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INCREASE PENALTIES FOR HARMING OR IMPEDING A GUIDE DOG

House Bill 4287 and 4288
Sponsor: Rep. Doug Spade
Committee: Criminal Justice

Complete to 4-21-03

A SUMMARY OF HOUSE BILLS 4287 AND 4288 AS INTRODUCED 2-26-03

Under the Michigan Penal Code, it is illegal to willfully or maliciously assault, beat, harass, injure, impede, or interfere (or attempt any of these acts) with a dog that the individual knew or had reason to believe was a guide or leader dog for a person who is blind, a hearing dog for the deaf or audibly impaired, or a service dog for a physically limited person. An individual who violates this law is guilty of a misdemeanor punishable by not more than 90 days imprisonment or a fine of not more than \$500, or both.

House Bill 4287 would amend the penal code (MCL 750.50a) to eliminate the current provision and replace it with language that would, among other things, increase penalties for interfering with or injuring a dog guide or service animal and create two felony categories. House Bill 4288 would place the corresponding maximum sentences for felony violations of House Bill 4287 within the Code of Criminal Procedure (MCL 777.16b).

Specifically, House Bill 4287 would do the following:

- Prohibit a person who has received a notice that his or her behavior is interfering with the use of a dog guide or service animal from continuing to interfere, with reckless disregard, with the use of the animal by obstructing, intimidating, or otherwise jeopardizing the safety of the animal or its user. "Notice" would be defined by the bill to mean a verbal or communicated warning prescribing the behavior of another person and requesting that the person stop his or her behavior. A "dog guide" would include dogs trained to guide blind persons or assist hearing impaired persons. A "service animal" would mean an animal that had been trained, by a recognized animal training school, to assist or accommodate a disabled person's sensory, mental, or physical disability.
- Prohibit a person from knowingly allowing his or her dog to interfere with the use of a dog guide or service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the animal or its user; knowingly allowing his or her dog to injure, disable, or cause the death of a service animal or dog guide; or knowingly allowing his or her dog to run at large in an area that he or she knows that a service animal or dog guide is likely to be with the result that the service animal or dog guide is interfered with, obstructed, injured, killed, etc.
- Prohibit a person from, intentionally or with reckless disregard, injuring, disabling, or causing the death of dog guide or service animal.

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- Prohibit a person from obtaining or exerting unauthorized control over a dog guide or service animal with the intent to deprive the animal's user of his or her animal.

Penalties. The bill would create a four-tier penalty structure. Violations involving obstructing, intimidating, or jeopardizing the safety of a dog guide or service animal or its user would be a misdemeanor offense punishable by imprisonment for not more than 180 days, a fine of not more than \$2,000, or both for a first offense and imprisonment for not more than one year, a fine of not more than \$5,000, or both for a second or subsequent offense.

Violations in which the service animal or dog guide were disabled, injured, or killed would be a misdemeanor punishable by imprisonment for not more than one year or a fine of not more than \$5,000, or both. However, intentionally injuring, disabling, or causing the death of one of these animals would be a felony punishable by imprisonment for not more than five years, a fine of not more than \$10,000, or both.

A person who obtained or exerted unauthorized control over a dog guide or service animal with the intent to deprive the animal's user from its services would be guilty of a felony punishable by imprisonment for not more than 10 years, a fine of not more than \$20,000, or both.

The bill would not preclude any civil remedy available for a violation of its provisions. Also, a person could be charged with, convicted of, or punished for any other violation of law that arose out of the same criminal transaction as a violation of the bill.

Further, in addition to any other lawful penalty, the court could order the offender to reimburse the animal's user for all expenses incurred related to the offense including, but not limited to, costs associated with replacing an incapacitated or deceased dog guide or service animal, training of a replacement animal or retraining of an affected animal, and all related veterinary and care expenses, and medical expenses of the animal's user, costs of training the animal's user, and compensation for wages or earned income lost by the animal's user.

The bill would take effect November 1, 2003.

House Bill 4288 would amend the Code of Criminal Procedure to specify that injuring or killing a dog guide or service animal would be a Class E felony against a person with a maximum term of imprisonment for five years, and that the unauthorized control over a dog guide or service animal would be a Class D felony against a person with a 10-year maximum term of imprisonment.

The bill is tie-barred to House Bill 4287.

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.