

SENATE BILL No. 298

April 28, 2015, Introduced by Senators KNEZEK, JONES, BIEDA, HOOD, O'BRIEN, HERTEL, BRANDENBURG, SCHUITMAKER, HOPGOOD, SCHMIDT, EMMONS, KNOLLENBERG, PROOS, ANANICH, NOFS, HORN, YOUNG, WARREN, HILDENBRAND, ZORN, ROCCA, MARLEAU, ROBERTSON, BOOHER and GREGORY and referred to the Committee on Veterans, Military Affairs and Homeland Security.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 50a and 502c (MCL 750.50a and 750.502c), section 50a as added by 1994 PA 42 and section 502c as amended by 1998 PA 38.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 50a. (1) An individual shall not do either of the
2 following:

3 (a) Willfully and maliciously assault, beat, harass, injure,
4 or attempt to assault, beat, harass, or injure ~~a dog~~ **AN ANIMAL** that
5 he or she knows or has reason to believe is a ~~guide or leader dog~~
6 ~~for a blind individual, a hearing dog for a deaf or audibly~~
7 ~~impaired individual, or a service dog~~ **ANIMAL** for a ~~physically~~
8 ~~limited individual.~~ **PERSON WITH A DISABILITY.**

9 (b) Willfully and maliciously impede or interfere with, or

1 attempt to impede or interfere with, duties performed by a ~~dog~~ **AN**
2 **ANIMAL** that he or she knows or has reason to believe is a ~~guide or~~
3 ~~leader dog for a blind individual, a hearing dog for a deaf or~~
4 ~~audibly impaired individual, or a service dog~~ **ANIMAL** for a
5 ~~physically limited individual.~~ **PERSON WITH A DISABILITY.**

6 (2) An individual who violates subsection (1) is guilty of a
7 misdemeanor punishable by imprisonment for not more than 90 days or
8 a fine of not more than \$500.00, or both.

9 (3) In a prosecution for a violation of subsection (1),
10 evidence that the defendant initiated or continued conduct directed
11 toward a ~~dog~~ **AN ANIMAL** described in subsection (1) after being
12 requested to avoid or discontinue that conduct or similar conduct
13 by a ~~blind, deaf, audibly impaired, or physically limited~~
14 ~~individual~~ **PERSON WITH A DISABILITY** being served or assisted by the
15 ~~dog~~ **ANIMAL** shall give rise to a rebuttable presumption that the
16 conduct was initiated or continued maliciously.

17 (4) A conviction and imposition of a sentence under this
18 section does not prevent a conviction and imposition of a sentence
19 under any other applicable provision of law.

20 (5) As used in this section:

21 ~~—— (a) "Audibly impaired" means the inability to hear air~~
22 ~~conduction thresholds at an average of 40 decibels or greater in~~
23 ~~the individual's better ear.~~

24 ~~—— (b) "Blind" means having a visual acuity of 20/200 or less in~~
25 ~~the individual's better eye with correction, or having a limitation~~
26 ~~of the individual's field of vision such that the widest diameter~~
27 ~~of the visual field subtends an angular distance not greater than~~

1 ~~20 degrees.~~

2 ~~—— (c) "Deaf" means the individual's hearing is totally impaired~~
3 ~~or the individual's hearing, with or without amplification, is so~~
4 ~~seriously impaired that the primary means of receiving spoken~~
5 ~~language is through other sensory input, including, but not limited~~
6 ~~to, lip reading, sign language, finger spelling, or reading.~~

7 (A) ~~(d)~~ "Harass" means to engage in any conduct directed
8 toward a ~~guide, leader, hearing, or service dog~~ **AN ANIMAL DESCRIBED**
9 **IN SUBSECTION (1)** that is likely to impede or interfere with the
10 ~~dog's~~ **ANIMAL'S** performance of its duties or that places the ~~blind,~~
11 ~~deaf, audibly impaired, or physically limited individual~~ **PERSON**
12 **WITH A DISABILITY** being served or assisted by the ~~dog~~ **ANIMAL** in
13 danger of injury.

14 (B) ~~(e)~~ "Injure" means to cause any physical injury to a ~~dog~~
15 **AN ANIMAL** described in subsection (1).

16 (C) ~~(f)~~ "Maliciously" means any of the following:

17 (i) With intent to assault, beat, harass, or injure a ~~dog~~ **AN**
18 **ANIMAL** described in subsection (1).

19 (ii) With intent to impede or interfere with duties performed
20 by a ~~dog~~ **AN ANIMAL** described in subsection (1).

21 (iii) With intent to disturb, endanger, or cause emotional
22 distress to a ~~blind, deaf, audibly impaired, or physically limited~~
23 ~~individual~~ **PERSON WITH A DISABILITY** being served or assisted by a
24 ~~dog~~ **AN ANIMAL** described in subsection (1).

25 (iv) With knowledge that the individual's conduct will ~~,~~ or is
26 likely to harass or injure a ~~dog~~ **AN ANIMAL** described in subsection
27 (1).

1 (v) With knowledge that the individual's conduct will ~~or~~ is
 2 likely to impede or interfere with duties performed by a ~~dog~~ **AN**
 3 **ANIMAL** described in subsection (1).

4 (vi) With knowledge that the individual's conduct will ~~or~~ is
 5 likely to disturb, endanger, or cause emotional distress to a
 6 ~~blind, deaf, audibly impaired, or physically limited individual~~
 7 **PERSON WITH A DISABILITY** being served or assisted by a ~~dog~~ **AN**
 8 **ANIMAL** described in subsection (1).

9 ~~(g) "Physically limited" means having limited ambulatory~~
 10 ~~abilities and includes but is not limited to having a temporary or~~
 11 ~~permanent impairment or condition that does 1 or more of the~~
 12 ~~following:~~

13 ~~(i) Causes the individual to use a wheelchair or walk with~~
 14 ~~difficulty or insecurity.~~

15 ~~(ii) Affects sight or hearing to the extent that an individual~~
 16 ~~is insecure or exposed to danger.~~

17 ~~(iii) Causes faulty coordination.~~

18 ~~(iv) Reduces mobility, flexibility, coordination, or~~
 19 ~~perceptiveness.~~

20 (D) "PERSON WITH A DISABILITY" MEANS A PERSON WHO SATISFIES
 21 ALL OF THE FOLLOWING CONDITIONS:

22 (i) HAS A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY
 23 LIMITS 1 OR MORE MAJOR LIFE ACTIVITIES.

24 (ii) HAS A HISTORY OR RECORD OF AN IMPAIRMENT DESCRIBED IN
 25 SUBPARAGRAPH (i).

26 (iii) IS PERCEIVED BY OTHER PERSONS AS HAVING AN IMPAIRMENT
 27 DESCRIBED IN SUBPARAGRAPH (i).

1 (E) AS USED IN SUBDIVISION (D), "PERSON WITH A DISABILITY"
2 INCLUDES A VETERAN WHO HAS BEEN DIAGNOSED WITH 1 OR MORE OF THE
3 FOLLOWING:

4 (i) POST-TRAUMATIC STRESS DISORDER.

5 (ii) TRAUMATIC BRAIN INJURY.

6 (iii) OTHER SERVICE-RELATED DISABILITIES.

7 (F) "SERVICE ANIMAL" MEANS A DOG OR A MINIATURE HORSE THAT IS
8 ON A LEASH, HARNESS, OR OTHER TETHER AND UNDER THE CONTROL OF ITS
9 HANDLER THAT HAS BEEN INDIVIDUALLY TRAINED TO DO WORK OR PERFORM
10 TASKS FOR THE BENEFIT OF A PERSON WITH A DISABILITY, INCLUDING A
11 PHYSICAL, SENSORY, PSYCHIATRIC, INTELLECTUAL, OR OTHER MENTAL
12 DISABILITY.

13 (G) "VETERAN" MEANS ANY OF THE FOLLOWING:

14 (i) A PERSON WHO PERFORMED MILITARY SERVICE IN THE ARMED
15 FORCES FOR A PERIOD OF MORE THAN 90 DAYS AND SEPARATED FROM THE
16 ARMED FORCES IN A MANNER OTHER THAN A DISHONORABLE DISCHARGE.

17 (ii) A PERSON DISCHARGED OR RELEASED FROM MILITARY SERVICE
18 BECAUSE OF A SERVICE-RELATED DISABILITY.

19 (iii) A MEMBER OF A RESERVE BRANCH OF THE ARMED FORCES AT THE
20 TIME HE OR SHE WAS ORDERED TO MILITARY SERVICE DURING A PERIOD OF
21 WAR, OR IN A CAMPAIGN OR EXPEDITION FOR WHICH A CAMPAIGN BADGE IS
22 AUTHORIZED, AND WAS RELEASED FROM MILITARY SERVICE IN A MANNER
23 OTHER THAN A DISHONORABLE DISCHARGE.

24 Sec. 502c. (1) A person who is an owner, lessee, proprietor,
25 manager, superintendent, agent, or employee of any place of public
26 or private housing, accommodation, amusement, or recreation,
27 including but not limited to any inn, hotel, motel, apartment

1 building, trailer park, restaurant, barbershop, billiard parlor,
2 store, public conveyance on land or water, theater, motion picture
3 house, public or private educational institution, or elevator, who
4 refuses to permit a person with ~~disabilities~~ **A DISABILITY** to enter
5 or use the place when the place is available because the person
6 with ~~disabilities~~ **A DISABILITY** is being led or accompanied by a
7 ~~guide or leader dog, hearing dog, or service dog~~ **ANIMAL** is guilty
8 of a misdemeanor. ~~if the guide or leader dog is wearing a harness~~
9 ~~or if the hearing dog or service dog is wearing a blaze orange~~
10 ~~leash and collar, hearing dog cape, or service dog backpack, and~~
11 ~~the person with disabilities being led or accompanied has in his or~~
12 ~~her possession a pictured identification card certifying that the~~
13 ~~dog was trained by a qualified organization or trainer. The~~
14 ~~department of labor shall maintain a list of organizations or~~
15 ~~trainers that train guide or leader dogs, hearing dogs, and service~~
16 ~~dogs.~~

17 (2) A person who is an owner, lessee, proprietor, manager,
18 superintendent, agent, or employee of any place of public or
19 private housing, accommodation, amusement, or recreation,
20 including, but not limited to, the places listed in subsection (1),
21 who refuses to permit a trainer of ~~guide or leader dogs, hearing~~
22 ~~dogs, or~~ **A service dogs** **ANIMAL** to enter or use the place when the
23 place is available because the trainer is being led or accompanied
24 by a ~~guide or leader dog, hearing dog, or service dog~~ **ANIMAL** is
25 guilty of a misdemeanor. ~~if the guide or leader dog is wearing a~~
26 ~~harness or if the hearing dog or service dog is wearing a hearing~~
27 ~~dog cape or service dog backpack, if the trainer is being led or~~

1 ~~accompanied by an adult dog for the purpose of training the dog,~~
 2 ~~and if the trainer has in his or her possession picture~~
 3 ~~identification and identification stating that he or she is a~~
 4 ~~representative or employee of an organization or trainer, or is a~~
 5 ~~trainer, included on the department of labor list of organizations~~
 6 ~~or trainers that train guide or leader dogs, hearing dogs, or~~
 7 ~~service dogs.~~

8 (3) As used in this section:

9 ~~—— (a) "Adult dog" means a domestic dog of the species canis~~
 10 ~~familiaris that is 12 months of age or older.~~

11 ~~—— (b) "Audibly impaired" means audibly impaired as defined in~~
 12 ~~section 1 of 1981 PA 82, MCL 752.61.~~

13 ~~—— (c) "Blind person" means a blind person as defined in section~~
 14 ~~1 of 1978 PA 260, MCL 393.351.~~

15 ~~—— (d) "Deaf person" means a deaf person as defined in section 1~~
 16 ~~of 1981 PA 82, MCL 752.61.~~

17 (A) ~~(e) "Person with disabilities"~~ **A DISABILITY** means a
 18 person who is ~~audibly impaired, blind, deaf, or otherwise~~
 19 ~~physically limited.~~ **SATISFIES ALL OF THE FOLLOWING CONDITIONS:**

20 (i) **HAS A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY**
 21 **LIMITS 1 OR MORE MAJOR LIFE ACTIVITIES.**

22 (ii) **HAS A HISTORY OR RECORD OF AN IMPAIRMENT DESCRIBED IN**
 23 **SUBPARAGRAPH (i).**

24 (iii) **IS PERCEIVED BY OTHER PERSONS AS HAVING AN IMPAIRMENT**
 25 **DESCRIBED IN SUBPARAGRAPH (i).**

26 ~~—— (f) "Physically limited" means physically limited as defined~~
 27 ~~in section 1 of 1966 PA 1, MCL 125.1351.~~

1 (B) AS USED IN SUBDIVISION (A), "PERSON WITH A DISABILITY"
2 INCLUDES A VETERAN WHO HAS BEEN DIAGNOSED WITH 1 OR MORE OF THE
3 FOLLOWING:

4 (i) POST-TRAUMATIC STRESS DISORDER.

5 (ii) TRAUMATIC BRAIN INJURY.

6 (iii) OTHER SERVICE-RELATED DISABILITIES.

7 (C) "SERVICE ANIMAL" MEANS A DOG OR A MINIATURE HORSE THAT IS
8 ON A LEASH, HARNESS, OR OTHER TETHER AND UNDER THE CONTROL OF ITS
9 HANDLER THAT HAS BEEN INDIVIDUALLY TRAINED TO DO WORK OR PERFORM
10 TASKS FOR THE BENEFIT OF A PERSON WITH A DISABILITY, INCLUDING A
11 PHYSICAL, SENSORY, PSYCHIATRIC, INTELLECTUAL, OR OTHER MENTAL
12 DISABILITY.

13 (D) "VETERAN" MEANS ANY OF THE FOLLOWING:

14 (i) A PERSON WHO PERFORMED MILITARY SERVICE IN THE ARMED
15 FORCES FOR A PERIOD OF MORE THAN 90 DAYS AND SEPARATED FROM THE
16 ARMED FORCES IN A MANNER OTHER THAN A DISHONORABLE DISCHARGE.

17 (ii) A PERSON DISCHARGED OR RELEASED FROM MILITARY SERVICE
18 BECAUSE OF A SERVICE-RELATED DISABILITY.

19 (iii) A MEMBER OF A RESERVE BRANCH OF THE ARMED FORCES AT THE
20 TIME HE OR SHE WAS ORDERED TO MILITARY SERVICE DURING A PERIOD OF
21 WAR, OR IN A CAMPAIGN OR EXPEDITION FOR WHICH A CAMPAIGN BADGE IS
22 AUTHORIZED, AND WAS RELEASED FROM MILITARY SERVICE IN A MANNER
23 OTHER THAN A DISHONORABLE DISCHARGE.