

The Senate Committee on Public Safety offered the following substitute to HB 668:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 16, Chapter 4 of Title 30, and Chapter 6 of Title 40 of the Official Code of  
2 Georgia Annotated, relating to crimes and offenses, rights of persons with disabilities, and  
3 uniform rules of the road, respectively, so as to change references to assistance and guide  
4 dogs to service dogs; to provide for definitions and conforming changes; to provide for a  
5 criminal penalty for a person who interferes with, causes death, or physical harm to a service  
6 dog; to provide for exceptions; to provide for restitution; to revise provisions relating to the  
7 use and training of service dogs; to provide for a penalty for persons who misrepresent the  
8 need for a service dog; to provide for related matters; to repeal conflicting laws; and for other  
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is  
13 amended in Chapter 11, relating to offenses against public order and safety, by revising Code  
14 Section 16-11-107.1, relating to harassment of assistance dog by humans or other dogs and  
15 penalty, as follows:

16 "16-11-107.1.

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

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

26 (2) ~~'Harass' means to engage in any conduct directed toward an assistance a service dog~~  
 27 ~~that is knowingly likely to impede or interfere with the assistance service dog's~~  
 28 ~~performance of its duties or that places the blind, deaf, or physically limited physically~~  
 29 ~~or mentally impaired person being served or assisted by the service dog in danger of~~  
 30 ~~injury.~~

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

33 (2) 'Service dog' shall have the same meaning as set forth in Code Section 30-4-1.

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

38 (b)(1) A person commits the offense of interfering with a service dog when he or she  
 39 knows or should have known the dog to be a service dog and intentionally:

40 (A) Frightens, agitates, harasses, or tampers with the dog;

41 (B) Delays, obstructs, or hinders the dog in the performance of its duty as a service  
 42 dog; or

43 (C) Allows his or her dog to harass a service dog.

44 (2) Any person convicted of a violation of this subsection shall be guilty of a  
 45 misdemeanor and, upon conviction thereof, shall be punished by imprisonment not to  
 46 exceed 12 months, or a fine not to exceed \$1,000.00, or both. Any person who is  
 47 convicted of a second or subsequent violation of this subsection shall be punished as for  
 48 a misdemeanor of a high and aggravated nature.

49 ~~(c)(1) A Any person who has received notice that his or her behavior is interfering with~~  
 50 ~~the use of an assistance dog who continues to harass an assistance dog, knowing the dog~~  
 51 ~~to be an assistance dog, person commits the offense of harming a service dog when he~~  
 52 ~~or she knows or should have known that a dog is a service dog and intentionally:~~

53 (A) Causes, or commits an act that is likely to cause, physical harm, pain, or suffering  
 54 to a service dog; or

55 (B) Allows his or her dog to cause physical harm, pain, or suffering to a service dog.

56 (2) Any person convicted of a violation of this subsection shall be guilty of a  
 57 misdemeanor of a high and aggravated nature and, upon conviction thereof, shall be  
 58 punished by imprisonment for not less than 90 days six months nor more than 12 months  
 59 or a fine not to exceed \$500.00 \$5,000.00, or both, provided that any person who is  
 60 convicted of a second or subsequent violation of this subsection shall be punished as for  
 61 a misdemeanor of a high and aggravated nature.

62 ~~(d)(1) A Any person who knowingly and intentionally allows his or her dog to harass an~~  
 63 ~~assistance dog, knowing the dog to be an assistance dog, shall be guilty of a misdemeanor~~  
 64 ~~and, upon conviction thereof, shall be punished by imprisonment for not less than 90 days~~  
 65 ~~or a fine not to exceed \$500.00, or both, provided that any person who is convicted of a~~  
 66 ~~second or subsequent violation of this subsection shall be punished as for a misdemeanor~~  
 67 ~~of a high and aggravated nature: person commits the offense of aggravated harming of~~  
 68 ~~a service dog when he or she knows or should have known that a dog is a service dog and~~  
 69 ~~when he or she intentionally commits an act that:~~

70 (A) Causes the death of the dog; or

71 (B) Injures the dog in a manner that materially affects its ability to perform as a service  
72 dog.

73 (2) Any person convicted of a violation of this subsection shall be guilty of a felony and,  
74 upon conviction thereof, shall be punished by imprisonment for not less than two nor  
75 more than ten years, a fine not to exceed \$50,000.00, or both, and the first two years of  
76 such sentence shall not be suspended, probated, deferred, or withheld by a sentencing  
77 court; provided, however, that in the court's discretion, the court may depart from such  
78 mandatory minimum sentence when the prosecuting attorney and defendant have agreed  
79 to a sentence that is below such mandatory minimum.

80 ~~(e) Any person who knowingly and intentionally allows his or her dog to cause death or~~  
81 ~~physical harm to an assistance dog by rendering a part of the assistance dog's body useless~~  
82 ~~or by seriously disfiguring the assistance dog, knowing the dog to be an assistance dog,~~  
83 ~~shall be punished as for a misdemeanor of a high and aggravated nature. In addition to any~~  
84 ~~other penalty provided for under this Code section, the court shall order the defendant to~~  
85 ~~make restitution pursuant to Article 1 of Chapter 14 of Title 17 to the owner of a service~~  
86 ~~dog for the costs of the veterinary expenses incurred in the treatment of such dog and the~~  
87 ~~costs of any restorative training necessary to enable the dog to resume its duties.~~  
88 ~~Notwithstanding Code Section 17-14-2 to the contrary, restitution when a service dog dies~~  
89 ~~or is no longer able to engage in performance of its duties as a result of a violation of this~~  
90 ~~Code section shall additionally include the amount of the actual replacement value of the~~  
91 ~~service dog, which shall include the value of a dog to replace the service dog and all costs~~  
92 ~~associated with training such dog and its handler or handlers.~~

93 (f) Nothing in this Code section shall prohibit the killing or euthanasia of a service dog for  
94 humane purposes in a manner consistent with the provisions of Code Section 4-11-5.1.

95 (g) Nothing in this Code section shall prohibit the defense of a person against a service dog  
96 that attacks such person."

97

**SECTION 2.**

98 Said title is further amended in Chapter 12, relating to offenses against public health and  
 99 morals, by revising paragraph (6) of subsection (a) of Code Section 16-12-120, relating to  
 100 certain acts in public transit buses, rapid rail cars, or stations and penalty, as follows:

101 "(6) Carries or possesses any explosives, acids, other dangerous articles, or live animals,  
 102 except for the following:

103 (A) A ~~guide dog or~~ service dog as described in Code Section 30-4-2, provided that  
 104 such ~~guide dog or~~ service dog is accompanied by a ~~physically disabled person, blind~~  
 105 ~~person, person with visual disabilities, deaf~~ physically or mentally impaired person; or  
 106 a person who is responsible for training a ~~guide dog or~~ service dog; and

107 (B) Small pets confined to rigid pet carriers with locks or latches;"

108

**SECTION 3.**

109 Chapter 4 of Title 30 of the Official Code of Georgia Annotated, relating to rights of persons  
 110 with disabilities, is amended by revising Code Section 30-4-1, relating to definitions, as  
 111 follows:

112 "30-4-1.

113 As used in this chapter, the term:

114 (1) 'Activities of daily living' means tasks that are essential, routine, and provide for an  
 115 individual's basic physical needs, including, but not limited to, eating, toileting,  
 116 grooming, dressing, shaving, walking, and transferring.

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

122 ~~(2) 'Physically disabled person' means any person, regardless of age, who is subject to~~  
123 ~~a physiological defect or deficiency regardless of its cause, nature, or extent that renders~~  
124 ~~the person unable to move about without the aid of crutches, a wheelchair, or any other~~  
125 ~~form of support, or that limits the person's functional ability to ambulate, climb, descend,~~  
126 ~~sit, rise, or to perform any related function.~~

127 (3) 'Owner training' means training of a dog to become a service dog by an owner who  
128 is a physically or mentally impaired person by teaching the dog to perform the specific  
129 tasks that directly assist such owner and directly relate to such owner's specific disability  
130 and to take a specific action when needed to assist the person.

131 (4) 'Physically or mentally impaired person' means any person, regardless of age, who,  
132 regardless of the cause, nature, or extent, is rendered substantially limited or unable to  
133 perform one or more activities of daily living as a result of developmental deficiencies,  
134 the aging process, learning disabilities, physical injury or disease, cognitive impairments,  
135 or psychological or social disabilities.

136 (5) 'Service dog' means any domestic canine that has been individually trained to do  
137 work or perform tasks that directly assist a physically or mentally impaired person and  
138 directly relate to such person's specific disability and to take a specific action when  
139 needed to assist the person, or if still in training, that is operating under the guidance of  
140 a trainer. Such term shall not include a dog that has not been trained to do a specific job  
141 or task or that solely provides comfort, companionship, or emotional support to a person,  
142 regardless of such person's disability status.

143 (6) 'Trainer' means a service dog owner with a disability who is involved in the training  
144 process of his or her service dog or an individual who is competent to train service  
145 animals and is involved in such processes."

146

**SECTION 4.**

147 Said chapter is further amended by revising Code Section 30-4-2, relating to right to equal  
148 public accommodations and right to be accompanied by guide dog or service dog, as follows:  
149 "30-4-2.

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

157 (b)(1) Every ~~totally or partially blind person shall have the right to be accompanied by~~  
158 ~~a guide dog, and every physically disabled person and every deaf~~ physically or mentally  
159 impaired person shall have the right to be accompanied by a service dog, especially  
160 trained for the purpose, in any of the places listed in subsection (a) of this Code section  
161 without being required to pay an extra charge for the ~~guide or~~ service dog; provided,  
162 however, that he or she shall be liable for any damage done to the premises or facilities  
163 by such service dog. In addition, if such ~~totally or partially blind person, physically~~  
164 ~~disabled person, or deaf~~ physically or mentally impaired person is a student at a private  
165 or public school in this state, such person shall have the right to be accompanied by a  
166 ~~guide dog or~~ service dog subject to liability for damage as provided in the preceding  
167 sentence. ~~The guide dog or service dog must be identified as having been trained by a~~  
168 ~~school for seeing eye, hearing, service, or guide dogs.~~

169 (2) Every person engaged in the training of a ~~guide dog or~~ service dog for the purpose  
170 of accompanying a person as provided in paragraph (1) of this subsection shall have the  
171 same right to be accompanied by such service dog being trained as the ~~totally or partially~~  
172 ~~blind person, deaf person, or physically disabled~~ physically or mentally impaired person

173 has under paragraph (1) of this subsection, so long as such trainer is engaged in owner  
174 training or is identified as an agent or employee of a school for ~~seeing eye, hearing,~~  
175 ~~service, or guide~~ service dogs.

176 (3) Every person engaged in the raising of a dog for training as a ~~guide dog or~~ service  
177 dog for the purpose of accompanying a person as provided in paragraph (1) of this  
178 subsection and every physically or mentally impaired person who is engaged in owner  
179 training of his or her dog as a service dog shall have the same right to be accompanied  
180 by such dog being raised for training or in owner training as the ~~totally or partially blind~~  
181 ~~person, deaf person, or physically disabled~~ physically or mentally impaired person has  
182 under paragraph (1) of this subsection, so long as:

183 (A) The trainer notifies an onsite manager that a service dog in training is being  
184 brought onto the premises;

185 (B) Each trainer or puppy raiser during the training of a service dog is liable for any  
186 damage done to persons, premises, or facilities by that service dog in training;

187 (C) Such dog is being held on a leash and is under the control of the person raising  
188 such dog for an accredited school for seeing eye, hearing, service, or guide dogs at all  
189 times and such control includes that such dog is on a harness, leash, or other tether,  
190 unless either the handler is unable because of a disability to use a harness, leash, or  
191 other tether, or the use of a harness, leash, or other tether would interfere with the  
192 service dog's safe, effective performance of work or tasks, in which case the service dog  
193 must be otherwise under the handler's control through the use of voice control, signals,  
194 or other effective means;

195 (B) ~~Such person has on his or her person and available for inspection credentials from~~  
196 ~~the accredited school for which the dog is being raised; and~~

197 (D) Such dog is at least six months of age and is reliably housebroken; and

198 ~~(C)~~(E) Such dog is wearing a collar, leash, or other appropriate apparel or device that  
 199 identifies such dog ~~with the accredited school for which such dog is being raised as~~  
 200 being trained as a service dog.

201 (c) If a person engaged in the raising and training of a service dog does not uphold the  
 202 requirements of paragraph (3) of subsection (b) of this Code section, then business and  
 203 public entities shall have the right to ask the person to remove the service dog in training.  
 204 In such instance, the staff of the business or public entity shall offer the person with the  
 205 disability the opportunity to obtain goods or services without the dog's presence.

206 (d) Service dogs in training shall have the same rights and protections under the law as  
 207 working service dogs.

208 (e) Every totally or partially blind person operating a vending stand shall have the right to  
 209 be accompanied by a trained ~~guide~~ service dog on the entire premises of his or her vending  
 210 operation."

## 211 SECTION 5.

212 Said chapter is further amended by revising Code Section 30-4-3, relating to right to housing  
 213 accommodations, as follows:

214 "30-4-3.

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

220 (b) ~~Every totally or partially blind person, every physically disabled person, and every deaf~~  
 221 ~~physically or mentally impaired person who has a ~~guide dog~~ or service dog or who obtains~~  
 222 ~~a ~~guide dog~~ or service dog and every person engaged in the training of a ~~guide dog~~ or~~  
 223 ~~service dog shall be entitled to full and equal access to all housing accommodations~~

224 provided for in this Code section, and he or she shall not be required to pay extra  
 225 compensation for such ~~guide dog or service dog~~. However, he or she shall be liable for any  
 226 damage done to the premises by such ~~guide dog or service dog~~.

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

232

### SECTION 6.

233 Said chapter is further amended by revising Code Section 30-4-4, relating to denial of or  
 234 interference with admittance to or enjoyment of facilities or exercise of rights, as follows:

235 "30-4-4.

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

244 (b) Any individual who deliberately misrepresents himself or herself as qualified to use  
 245 a service dog or train or raise service dogs for the purpose of obtaining accommodations  
 246 or securing rights under this chapter shall be guilty of a misdemeanor of a high and  
 247 aggravated nature and, upon conviction thereof, shall be punished by a fine not to  
 248 exceed \$2,000.00, confinement for not more than 30 days, or both."

249

**SECTION 7.**

250 Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to uniform rules  
251 of the road, is amended by revising Code Section 40-6-94, relating to right of way of blind  
252 pedestrian, as follows:

253 "40-6-94.

254 The driver of every vehicle shall yield the right of way to any blind pedestrian who is  
255 carrying a walking cane or stick white in color or white tipped with red or who is  
256 accompanied by a ~~guide dog~~ service dog."

257

**SECTION 8.**

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