

HOUSE RESEARCH

Bill Summary

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Authors: Kohls and others

Subject: Harm to service animals; restitution

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Overview

This bill establishes a misdemeanor penalty for intentional or negligent conduct that results in a dog harming a service animal. The bill also mandates restitution for costs and expenses resulting from the harm. A service animal is an animal that is trained or being trained to do work or perform tasks for an individual with a disability.

Section

- 1 Permits a defendant to raise provocation as an affirmative defense to a charge of a dog harming a service animal.
- 2 **Service animal.** Imposes a misdemeanor and requires a person to make restitution for costs and expenses when the person causes bodily harm to a service animal or otherwise causes a service animal to be unable to perform its duties. This provision applies when a person harms the service animal by intentionally or negligently
 - ▶ permitting a dog to run uncontrolled off the owner's premises, or
 - ▶ failing to keep the dog properly confined and controlled.

Costs and expenses include the user's loss of income, veterinary expenses, travel costs, other expenses of temporary replacement assistance services, and replacement costs, including retraining of the service animal. Provides that the person is responsible for costs and expenses incurred by the school, agency, or individual providing a replacement for a service animal that is no longer able to safely or dependably perform its duties. Specifies that this provision does not affect civil remedies available for the same conduct.

Section

Defines "service animal" as an animal individually trained or being trained to do work or perform tasks for the benefit of an individual with a disability.