

House Bill 1645

By: Representative Rice of the 79th

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 30-1-6 of the Official Code of Georgia Annotated, relating to assaulting, beating, harassing, or injuring guide or dogs assisting disabled persons, so as to provide that assaulting or causing the death of an assistance dog or attempting to do so shall be a felony; to provide that interfering with assistance dog duties or attempting to do so shall be a misdemeanor; to provide that interfering with the use of an assistance dog with reckless disregard shall be a misdemeanor or a high and aggravated misdemeanor; to provide that interfering with the use of an assistance dog shall be a misdemeanor or a high and aggravated misdemeanor; to provide that injuring or causing the death of an assistance dog with reckless disregard shall be a high and aggravated misdemeanor; to provide for the offense of theft by taking with regard to assistance dogs; to provide for restitution for a violation of this Act; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 30-1-6 of the Official Code of Georgia Annotated, relating to assaulting, beating, harassing, or injuring guide or dogs assisting disabled persons, is amended by striking said Code section in its entirety and inserting in its place the following:

"30-1-6.

(a) As used in this Code section, the term:

(1) 'Assistance dog' means an assistance dog or assistance dog in training and may include other animals specifically trained or being trained to perform physical tasks to mitigate an individual's disability. Assistance dogs include guide or leader dogs that guide individuals who are legally blind; hearing dogs that alert individuals who are deaf or hard of hearing to specific sounds; and service dogs for individuals with disabilities other than blindness or deafness, which are trained to perform a variety of physical tasks including but not limited to pulling a wheelchair, lending balance support, picking up

1 dropped objects, or providing assistance in a medical crisis. The presence of an animal
2 for comfort, protection, or personal defense does not qualify as being trained to mitigate
3 an individual's disability and does not qualify said animal as an assistance dog.

4 (2) 'Harass' means to engage in any conduct directed toward an assistance dog that is
5 likely to impede or interfere with the assistance dog's performance of its duties or that
6 places the blind, deaf, or physically limited person being served or assisted by the dog in
7 danger of injury.

8 (3) 'Notice' means an oral or otherwise communicated warning proscribing the behavior
9 of another person and a request that the person stop that behavior.

10 (4) 'Value' means the value to the assistance dog user and does not refer to cost or fair
11 market value.

12 (a) ~~It shall be unlawful for any person to:~~

13 (b)(1) ~~Willfully and maliciously assault, beat, harass, injure, or attempt~~ Any person who
14 willfully and maliciously assaults, beats, harasses, injures, disables, or causes the death
15 of or attempts to assault, beat, harass, or injure a dog that he or she knows or has reason
16 to believe is a guide or leader dog for a blind individual, a hearing dog for a deaf or
17 audibly impaired individual, or a service dog for a physically limited individual; and or
18 injure, disable, or cause the death of an assistance dog is guilty of a felony and shall be
19 fined not less than \$2,500.00 nor more than \$10,000.00 or shall be imprisoned for not
20 more than one year nor more than five years, or both fined and imprisoned.

21 (2) Any person who willfully ~~Willfully and maliciously impede or interfere with, or~~
22 ~~attempt~~ impedes or interferes with, or attempts to impede or interfere with, duties
23 performed by a dog that he or she knows or has reason to believe is a guide or leader dog
24 for a blind individual, a hearing dog for a deaf or audibly impaired individual, or a service
25 dog for a physically limited individual an assistance dog shall be guilty of a misdemeanor
26 punishable by imprisonment for not more than 90 days or a fine of not more than
27 \$500.00, or both.

28 (3) Any person who has received notice that his or her behavior is interfering with the
29 use of an assistance dog who continues with reckless disregard to interfere with the use
30 of an assistance dog by obstructing, intimidating, or otherwise jeopardizing the safety
31 of the assistance dog user or his or her assistance dog is guilty of a misdemeanor
32 punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00
33 or both, except that a second or subsequent offense shall be a high and aggravated
34 misdemeanor.

35 (4) Any person who, with reckless disregard, allows his or her dog to interfere with the
36 use of an assistance dog by obstructing, intimidating, or otherwise jeopardizing the safety
37 of the assistance dog user or his or her assistance dog is guilty of a misdemeanor

punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00 or both, except that a second or subsequent offense shall be a high and aggravated misdemeanor.

(5) Any person who, with reckless disregard, injures, disables, or causes the death of an assistance dog is guilty of a high and aggravated misdemeanor.

(6) Any person who, with reckless disregard, allows his or her dog to injure, disable, or cause the death of an assistance dog is guilty of a high and aggravated misdemeanor.

(7) Any person who wrongfully obtains or exerts unauthorized control over an assistance dog with the intent to deprive the assistance dog user of his or her assistance dog is guilty of theft by taking.

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

~~(c) Any person who violates subsection (a) of this Code section shall be guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.~~

~~(d)~~(c) In a prosecution for a violation of ~~subsection (a)~~ paragraphs (1) and (2) of subsection (b) of this Code section, evidence that the defendant initiated or continued conduct directed toward ~~a dog described in subsection (a)~~ an assistance dog described in paragraphs (1) and (2) of subsection (b) of this Code section after being ~~requested~~ given notice to avoid or discontinue that conduct or similar conduct by a blind, deaf, audibly impaired, or physically limited individual being served or assisted by the assistance dog shall give rise to a rebuttable presumption that the conduct was initiated or continued maliciously.

(d)(1) In any case in which a person is convicted of a violation of this Code section, he or she shall also be ordered to make full restitution for all damages, including incidental and consequential expenses incurred by the assistance dog user for the assistance dog which arise out of or are related to the criminal offense.

(2) Restitution for a conviction under this Code section shall include, but is not limited to the following:

(A) The value of the replacement of an incapacitated or deceased assistance dog; the training of a replacement assistance dog; the retraining of the affected assistance dog; and all related veterinary and care expenses; and

(B) Medical expenses of the assistance dog user; training of the assistance dog user; and compensation for wages or earned income lost by the assistance dog user.

- 1 (e) Nothing in this Code section shall affect any civil remedies available for a violation of
2 this Code section.
3 ~~(e)~~(f) A conviction and imposition of a sentence under this Code section shall not prevent
4 a conviction and imposition of a sentence under any other applicable provision of law."

- 5 **SECTION 2.**
6 All laws and parts of laws in conflict with this Act are repealed.