

1 HB315  
2 174722-1  
3 By Representative Weaver  
4 RFD: Public Safety and Homeland Security  
5 First Read: 24-FEB-16

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8 SYNOPSIS: Under existing law, cruelty to animals and  
9 harassment or killing a dog used by a peace officer  
10 or a search and rescue dog are specific crimes.

11 This bill would make it a crime to harass,  
12 injure, or cause the death of a service dog under  
13 certain conditions and would provide penalties.

14 This bill would provide for restitution of  
15 certain expenses.

16 Amendment 621 of the Constitution of Alabama  
17 of 1901, now appearing as Section 111.05 of the  
18 Official Recompilation of the Constitution of  
19 Alabama of 1901, as amended, prohibits a general  
20 law whose purpose or effect would be to require a  
21 new or increased expenditure of local funds from  
22 becoming effective with regard to a local  
23 governmental entity without enactment by a 2/3 vote  
24 unless: it comes within one of a number of  
25 specified exceptions; it is approved by the  
26 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to  
2 the entity for the purpose.

3 The purpose or effect of this bill would be  
4 to require a new or increased expenditure of local  
5 funds within the meaning of the amendment. However,  
6 the bill does not require approval of a local  
7 governmental entity or enactment by a 2/3 vote to  
8 become effective because it comes within one of the  
9 specified exceptions contained in the amendment.

10  
11 A BILL  
12 TO BE ENTITLED  
13 AN ACT  
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15 Relating to service dogs; to make it a crime to  
16 harass, injure, or cause the death of a service dog under  
17 certain conditions; to provide penalties; to provide for  
18 restitution of certain expenses; and in connection therewith  
19 would have as its purpose or effect the requirement of a new  
20 or increased expenditure of local funds within the meaning of  
21 Amendment 621 of the Constitution of Alabama of 1901, now  
22 appearing as Section 111.05 of the Official Recompilation of  
23 the Constitution of Alabama of 1901, as amended

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. It is the policy of this state to  
26 recognize the special role and value of service dogs, not only  
27 in the lives of those persons who use them but also in society

1 at large, and to encourage the use of service dogs by persons  
2 with disabilities and to recognize that those persons have a  
3 right to use service dogs without any interference with or  
4 injury to the service dog.

5 Section 2. For the purposes of this act, the  
6 following terms have the following meanings:

7 (1) HARASS. To engage in any conduct directed toward  
8 a service dog or handler that is likely to impede or interfere  
9 with the performance of a service dog in its duties or places  
10 the health and safety of the service dog or its handler in  
11 jeopardy. Such conduct includes actions which distract,  
12 obstruct, or intimidate the service dog, such as taunting,  
13 teasing, or striking.

14 (2) INJURY. Physical or emotional injury to the  
15 service dog.

16 (3) NOTICE. An actual verbal or other communication  
17 warning that the behavior of the person or the dog of the  
18 person is harassing toward the performance of a service dog in  
19 its duty or endangering the health and safety of the service  
20 dog.

21 (4) SERVICE DOG. A dog that has been individually  
22 trained for the purpose of assisting or accommodating a  
23 physician-diagnosed physical or mental disability or medical  
24 condition of a person as that term is used in the federal  
25 Americans with Disabilities Act. Service dogs include, but are  
26 not limited to, guide or leader dogs for persons who are  
27 blind; dogs that assist persons with physical disabilities by

1 providing balance support, pulling a wheelchair, or performing  
2 other tasks; dogs that provide hearing assistance by alerting  
3 individuals who are deaf to specific sounds; and dogs who  
4 alert persons to an impending potential medical crisis.

5 (5) VALUE. The value of the service dog to the  
6 service dog user as demonstrated by any of the following  
7 elements:

8 a. Cost of the service dog.

9 b. Replacement and training or retraining expenses  
10 for the service dog and the user.

11 c. Veterinary and other medical and boarding  
12 expenses for the service dog during a period of treatment for  
13 injury.

14 d. Lost wages or income incurred by the service dog  
15 user during any period the user is without the services of the  
16 service dog.

17 e. Any additional expenses incurred by the service  
18 dog user directly because of the loss of the use of the  
19 service dog.

20 Section 3. (a) It is unlawful for a person who has  
21 received notice that his or her behavior is harassing to a dog  
22 the person knows or has reason to believe is a service dog to  
23 continue that behavior with malice or reckless disregard.

24 (b) It is unlawful for a person with reckless  
25 disregard to allow his or her dog that is not contained by a  
26 fence, a leash, or other containment system to harass a  
27 service dog.

1 (c) A person who violates subsection (a) or (b) is  
2 guilty of a Class C misdemeanor.

3 Section 4. (a) It is unlawful for any person without  
4 legal justification or authority to cause injury to a service  
5 dog, or to allow his or her dog to cause injury to a service  
6 dog.

7 (b) A person who violates subsection (a) with  
8 reckless disregard is guilty of a Class B misdemeanor.

9 (c) A person who intentionally or willfully violates  
10 subsection (a) is guilty of a Class A misdemeanor.

11 Section 5. (a) It is unlawful for any person without  
12 legal justification or authority to cause the death of a  
13 service dog or cause an injury resulting in disability to the  
14 service dog such that it is no longer able to function in that  
15 role, or for that person to allow his or her dog to cause the  
16 same.

17 (b) A person who violates subsection (a) with  
18 reckless disregard is guilty of a Class A misdemeanor.

19 (c) A person who intentionally or willfully violates  
20 subsection (a) is guilty of a Class A misdemeanor.

21 Section 6. (a) A person convicted of a violation of  
22 this act shall be ordered to make full restitution for  
23 damages, including incidental and consequential expenses,  
24 incurred by the service dog and its user, which arise out of  
25 or are related to the violation.

26 (b) Restitution for a conviction under this act  
27 includes, but is not limited to, any of the following:

1           (1) The medical expenses of the service dog and its  
2 user, and the value of the service dog to its user for the  
3 period in which the dog is unable to perform its duties due to  
4 injuries suffered as a proximate cause of the violation, or if  
5 the violation resulted in the death or permanent disability of  
6 the service dog, the value of the service dog to its user.

7           (2) The cost of any retraining of the service dog  
8 needed as a result of the violation.

9           (3) Compensation for wages or earned income lost by  
10 the service dog user as a proximate cause of the violation.

11           (4) Any other economic loss suffered by the service  
12 dog user as a proximate result of the violation.

13           (c) This section does not affect the civil remedy  
14 that is available for violations of this act. Restitution paid  
15 pursuant to this act shall be set off against damages awarded  
16 in a civil action arising out of the same conduct that  
17 resulted in the restitution payment.

18           (d) The user of a service dog may bring a civil  
19 cause of action for violation of any of the provisions of this  
20 act in a court of competent jurisdiction in the county where  
21 the service animal user resides or where the violation  
22 occurred.

23           (e) In any action brought under this act, the court  
24 may award costs and reasonable attorney fees to the prevailing  
25 party.

26           Section 7. Although this bill would have as its  
27 purpose or effect the requirement of a new or increased

1 expenditure of local funds, the bill is excluded from further  
2 requirements and application under Amendment 621, now  
3 appearing as Section 111.05 of the Official ReCompilation of  
4 the Constitution of Alabama of 1901, as amended, because the  
5 bill defines a new crime or amends the definition of an  
6 existing crime.

7           Section 8. This act shall become effective on the  
8 first day of the third month following its passage and  
9 approval by the Governor, or its otherwise becoming law.