

1 HB204
2 155705-1
3 By Representative Morrow
4 RFD: Judiciary
5 First Read: 14-JAN-14

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8 SYNOPSIS: Under existing law, it is a crime to harass,
9 interfere, or attempt to interfere with the duties
10 of a police animal or a search and rescue animal.
11 It is also a crime to assault, injure, or cause the
12 death of a police animal or search and rescue
13 animal.

14 This bill would prohibit a person from
15 interfering with, or permitting a dog to interfere
16 with, the use of a service animal by obstructing,
17 intimidating, or otherwise jeopardizing the safety
18 of the service animal or its user and would provide
19 criminal penalties for violations.

20 This bill would prohibit a person or the
21 owner of a service animal from injuring or killing,
22 or allowing a dog to injure or kill, a service
23 animal and would provide criminal penalties for
24 violations.

25 This bill would also provide that a person
26 who commits a crime against a service animal must

1 make full restitution for all damages that arise
2 out of the offense.

3 Amendment 621 of the Constitution of Alabama
4 of 1901, now appearing as Section 111.05 of the
5 Official Recompilation of the Constitution of
6 Alabama of 1901, as amended, prohibits a general
7 law whose purpose or effect would be to require a
8 new or increased expenditure of local funds from
9 becoming effective with regard to a local
10 governmental entity without enactment by a 2/3 vote
11 unless: it comes within one of a number of
12 specified exceptions; it is approved by the
13 affected entity; or the Legislature appropriates
14 funds, or provides a local source of revenue, to
15 the entity for the purpose.

16 The purpose or effect of this bill would be
17 to require a new or increased expenditure of local
18 funds within the meaning of the amendment. However,
19 the bill does not require approval of a local
20 governmental entity or enactment by a 2/3 vote to
21 become effective because it comes within one of the
22 specified exceptions contained in the amendment.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 Relating to service animals; to prohibit the
2 interference with a service animal under certain conditions;
3 to prohibit the injury or intentional killing of a service
4 animal under certain conditions; to provide criminal
5 penalties; to require restitution; and in connection therewith
6 would have as its purpose or effect the requirement of a new
7 or increased expenditure of local funds within the meaning of
8 Amendment 621 of the Constitution of Alabama of 1901, now
9 appearing as Section 111.05 of the Official Recompilation of
10 the Constitution of Alabama of 1901, as amended.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. (a) For the purposes of this section, the
13 term service animal means any dog that is individually trained
14 to do work or perform tasks for the benefit of an individual
15 with a disability.

16 (b) A person who, with reckless disregard,
17 interferes with, or permits a dog that he or she owns or is in
18 the immediate control of to interfere with, the use of a
19 service animal by obstructing, intimidating, or otherwise
20 jeopardizing the safety of the service animal or its user
21 commits a Class B misdemeanor. A second or subsequent
22 violation of this subsection is a Class A misdemeanor.

23 (c) A person who, with reckless disregard, injures
24 or kills, or permits a dog that he or she owns or is in the
25 immediate control of to injure or kill, a service animal
26 commits a Class A misdemeanor.

1 (d) A person who intentionally injures or kills, or
2 permits a dog that he or she owns or is in the immediate
3 control of to injure or kill, a service animal commits a Class
4 C felony.

5 (e) (1) A person who is convicted of a violation of
6 this section, in addition to any other penalty, shall make
7 full restitution for all damages that arise out of or are
8 related to the offense, including incidental and consequential
9 damages incurred by the service animal's user.

10 (2) Restitution includes all of the following:

11 a. The value of the service animal.

12 b. Replacement and training or retraining expenses
13 for the service animal and the user.

14 c. Veterinary and other medical and boarding
15 expenses for the service animal.

16 d. Medical expenses for the user.

17 e. Lost wages or income incurred by the user during
18 any period that the user is without the services of the
19 service animal.

20 Section 2. Although this bill would have as its
21 purpose or effect the requirement of a new or increased
22 expenditure of local funds, the bill is excluded from further
23 requirements and application under Amendment 621, now
24 appearing as Section 111.05 of the Official Recompilation of
25 the Constitution of Alabama of 1901, as amended, because the
26 bill defines a new crime or amends the definition of an
27 existing crime.

1 Section 3. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.