

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

A BILL TO BE ENTITLED  
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by adding a new Code section to follow Code Section 16-11-107, relating to destroying or injuring a police dog or police horse, to read as follows:

"16-11-107.1.

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

(1) 'Assistance dog' means a dog that is or has been trained by a licensed or certified person, organization, or agency to perform physical tasks for a physically challenged person. 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 dropped objects, or providing assistance in a medical crisis.

(2) 'Harass' means to engage in any conduct directed toward an assistance dog that is knowingly likely to impede or interfere with the assistance 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.

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

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

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

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

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

## SECTION 2.

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

"30-1-6.

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

~~(1) Willfully and maliciously assault, beat, harass, injure, or attempt to assault, beat, harass, or injure a dog that he or she knows or has reason to believe is a guide or leader dog for a blind individual, a hearing dog for a deaf or audibly impaired individual, or a service dog for a physically limited individual; and~~

~~(2) Willfully and maliciously impede or interfere with, or attempt to impede or interfere with, duties performed by a dog that he or she knows or has reason to believe is a guide~~

1     ~~or leader dog for a blind individual, a hearing dog for a deaf or audibly impaired~~  
2     ~~individual, or a service dog for a physically limited individual.~~

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

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

10    ~~(d) In a prosecution for a violation of subsection (a) of this Code section, evidence that the~~  
11    ~~defendant initiated or continued conduct directed toward a dog described in subsection (a)~~  
12    ~~of this Code section after being requested to avoid or discontinue that conduct or similar~~  
13    ~~conduct by a blind, deaf, audibly impaired, or physically limited individual being served~~  
14    ~~or assisted by the dog shall give rise to a rebuttable presumption that the conduct was~~  
15    ~~initiated or continued maliciously.~~

16    ~~(e) A conviction and imposition of a sentence under this Code section shall not prevent a~~  
17    ~~conviction and imposition of a sentence under any other applicable provision of law.~~

18    Reserved."

### 19                                   **SECTION 3.**

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