a prosecution for a violation of subsection ~~(a)~~ (b) of this Code section, evidence that  
 27 the defendant initiated or continued conduct directed toward a an assistance dog described  
 28 in subsection (a) of this Code section after being requested to avoid or discontinue that  
 29 conduct or similar conduct by a ~~blind, deaf, audibly impaired, or physically limited~~ the  
 30 owner or the individual being served or assisted by the dog shall give rise to a rebuttable  
 31 presumption that the conduct was initiated or continued maliciously.

32 (e) A conviction and imposition of a sentence under this Code section shall not prevent a  
 33 conviction and imposition of a sentence under any other applicable provision of law."

## 34 SECTION 2.

35 This Act shall become effective upon its approval by the Governor or upon its becoming law  
 36 without such approval.

1 **SECTION 3.**

2 All laws and parts of laws in conflict with this Act are repealed.