

The Senate Committee on Public Safety offers the following substitute to SB 72:

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia
2 Annotated, relating to general provisions regarding dangerous instrumentalities and practices,
3 so as to revise penalties regarding destroying or injuring a police dog or police horse; to
4 provide for definitions; to create the offenses of harming a law enforcement animal in the
5 fourth, third, second, and first degrees; to provide for exceptions; to provide that the autopsy
6 of a law enforcement animal murdered in performance of its official duties shall be
7 conducted by the Georgia Bureau of Investigation; to provide for a short title; to provide for
8 related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

10 This Act shall be known and may be cited as "Tanja's Law."
11

SECTION 2.

12 Part 1 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
13 relating to general provisions regarding dangerous instrumentalities and practices, is
14 amended by revising Code Section 16-11-107, relating to destroying or injuring a police dog
15 or police horse, as follows:
16

17 "16-11-107.

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

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

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

21 (2.1) 'Dangerous weapon' shall have the same meaning as provided for in Code Section
22 16-11-121.

23 (2.2) 'Firearm' means any handgun, rifle, shotgun, stun gun, taser, or dangerous weapon.

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

25 (3.1) 'Knowingly' means having knowledge that an animal is a law enforcement animal.

26 (3.2) 'Law enforcement animal' means a police dog, police horse, or any other animal
 27 trained to support a peace officer, fire department, or the state fire marshal in
 28 performance of law enforcement duties.

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

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

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

35 (6.1) 'Performance of its duties' means performing law enforcement, fire department, or
 36 state fire marshal duties as trained.

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

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

42 (8.1) 'Search and rescue dog' means any dog that is owned or the services of which are
 43 employed by a fire department or the state fire marshal for the principal purpose of aiding
 44 in the detection of missing persons, including but not limited to persons who are lost, who
 45 are trapped under debris as a result of a natural or manmade disaster, or who are
 46 drowning victims.

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

49 ~~(b) Any person who knowingly and intentionally destroys or causes serious or debilitating~~
 50 ~~physical injury to a police dog or police horse, knowing said dog to be a police dog or said~~
 51 ~~horse to be a police horse, shall be guilty of a felony and, upon conviction thereof, shall be~~
 52 ~~punished by imprisonment for not less than one nor more than five years, or a fine not to~~
 53 ~~exceed \$10,000.00, or both. This subsection shall not apply to the destruction of a police~~
 54 ~~dog or police horse for humane purposes.~~

55 (b) A person commits the offense of harming a law enforcement animal in the fourth
 56 degree when he or she knowingly and intentionally causes physical harm to such law
 57 enforcement animal while such law enforcement animal is in performance of its duties or
 58 because of such law enforcement animal's performance of its duties. Any person convicted
 59 of a violation of this subsection shall be guilty of a misdemeanor of a high and aggravated
 60 nature and, upon conviction thereof, shall be punished by imprisonment not to exceed 12
 61 months, a fine not to exceed \$5,000.00, or both.

62 (c) A person commits the offense of harming a law enforcement animal in the third degree
63 when he or she knowingly and with a deadly weapon causes, or with any object, device,
64 instrument, or body part which, when used offensively against such law enforcement
65 animal, is likely to or actually does cause, serious physical injury to such law enforcement
66 animal while such law enforcement animal is in performance of its duties or because of
67 such law enforcement animal's performance of its duties. Any person convicted of a
68 violation of this subsection shall be guilty of a misdemeanor of a high and aggravated
69 nature and, upon conviction thereof, shall be punished by imprisonment for not less than
70 six nor more than 12 months, a fine not to exceed \$10,000.00, or both.

71 (d) A person commits the offense of harming a law enforcement animal in the second
72 degree when he or she knowingly and intentionally shoots a law enforcement animal with
73 a firearm or causes debilitating physical injury to a law enforcement animal while such law
74 enforcement animal is in performance of its duties or because of such law enforcement
75 animal's performance of its duties. Any person convicted of a violation of this subsection
76 shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment
77 for not less than one nor more than five years, a fine not to exceed \$15,000.00, or both.

78 (e) A person commits the offense of harming a law enforcement animal in the first degree
79 when he or she knowingly and intentionally causes the death of a law enforcement animal
80 while such law enforcement animal is in performance of its duties or because of such law
81 enforcement animal's performance of its duties. Any person convicted of a violation of this
82 subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by
83 imprisonment for not less than 18 months nor more than five years, a fine not to exceed
84 \$20,000.00, or both.

85 (f) In addition to any other penalty provided for under this Code section, any person
86 convicted of a violation under this Code section shall pay restitution to the law enforcement
87 agency, fire department, or the state fire marshal which is the owner of, or which owned,
88 such law enforcement animal in the amount of associated veterinary expenses incurred in
89 the treatment of such law enforcement animal pursuant to Article 1 of Chapter 14 of Title
90 17; provided, however, that if such law enforcement animal died or is no longer able to
91 engage in performance of its duties as a result of a violation of this Code section, the
92 amount paid in restitution shall additionally include the amount of the actual replacement
93 value of the law enforcement animal, which shall include the value of an animal to replace
94 the law enforcement animal and all costs associated with training such animal and its
95 handler or handlers.

96 (g) Nothing in this Code section shall prohibit the killing or euthanasia of a law
97 enforcement animal for humane purposes.

98 (h) Nothing in this Code section shall prohibit the defense of a person against a law
99 enforcement animal that attacks such person without or in spite of commands given by its
100 handler.

101 (i) The Division of Forensic Sciences of the Georgia Bureau of Investigation shall perform
102 forensic pathology services upon any law enforcement animal whose death occurred while
103 in performance of its duties or because of such law enforcement animal's performance of
104 its duties."

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SECTION 3.

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