

House Bill 668 (AS PASSED HOUSE AND SENATE)

By: Representatives Thomas of the 21<sup>st</sup>, Seabaugh of the 34<sup>th</sup>, Washburn of the 144<sup>th</sup>,  
McCollum of the 30<sup>th</sup>, Dempsey of the 13<sup>th</sup>, and others

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 a short title; to provide for related matters; to repeal  
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 This Act shall be known and may be cited as the "Mara Jade Act."

13 **SECTION 2.**

14 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is  
15 amended in Chapter 11, relating to offenses against public order and safety, by revising Code

16 Section 16-11-107.1, relating to harassment of assistance dog by humans or other dogs and  
 17 penalty, as follows:

18 "16-11-107.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

70 a service dog when he or she knows or should have known that a dog is a service dog and  
71 when he or she intentionally commits an act that:

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

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

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

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

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

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

99 **SECTION 3.**

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

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

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

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

110 **SECTION 4.**

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

114 "30-4-1.

115 As used in this chapter, the term:

116 (1) 'Activities of daily living' means tasks that are essential, routine, and provide for an  
 117 individual's basic needs, including, but not limited to, eating, toileting, grooming,  
 118 dressing, shaving, walking, transferring, and other functions necessary for independent  
 119 living.

120 (2) 'Housing accommodations' means any real property or portion thereof which is used  
 121 or occupied, or intended, arranged, or designed to be used or occupied, as the home,

122 residence, or sleeping place of one or more human beings but shall not include any  
123 single-family residence the occupants of which rent, lease, or furnish for compensation  
124 not more than one room therein.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

#### 214 SECTION 6.

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

217 "30-4-3.

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

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

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

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

### 235 SECTION 7.

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

238 "30-4-4.

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

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

252 **SECTION 8.**

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

256 "40-6-94.

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

260 **SECTION 9.**

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