

House Bill 796

By: Representatives Kirby of the 114th, Jasperse of the 11th, Williams of the 168th, Abrams of the 89th, Frye of the 118th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 30 of the Official Code of Georgia Annotated, relating to handicapped
2 persons, so as to provide for additional rights and responsibilities of individuals with service
3 animals; to provide for accommodation of those requiring service animals; to authorize
4 creation and issuance of information cards under the auspices of the Department of Human
5 Services; to provide for criminal offenses and penalties relating to fraudulent representation
6 relating to disability; to amend Part 1 of Article 4 of Chapter 11 of Title 16 of the Official
7 Code of Georgia Annotated, relating to criminal offenses relative to dangerous
8 instrumentalities and practices generally, so as to provide for criminal offenses and penalties
9 related to the harassing, injuring, or killing of service animals; to provide for related matters;
10 to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 SECTION 1.

13 Title 30 of the Official Code of Georgia Annotated, relating to handicapped persons, is
14 amended by revising Chapter 4, relating to rights of person with disabilities, as follows:

15 "CHAPTER 4

16 30-4-1.

17 As used in this chapter, the term:

18 (1) 'Housing accommodations' means any real property or portion thereof which is used
19 or occupied, or intended, arranged, or designed to be used or occupied, as the home,
20 residence, or sleeping place of one or more human beings but shall not include any
21 single-family residence the occupants of which rent, lease, or furnish for compensation
22 not more than one room therein.

23 (2) 'Major life activities' means those actions necessary to function effectively in society
 24 and shall include ambulating, seeing, hearing, learning, working, and interacting with
 25 others.

26 ~~(2)(3)~~ 'Physically disabled or mentally impaired person' means any person, regardless of
 27 age, who is subject to is unable or substantially limited in his or her ability to perform one
 28 or more major life activities as a result of:

29 (A) a A physiological defect or deficiency regardless of its cause, nature, or extent that
 30 renders the person unable to move about without the aid of crutches, a wheelchair, or
 31 any other form of support, or that limits the person's functional ability to ambulate,
 32 climb, descend, sit, rise, or to perform any related function.; or

33 (B) A mental or psychological disorder or illness.

34 (4) 'Service animal' means an animal that is trained to assist, do work, or perform tasks
 35 for a physically or mentally impaired person and which is actually utilized for the purpose
 36 of aiding such person in performing one or more major life activities. Such term shall
 37 also include those animals actively being trained to assist, do work, or perform tasks for
 38 a physically or mentally impaired person.

39 30-4-2.

40 ~~(a) Blind persons, persons with visual disabilities, persons with physical disabilities, and~~
 41 ~~deaf~~ Physically or mentally impaired persons are entitled to full and equal
 42 accommodations, advantages, facilities, and privileges on all common carriers, airplanes,
 43 motor vehicles, railroad trains, motor buses, streetcars, boats, or any other public
 44 conveyances or modes of transportation and at hotels, lodging places, places of public
 45 accommodation, amusement, or resort, and other places to which the general public is
 46 invited, subject only to the conditions and limitations established by law and applicable
 47 alike to all persons.

48 ~~(b)(1) Every totally or partially blind~~ physically or mentally impaired person shall have
 49 the right to be accompanied by a ~~guide dog, and every physically disabled person and~~
 50 ~~every deaf person shall have the right to be accompanied by a service dog~~ service animal,
 51 ~~especially trained for the~~ whenever necessary to perform its purpose, in any of the places
 52 listed in subsection (a) of this Code section without being required to pay an extra charge
 53 for the ~~guide or service dog~~ service animal; provided, however, that ~~he or she~~ any such
 54 person shall be liable for any damage done to the premises or facilities by such ~~dog~~
 55 service animal. In addition, if such ~~totally or partially blind person, physically disabled~~
 56 ~~person, or deaf person~~ is a student at a private or public school in this state, ~~such person~~
 57 ~~he or she~~ shall have the right to be accompanied by a ~~guide dog or service dog~~ service
 58 animal, whenever necessary to perform its purpose, subject to liability for damage as

59 provided in the preceding sentence. ~~The guide dog or service dog must be identified as~~
 60 ~~having been trained by a school for seeing eye, hearing, service, or guide dogs.~~

61 (2) Every person actively engaged in the training of a ~~guide dog or service dog for the~~
 62 ~~purpose of accompanying a person as provided in paragraph (1) of this subsection~~ service
 63 animal shall have the same right to be accompanied by such ~~dog being trained as the~~
 64 ~~totally or partially blind person, deaf person, or physically disabled person has~~ service
 65 animal as a physically or mentally impaired person under paragraph (1) of this
 66 subsection, so long as such trainer is identified as an agent or employee of a school for
 67 ~~seeing eye, hearing, service, or guide dogs.~~ training service animals and:

68 (3) ~~Every person engaged in the raising of a dog for training as a guide dog or service~~
 69 ~~dog for the purpose of accompanying a person as provided in paragraph (1) of this~~
 70 ~~subsection shall have the same right to be accompanied by such dog being raised for~~
 71 ~~training as the totally or partially blind person, deaf person, or physically disabled person~~
 72 ~~has under paragraph (1) of this subsection, so long as:~~

73 (A) ~~Such dog is being held on a leash and~~ service animal is under the control of the
 74 ~~person raising such dog for an accredited school for seeing eye, hearing, service, or~~
 75 ~~guide dogs~~ trainer at all times, whether by physical restraint or command;

76 (B) ~~Such person~~ The trainer has on his or her person and available for inspection
 77 credentials from the accredited school for which ~~the dog~~ such service animal is being
 78 ~~raised~~ trained; and

79 (C) ~~Such dog~~ service animal is wearing a collar, leash, or other appropriate apparel or
 80 device that identifies such ~~dog~~ service animal with the accredited school for which ~~such~~
 81 ~~dog~~ it is being ~~raised~~ trained.

82 (c) ~~Every totally or partially blind person operating a vending stand shall have the right to~~
 83 ~~be accompanied by a trained guide dog on the entire premises of his or her vending~~
 84 ~~operation.~~

85 30-4-3.

86 (a) ~~Blind persons, visually disabled persons, physically disabled persons, and deaf~~
 87 Physically or mentally impaired persons shall be entitled to rent, lease, or purchase, as
 88 other members of the general public, all housing accommodations offered for rent, lease,
 89 or other compensation in this state, subject to the conditions and limitations established by
 90 law and applicable alike to all persons.

91 (b) ~~Every totally or partially blind person, every physically disabled person, and every deaf~~
 92 physically or mentally impaired person who has a ~~guide dog or service dog or who obtains~~
 93 ~~a guide dog or service dog or obtains a service animal~~ and every person engaged in the
 94 training of a ~~guide dog or service dog~~ service animal shall be entitled to full and equal

95 access to all housing accommodations provided for in this Code section, and he or she shall
 96 not be required to pay extra compensation for such ~~guide dog or service dog~~. However,
 97 service animal; provided, however, that he or she shall be liable for any damage done to
 98 the premises by such ~~guide dog or service dog~~ service animal.

99 (c) Nothing in this Code section shall require any person renting, leasing, or otherwise
 100 providing real property for compensation to modify his or her property in any way or
 101 provide a higher degree of care for a ~~blind, visually disabled, physically disabled, or deaf~~
 102 physically or mentally impaired person than for a person who is not so disabled.

103 30-4-4.

104 (a) The Department of Human Services may authorize private service organizations that
 105 provide assistance to disabled persons to create and issue information cards containing the
 106 department's seal which briefly detail the rights of physically or mentally impaired persons
 107 and the penalty for denial of, or interference with, such rights as follows:

108 (1) The front side of such cards shall contain information identifying the owner of such
 109 card. Such identifying information may include a photograph; and

110 (2) The reverse side of such cards shall contain the following language:

111 'Under the laws of the State of Georgia, the rights of certain persons with physical or
 112 mental impairments include the right of equal access to public accommodations and the
 113 right to be accompanied by a service animal at all places of public accommodation, subject
 114 to limitations and conditions established by law. Denial of, or interference with, such
 115 rights constitutes a misdemeanor of a high and aggravated nature punishable by a fine of
 116 up to \$2,000.00, imprisonment for up to 30 days, or both.'

117 (b) The department may authorize private service organizations that provide assistance to
 118 disabled persons to create and issue information cards containing the department's seal
 119 which briefly detail the rights of persons training service animals and the penalty for denial
 120 of, or interference with, such rights as follows:

121 (1) The front side of such cards shall contain information identifying the owner of such
 122 card. Such identifying information may include a photograph; and

123 (2) The reverse side of such cards shall contain the following language:

124 'Under the laws of the State of Georgia, the rights of certain persons who train service
 125 animals include the right of equal access to public accommodations and the right to be
 126 accompanied by the service animal being trained at all places of public accommodation,
 127 subject to limitations and conditions established by law. Denial of, or interference with,
 128 such rights constitutes a misdemeanor of a high and aggravated nature punishable by a fine
 129 of up to \$2,000.00, imprisonment for up to 30 days, or both.'

130 (c) The department shall promulgate such rules and regulations as necessary to implement
 131 this Code section.

132 30-4-5.

133 (a) Any person, firm, corporation, or the agent of any person, firm, or corporation who
 134 denies or interferes with admittance to or enjoyment of the facilities enumerated in this
 135 chapter or otherwise interferes with the rights of a ~~totally or partially blind person,~~
 136 ~~physically disabled person, or deaf~~ physically or mentally impaired person or person
 137 engaged in the training or raising of a ~~guide dog or service dog~~ service animal as provided
 138 by this chapter shall be guilty of a misdemeanor of a high and aggravated nature and, upon
 139 conviction thereof, shall be punished by a fine not to exceed \$2,000.00, imprisonment for
 140 not more than 30 days, or both.

141 (b) Any person who knowingly and willfully misrepresents himself or herself as qualified
 142 to use or train a service animal in order to obtain accommodation or secure rights under this
 143 chapter shall be guilty of a misdemeanor of a high and aggravated nature and, upon
 144 conviction thereof, shall be punished by a fine not to exceed \$2,000.00, imprisonment for
 145 not more than 30 days, or both."

146 **SECTION 2.**

147 Part 1 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,
 148 relating to criminal offenses relative to dangerous instrumentalities and practices generally,
 149 is amended by revising Code Section 16-11-107.1, relating to harassment of assistance dogs,
 150 as follows:

151 "16-11-107.1.

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

153 (1) ~~'Assistance dog' means a dog that is or has been trained by a licensed or certified~~
 154 ~~person, organization, or agency to perform physical tasks for a physically challenged~~
 155 ~~person. Assistance dogs include guide or leader dogs that guide individuals who are~~
 156 ~~legally blind; hearing dogs that alert individuals who are deaf or hard of hearing to~~
 157 ~~specific sounds; and service dogs for individuals with disabilities other than blindness or~~
 158 ~~deafness, which are trained to perform a variety of physical tasks, including, but not~~
 159 ~~limited to, pulling a wheelchair, lending balance support, picking up dropped objects, or~~
 160 ~~providing assistance in a medical crisis.~~

161 (2) 'Harass' means to engage in any conduct directed toward ~~an assistance dog~~ a service
 162 animal that is knowingly likely to impede or interfere with the ~~assistance dog's~~ service
 163 animal's performance of its duties or that places the ~~blind, deaf, or physically limited~~
 164 person being served or assisted by the dog service animal in danger of injury.

165 ~~(3)~~(2) 'Notice' means an oral or otherwise communicated warning proscribing the
 166 behavior of another person and a request that the person stop the particular behavior.

167 (3) 'Physical harm' means serious disfigurement or functional loss of limb or other body
 168 part.

169 (4) 'Service animal' shall have the same meaning as in Code Section 30-4-1.

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

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

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

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

194 (f) Any person who knowingly and intentionally destroys or causes physical harm to a
 195 service animal, knowing such animal to be a service animal, shall be guilty of a felony and,
 196 upon conviction thereof, shall be punished by imprisonment for not less than one nor more
 197 than five years, or a fine not to exceed \$10,000.00, or both. This subsection shall not apply
 198 to:

199 (1) The destruction of a service animal for humane purposes; or

200 (2) The destruction or injury of a service animal caused in defense of an unprovoked
 201 attack by such service animal."

202

SECTION 3.

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