

The House Committee on Special Judiciary offers the following substitute to HB 211:

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 16 and 30 of the Official Code of Georgia Annotated, relating respectively
2 to crimes and offenses and handicapped persons, so as to provide enhanced penalties for
3 certain acts related to assistance dogs; to provide for definitions; to change provisions
4 relating to theft; to change provisions relating to assaulting, beating, harassing, or injuring
5 guide or dogs assisting disabled persons; to provide for limitations; to provide for related
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
10 amended by striking the word "or" at the end of subparagraph (a)(5)(B) of Code Section
11 16-8-12, relating to penalties for certain violations involving theft; by striking the period at
12 the end of paragraph (6) of subsection (a) of the Code section and inserting in lieu thereof
13 the symbol and word "; or"; and by inserting immediately following paragraph (6) of
14 subsection (a) of the Code section the following:

15 "(7) If the property that was the subject of the theft is an assistance dog as defined in
16 paragraph (1) of Code Section 16-11-107.1, by imprisonment for not less than one nor
17 more than five years."

18 **SECTION 2.**

19 Said title is further amended by adding a new Code section to follow Code Section
20 16-11-107, relating to destroying or injuring a police dog or police horse, to read as follows:
21 "16-11-107.1.

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

23 (1) 'Assistance dog' means a dog that is or has been trained by a licensed or certified
24 person, organization, or agency to perform physical tasks for a physically challenged
25 person. Assistance dogs include guide or leader dogs that guide individuals who are

1 legally blind; hearing dogs that alert individuals who are deaf or hard of hearing to
 2 specific sounds; and service dogs for individuals with disabilities other than blindness or
 3 deafness, which are trained to perform a variety of physical tasks, including, but not
 4 limited to, pulling a wheelchair, lending balance support, picking up dropped objects, or
 5 providing assistance in a medical crisis.

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

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

12 (b) Any person who knowingly and intentionally harasses or attempts to harass an
 13 assistance dog, knowing the dog to be an assistance dog, shall be guilty of a misdemeanor
 14 and, upon conviction thereof, shall be punished by imprisonment for not less than 90 days
 15 or a fine not to exceed \$500.00, or both.

16 (c) Any person who has received notice that his or her behavior is interfering with the use
 17 of an assistance dog who continues to knowingly and intentionally harass an assistance
 18 dog, knowing the dog to be an assistance dog, shall be guilty of a misdemeanor and, upon
 19 conviction thereof, shall be punished by imprisonment for not less than 90 days or a fine
 20 not to exceed \$500.00, or both, provided that any person who is convicted of a second or
 21 subsequent violation of this subsection shall be punished as for a misdemeanor of a high
 22 and aggravated nature.

23 (d) Any person who knowingly and intentionally allows his or her dog to harass an
 24 assistance dog, knowing the dog to be an assistance dog, shall be guilty of a misdemeanor
 25 and, upon conviction thereof, shall be punished by imprisonment for not less than 90 days
 26 or a fine not to exceed \$500.00, or both, provided that any person who is convicted of a
 27 second or subsequent violation of this subsection shall be punished as for a misdemeanor
 28 of a high and aggravated nature.

29 (e) Any person who knowingly and intentionally allows his or her dog to cause death or
 30 physical harm to an assistance dog by rendering a part of the assistance dog's body useless
 31 or by seriously disfiguring the assistance dog, knowing the dog to be an assistance dog,
 32 shall be punished as for a misdemeanor of a high and aggravated nature."

33 SECTION 3.

34 Title 30 of the Official Code of Georgia Annotated, relating to handicapped persons, is
 35 amended by striking Code Section 30-1-6, relating to assaulting, beating, harassing, or
 36 injuring guide or dogs assisting disabled persons, and inserting in lieu thereof the following:

H. B. 211 (SUB)

