

1 SB263
2 181887-2
3 By Senators Holley, Scofield and Dial
4 RFD: Judiciary
5 First Read: 02-MAR-17

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8 SYNOPSIS: Under existing law, it is unlawful for a
9 person to knowingly harass or injure a service dog,
10 and a person violating this provision may be
11 subject to criminal penalties. The definition of
12 service dog does not include a therapy dog.

13 This bill would add a therapy dog to the
14 definition of a service dog subject to criminal
15 penalties if a person knowingly harasses or injures
16 a therapy dog.

17 Amendment 621 of the Constitution of Alabama
18 of 1901, now appearing as Section 111.05 of the
19 Official Recompilation of the Constitution of
20 Alabama of 1901, as amended, prohibits a general
21 law whose purpose or effect would be to require a
22 new or increased expenditure of local funds from
23 becoming effective with regard to a local
24 governmental entity without enactment by a 2/3 vote
25 unless: it comes within one of a number of
26 specified exceptions; it is approved by the
27 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
14

15 To amend Section 2 of Act 2016-132 of the 2016
16 Regular Session, now appearing as Section 13A-11-231 of the
17 Code of Alabama 1975, providing criminal penalties for the
18 harassment or injury of service dogs; to include a therapy dog
19 in the definition of service dog; and in connection therewith
20 would have as its purpose or effect the requirement of a new
21 or increased expenditure of local funds within the meaning of
22 Amendment 621 of the Constitution of Alabama of 1901, now
23 appearing as Section 111.05 of the Official Recompilation of
24 the Constitution of Alabama of 1901, as amended.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 2 of Act 2016-132 of the 2016
2 Regular Session, now appearing as Section 13A-11-231 of the
3 Code of Alabama 1975, is amended to read as follows:

4 "§13A-11-231.

5 "For the purposes of this article, the following
6 terms have the following meanings:

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

6 "(5) THERAPY DOG. A trained emotional support dog
7 that has been tested and registered by a nonprofit national
8 therapy dog organization that sets standards and requirements
9 for the health, welfare, task work, and oversight of therapy
10 dogs and their handlers. The term therapy dog includes a dog
11 trained to visit and provide emotional support to children,
12 the sick and disabled, the aged, and victims in the court
13 system. A registered therapy dog is trained for public access
14 in facilities including, but not limited to, libraries,
15 nursing homes, hospitals, schools, hospice, courthouse
16 facilities, funeral homes, disaster areas, and homes where
17 visits are needed to aid in health care and emotional support.
18 A registered therapy dog is covered under this article from
19 the time the dog leaves its home until the time it returns
20 while in the performance of its duties as defined herein. The
21 handler of a registered therapy dog shall be a member in good
22 standing of a national therapy dog organization and be clearly
23 identified with an organization and have authorized
24 credentials.

25 "(6) VALUE. The value of the service dog to the
26 service dog user as demonstrated by any of the following
27 elements:

1 "a. Cost of the service dog.

2 "b. Replacement and training or retraining expenses
3 for the service dog and the user.

4 "c. Veterinary and other medical and boarding
5 expenses for the service dog during a period of treatment for
6 injury.

7 "d. Lost wages or income incurred by the service dog
8 user during any period the user is without the services of the
9 service dog.

10 "e. Any additional expenses incurred by the service
11 dog user directly because of the loss of the use of the
12 service dog."

13 Section 2. Although this bill would have as its
14 purpose or effect the requirement of a new or increased
15 expenditure of local funds, the bill is excluded from further
16 requirements and application under Amendment 621, now
17 appearing as Section 111.05 of the Official Recompilation of
18 the Constitution of Alabama of 1901, as amended, because the
19 bill defines a new crime or amends the definition of an
20 existing crime.

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