

Senate Bill 72

By: Senators Mullis of the 53rd, Harper of the 7th, Watson of the 1st, Albers of the 56th,
Seay of the 34th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and
2 offenses, so as to provide a measure of equivalency in the punishment of crimes committed
3 against police dogs in the performance of their official duties as to that of peace officers; to
4 provide for definitions; to provide that the offense of murder in the second degree shall
5 include causing the death of a police dog while such police dog is engaged in its official
6 duties; to provide that the autopsy of a police dog murdered in the performance of its official
7 duties shall be conducted by the Georgia Bureau of Investigation; to provide that the offense
8 of simple battery shall include intentionally causing physical harm to a police dog in the
9 performance of its duties; to provide that the offense of aggravated battery shall include
10 causing debilitating physical injury to a police dog due to harm inflicted while such police
11 dog is in the performance of its duties; to provide for a misdemeanor offense of a high and
12 aggravated nature for harmful actions taken toward police dogs or police horses; to provide
13 a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

16 This Act shall be known and may be cited as "Tanja's Law."

17 style="text-align:center">**SECTION 2.**

18 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
19 amended in Code Section 16-5-1, relating to murder, malice murder, felony murder, and
20 murder in the second degree, by adding a new subsection to read as follows:

21 "(d.1)(1) As used in this subsection, the term:

22 (A) 'In the performance of its duties' shall mean detecting hydrocarbon substances;
23 locating bombs, explosives, firearms, or narcotics by scent; apprehending or holding
24 without excessive force a person in violation of the criminal statutes of this state;
25 protecting a peace officer from imminent harm in the lawful discharge of his or her

26 duties; detecting missing persons or drowning victims; or tracking and finding a
 27 missing person, escaped inmate, or fleeing felon.

28 (B) 'Narcotics' shall have the same meaning as provided for in Code Section
 29 16-11-107.

30 (C) 'Police dog' shall have the same meaning as provided for in Code Section
 31 16-11-107.

32 (2) A person commits the offense of murder in the second degree when such person
 33 causes the death of a police dog irrespective of malice while such police dog is in the
 34 performance of its duties.

35 (3) The Division of Forensic Sciences of the Georgia Bureau of Investigation shall
 36 perform forensic pathology services upon any police dog whose death occurred while in
 37 the performance of its duties."

38 **SECTION 3.**

39 Said title is further amended by revising subsection (e) of Code Section 16-5-23, relating to
 40 simple battery, as follows:

41 "(e)(1) Any person who commits the offense of simple battery against a police officer,
 42 law enforcement dog, correction officer, or detention officer engaged in carrying out
 43 official duties shall, upon conviction thereof, be punished for a misdemeanor of a high
 44 and aggravated nature.

45 (2)(A) As used in this paragraph, the term:

46 (i) 'In the performance of its duties' shall mean detecting hydrocarbon substances;
 47 locating bombs, explosives, firearms, or narcotics by scent; apprehending or holding
 48 without excessive force a person in violation of the criminal statutes of this state;
 49 protecting a peace officer from imminent harm in the lawful discharge of his or her
 50 duties; detecting missing persons or drowning victims; or tracking and finding a
 51 missing person; escaped inmate, or fleeing felon.

52 (ii) 'Narcotics' shall have the same meaning as provided for in Code Section
 53 16-11-107.

54 (iii) 'Police dog' shall have the same meaning as provided for in Code Section
 55 16-11-107.

56 (B) A person commits the offense of simple battery against a police dog when he or
 57 she intentionally causes physical harm to such police dog while such police dog is in
 58 the performance of its duties and shall be guilty of a misdemeanor of a high and
 59 aggravated nature and, upon conviction thereof, shall be punished by imprisonment not
 60 to exceed 12 months, a fine not to exceed \$5,000.00, or both."

61 **SECTION 4.**

62 Said title is further amended by revising subsection (c) of Code Section 16-5-24, relating to
63 aggravated battery, as follows:

64 "(c)(1) A person who knowingly commits the offense of aggravated battery upon against
65 a peace officer while the officer is engaged in, or on account of the performance of, his
66 or her official duties shall, upon conviction thereof, be punished by imprisonment for not
67 less than ten nor more than 20 years.

68 (2)(A) As used in this paragraph, the term:

69 (i) 'In the performance of its duties' shall mean detecting hydrocarbon substances;
70 locating bombs, explosives, firearms, or narcotics by scent; apprehending or holding
71 without excessive force a person in violation of the criminal statutes of this state;
72 protecting a peace officer from imminent harm in the lawful discharge of his or her
73 duties; detecting missing persons or drowning victims; or tracking and finding a
74 missing person, escaped inmate, or fleeing felon.

75 (ii) 'Narcotics' shall have the same meaning as provided for in Code Section
76 16-11-107.

77 (iii) 'Police dog' shall have the same meaning as provided for in Code Section
78 16-11-107.

79 (B) A person commits the offense of aggravated battery against a police dog when he
80 or she knowingly and maliciously causes debilitating physical injury to such police dog
81 while such police dog is in the performance of its duties and shall, upon conviction
82 thereof, be punished by imprisonment for not less than ten nor more than 20 years."

83 **SECTION 5.**

84 Said title is further amended by revising Code Section 16-11-107, relating to destroying or
85 injuring a police dog or police horse, as follows:

86 "16-11-107.

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

88 (1) 'Accelerant detection dog' means a dog trained to detect hydrocarbon substances.

89 (2) 'Bomb detection dog' means a dog trained to locate bombs or explosives by scent.

90 (2.1) 'Dangerous weapon' shall have the same meaning as provided for in Code Section
91 16-11-121.

92 (2.2) 'Firearm' means any handgun, rifle, shotgun, stun gun, taser, or dangerous weapon.

93 (3) 'Firearms detection dog' means a dog trained to locate firearms by scent.

94 (4) 'Narcotic detection dog' means a dog trained to locate narcotics by scent.

95 (5) 'Narcotics' means any controlled substance as defined in paragraph (4) of Code
 96 Section 16-13-21 and shall include marijuana as defined by in paragraph (16) of Code
 97 Section 16-13-21.

98 (6) 'Patrol dog' means a dog trained to protect a peace officer and to apprehend or hold
 99 without excessive force a person in violation of the criminal statutes of this state.

100 (7) 'Police dog' means a bomb detection dog, a firearms detection dog, a narcotic
 101 detection dog, a patrol dog, an accelerant detection dog, or a tracking dog used by a law
 102 enforcement agency. Such term ~~'Police dog'~~ also means a search and rescue dog.

103 (8) 'Police horse' means a horse trained to transport, carry, or be ridden by a law
 104 enforcement officer and used by a law enforcement agency.

105 (8.1) 'Search and rescue dog' means any dog that is owned or the services of which are
 106 employed by a fire department or the state fire marshal for the principal purpose of aiding
 107 in the detection of missing persons, including but not limited to persons who are lost, who
 108 are trapped under debris as a result of a natural or manmade disaster, or who are
 109 drowning victims.

110 (9) 'Tracking dog' means a dog trained to track and find a missing person, escaped
 111 inmate, or fleeing felon.

112 (b)(1) Any person who willfully and maliciously and without provocation from a police
 113 dog or police horse strikes, beats, kicks, cuts, or stabs; administers any poison or other
 114 harmful or stupefying substance to; or otherwise harms such police dog or police horse,
 115 knowing such police dog to be a police dog or such police horse to be a police horse,
 116 shall be guilty of a misdemeanor of a high and aggravated nature and, upon conviction
 117 thereof, shall be punished by imprisonment not to exceed 12 months, a fine not to exceed
 118 \$5,000.00, or both.

119 (2) Any person who knowingly and intentionally shoots a police dog or police horse with
 120 a firearm or destroys or causes serious or debilitating physical injury to a police dog or
 121 police horse, knowing said such police dog to be a police dog or said such police horse
 122 to be a police horse, shall be guilty of a felony and, upon conviction thereof, shall be
 123 punished by imprisonment for not less than ~~one~~ five nor more than ~~five~~ ten years, or a
 124 fine not to exceed \$10,000.00, or both.

125 (3) This subsection shall not apply to the destruction of a police dog or police horse for
 126 humane purposes."

127 **SECTION 6.**

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