

***Criminal Justice & Corrections
Committee***

HB 2136

Brief Description: *Increasing penalties for crimes against dog guides and service animals.*

Sponsors: *Representatives Kenney, Dunn, O'Brien, Benson, Lantz, Dickerson and McIntire.*

Brief Summary of Bill

- *Creates new crimes relating to dog guides and service animals.*

Hearing Date: *2/26/01*

Staff: *Katy Freeman (786-7386).*

Background:

A person is guilty of a gross misdemeanor and must also pay a fee of at least \$500 per pet animal if, with intent to deprive or defraud the owner, he or she:

- *takes, leads away, confines, secretes or converts a pet animal when the value of the pet animal does not exceed \$250;*
- *conceals the identity of a pet animal or its owner by obscuring, altering, or removing the identifying devices or marks from the pet animal, including the collar, tag, or license; or*
- *willfully or recklessly kills or injures a pet animal, unless excused by law.*

A person who commits the above crime may also be convicted of separate offenses of theft and possession of stolen property. Currently, the theft statutes and the possession stolen property statutes are based on the value of the property stolen or possessed.

A dog guide– means a dog that is trained for the purpose of guiding blind persons or assisting hearing impaired persons.

A service animal– means an animal that is trained for the purposes of assisting or accommodating a disabled person's sensory, mental, or physical disability.

A gross misdemeanor carries a maximum sentence of one year of incarceration, a fine of \$5,000, or both.

Offenders convicted of unranked felonies—, felonies without an established seriousness level on the sentencing guidelines grid, are not subject to standard sentence ranges. Generally, in these cases, courts are required to impose a determinate sentence which may include not more than one year of confinement and may also include community service, legal financial obligations, a term of community supervision not to exceed one year, and/or a fine.

Summary of Bill:

A person is guilty of a gross misdemeanor if he or she commits any of the following crimes:

- with no legal reason, he or she intentionally or negligently interferes with the use of a dog guide or service animal by obstructing, harassing, threatening, intimidating, distracting, or otherwise jeopardizing either the safety of the dog guide or service animal user or his or her dog guide or service animal;*
- with no legal reason, he or she intentionally or negligently allows his or her pet to interfere with the use of a dog guide or service animal by obstructing, harassing, threatening, intimidating, distracting, or otherwise jeopardizing either the safety of the dog guide or service animal user or his or her dog guide or service animal;*
- he or she negligently injures or causes the death of a dog guide or service animal;*
- he or she negligently allows his or her pet to injure or cause the death of a dog guide or service animal.*

A person is guilty of an unranked class B felony if he or she commits any of the following crimes:

- with no legal reason, he or she intentionally injures or causes the death of a dog guide or service animal; or*
- he or she wrongfully obtains or exerts unauthorized control over the dog guide or service animal with the intent to deprive the owner of the dog guide or service animal.*

A defendant who is convicted for any of the above crimes must make restitution for veterinary expenses and replacement costs, including retraining, of the dog guide or service animal to the person or persons responsible for paying for those costs. The defendant must also make restitution for any income lost by the dog guide or service animal user if the dog guide or service animal is no longer able to safely or dependably perform its duties.

The criminal penalties do not preclude civil remedies available for these violations.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: *Ninety days after adjournment of session in which bill is passed.*