

HOUSE BILL REPORT

HB 2046

As Reported by House Committee On:

Criminal Justice & Corrections

Title: An act relating to interfering with a dog guide or service animal.

Brief Description: Providing for law enforcement powers for interfering with a dog guide or service animal.

Sponsors: Representatives Lantz, Kirby, O'Brien, Moeller and Santos.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 3/4/03, 3/5/03 [DPS].

Brief Summary of Substitute Bill

- Requires all peace officers and law enforcement agencies to respond to, investigate, and enforce all violations of the statute governing interfering with dog guides or service animals.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Lovick and Pearson.

Staff: Yvonne Walker (786-7841).

Background:

Washington has provided protection and regulation of dog guides and service animals under the "White Cane Law" since 1969. The White Cane Law provides totally or partially blind, hearing impaired, or otherwise physically disabled people the right to be accompanied by a dog guide or service animal into any public place.

Under the Miscellaneous Crimes statute, a dog guide is defined as a dog that is trained for the purpose of guiding blind persons or assisting hearing impaired persons. Service

animals are animals that are trained for the purposes of assisting or accommodating a disabled person's sensory, mental, or physical disability. A person found guilty of interfering, injuring, or causing the death of a dog guide or service animal can be subject to both criminal penalties as well as restitution to the victim.

It is a misdemeanor offense for any person who: (1) after receiving a warning, continues with reckless disregard to interfere with the use of a dog guide or service animal by obstructing, intimidating or jeopardizing the safety of the dog guide or service animal or his or her user; or (2) with reckless disregard, allows his or her dog to interfere with the use of a dog guide or service animal or his or her user. The penalty in both cases can increase to a gross misdemeanor offense for subsequent offenses.

It is a gross misdemeanor offense for any person who: (1) with reckless disregard, injures, disables, or causes the death of a dog guide or service animal; or (2) with reckless disregard, allows his or her dog to injure, disable, or cause the death of a dog guide or service animal. It is an unranked class C felony to intentionally injure, disable, or cause the death of a dog guide or service animal.

Law Enforcement Officers. General authority Washington law enforcement agencies and officers, have as their primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws of the state throughout the territorial boundaries of the state, as distinguished from a limited authority Washington law enforcement agency. An example of a general authority agency is the Washington State Patrol.

Summary of Substitute Bill:

All peace officers and law enforcement agencies must respond to, investigate, and enforce all violations of the statute governing interfering with dog guides or service animals. Law enforcement agencies includes all general authority Washington law enforcement agencies and specifically excludes animal care and control agencies. A peace officer is any general authority Washington peace officer and specifically excludes animal control officers and humane officers.

Substitute Bill Compared to Original Bill:

The provisions that required law enforcement agencies to report to the Animal Care and Control Agency, any violations of the statute governing interfering with dog guides or service animals and assist them in their investigations and proceedings regarding such violations, are eliminated. Law enforcement agency and peace officers are also defined.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (Substitute bill) There was a situation that occurred last summer where a service dog was attacked by another dog. The dog latched onto the neck of the service dog's neck and would not let go for some time. When the police were called, they refused to come out and investigate because they said it was a dog to dog matter. In the end, the service dog was so traumatized by the matter that he is no longer able to serve as a service dog and is currently in retirement.

However, the original bill requires law enforcement officers to work with animal control officers but, animal control officers should not be allowed to enforce Laya's Law. The proposed substitute bill makes it very clear that any violations of the statute governing interfering with dog guides or service animals is a law enforcement issue. If there is an interference or attack on a dog guide, the entity that is to respond is law enforcement, just like law enforcement would respond if it was an assault on a person. The dogs are an extension of their users. These dogs act as the eyes, ears, or arms of its user.

Whenever 9-1-1 is called to enforce Laya's Law, they send out animal control. The police do not seem to understand that it is a law enforcement issue. Animal control is restricted to Chapter 16 of the statute. Laya's Law is in criminal statute. It is imperative that dog guide and service animal users receive the assistance of the police when they or their dogs are assaulted. The bill should be made clear that law enforcement are the responding parties and not animal control.

Testimony Against: None.

Testified: (In support of substitute bill) Representative Lantz, prime sponsor; Gary Burdett, Washington Council of the Blind and Vice President of Guide Dog Users; Jeanne Hampl and Jacki Pearce-Droge, The Assistance Dog Club of Puget Sound; and Hy Cohen.