

House Bill 211

By: Representatives Rice of the 64<sup>th</sup>, Millar of the 52<sup>nd</sup>, Dix of the 70<sup>th</sup>, Post 2, Sholar of the 141<sup>st</sup>, Post 1 and Jenkins of the 93<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

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

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

18 "30-1-6.

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

20 (1) 'Assistance dog' means an assistance dog or assistance dog in training and may  
21 include other animals specifically trained or being trained to perform physical tasks to  
22 mitigate an individual's disability. Assistance dogs include guide or leader dogs that  
23 guide individuals who are legally blind; hearing dogs that alert individuals who are deaf  
24 or hard of hearing to specific sounds; and service dogs for individuals with disabilities  
25 other than blindness or deafness, which are trained to perform a variety of physical tasks  
26 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

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

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

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

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

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) 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.~~

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

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

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

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

35 (B) Medical expenses of the assistance dog user; training of the assistance dog user;  
 36 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.