

FIRST REGULAR SESSION

SENATE BILL NO. 374

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HUMMEL.

Read 1st time January 31, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1696S.011

AN ACT

To repeal section 209.202, RSMo, and to enact in lieu thereof one new section relating to service dogs, with a penalty provision.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 209.202, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 209.202, to read as follows:

209.202. 1. Any person who knowingly, intentionally, or recklessly causes
2 substantial physical injury to or the death of a service dog is guilty of a class A
3 misdemeanor. The provisions of this subsection shall not apply to the destruction
4 of a service dog for humane purposes.

5 2. Any person who knowingly or intentionally fails to exercise sufficient
6 control over an animal such person owns, keeps, harbors, or exercises control over
7 to prevent the animal from causing the substantial physical injury to or death of
8 a service dog, or the subsequent inability to function as a service dog as a result
9 of the animal's attacking, chasing, or harassing the service dog is guilty of a class
10 A misdemeanor.

11 3. Any person who harasses or chases a dog known to such person to be
12 a service dog is guilty of a class B misdemeanor.

13 4. Any person who owns, keeps, harbors, or exercises control over an
14 animal and who knowingly or intentionally fails to exercise sufficient control over
15 the animal to prevent such animal from chasing or harassing a service dog while
16 such dog is carrying out the dog's function as a service dog, to the extent that the
17 animal temporarily interferes with the service dog's ability to carry out the dog's
18 function is guilty of a class B misdemeanor **and shall be ordered to pay**
19 **restitution in an amount that fully compensates the owner for the**
20 **injury, loss, or replacement of his or her service dog.**

21 5. An owner of a service dog or a person with a disability who uses a
22 service dog may file a cause of action to recover civil damages against any person
23 who:

- 24 (1) Violates the provisions of subsection 1 or 2 of this section; or
25 (2) Steals a service dog resulting in the loss of the services of the service
26 dog.

27 6. Any civil damages awarded under subsection 5 of this section shall be
28 based on the following:

29 (1) The replacement value of an equally trained service dog, without any
30 differentiation for the age or experience of the service dog;

31 (2) The cost and expenses incurred by the owner of a service dog or the
32 person with a disability who used the service dog, including:

33 (a) The cost of temporary replacement services, whether provided by
34 another service dog or by a person;

35 (b) The reasonable costs incurred in efforts to recover a stolen service dog;
36 and

37 (c) Court costs and attorney's fees incurred in bringing a civil action under
38 subsection 5 of this section.

39 7. An owner of a service dog or a person with a disability who uses a
40 service dog may file a cause of action to recover civil damages against a person
41 who:

42 (1) Violates the provisions of subsections 1 to 4 of this section resulting
43 in injury from which the service dog recovers to an extent that the dog is able to
44 function as a service dog for the person with a disability; or

45 (2) Steals a service dog and the service dog is recovered resulting in the
46 service dog being able to function as a service dog for the person with a disability.

47 8. Any civil damages awarded under subsection 7 of this section shall be
48 based on the following:

49 (1) Veterinary medical expenses;

50 (2) Retraining expenses;

51 (3) The cost of temporary replacement services, whether provided by
52 another service dog or by a person;

53 (4) Reasonable costs incurred in the recovery of the service dog; and

54 (5) Court costs and attorney's fees incurred in bringing the civil action
55 under subsection 7 of this section.

56 9. The provisions of this section shall not apply if a person with a

57 disability, an owner, or a person having custody or supervision of a service dog
58 commits criminal or civil trespass.

59 10. Nothing in this section shall be construed to preclude any other
60 remedies available at law.

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