

Date of Hearing: April 6, 2016

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

AB 1824 (Chang) – As Introduced February 8, 2016

Policy Committee: Public Safety

Vote: 7 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: No

SUMMARY:

Expands the situations in which an individual can be charged with causing injury to, or the death of, any guide, signal, or service dog. Specifically, this bill:

- 1) Expands the application of specified crimes against guide, signal, or service dogs to also apply when the dog is not discharging its duties, and would make these crimes applicable to the injury or death of dogs that are enrolled in a training school or program for guide, signal, or service dogs, as specified.
- 2) Requires the defendant, convicted of either crime, to also make restitution to the person for medical or medical-related expenses, or for loss of wages or income, incurred by the person as a direct result of the crime. These costs are required to be paid prior to any fines.

FISCAL EFFECT:

- 1) Moderate loss of revenue to the Penalty Assessment Fund to the extent the additional victim restitution to the disabled person for medical expenses and wages or income losses, and expanded situations, reduce the ability of the defendant to pay fines and penalties.
- 2) Minor additional costs to the California Victim Compensation and Government Claims Board (board) by including dogs injured or killed while not in discharging its duties, and dogs enrolled in a training school or program. There may be one or two incidents per year.
- 3) Minor nonreimbursable local costs for incarceration, may be offset to a degree by fee revenue if revenue is available after restitution is paid.

COMMENTS:

- 1) **Background.** Current law defines: 1) a "guide dog" as any guide dog that was trained by a licensed person, as specified: 2) a "signal dog" as any dog trained to alert an individual who is deaf or hearing impaired to intruders or sounds; and 3) a "service dog" as any dog individually trained to the requirements of the individual with a disability including, but not limited to, minimal protection work, rescue work, pulling a wheelchair, or fetching dropped items. Current law also provides that it is a crime for any person to permit any dog which is owned, harbored, or controlled by him or her to cause injury to or the death of any guide, signal, or service dog, while the guide, signal, or service dog is in discharge of its duties, or for a person to intentionally cause such harm on these dogs.

A defendant who is convicted is required to make restitution to the person with a disability who has custody or ownership of the guide, signal or service dog for veterinary bills or replacement of the dog if the dog is killed,

- 2) **Purpose.** According to the author, "California took a positive step forward when they adopted legislation to make it a crime to attack a service dog while in performance of its duties. Unfortunately, there are still situations that leave guide dogs and their owners vulnerable. AB 1824 will make it a crime to attack a service dog regardless of if it is in discharge of its duties."

Members of the disabled community are likely to miss work or even get injured while trying to get through their day to day life without their service animal. AB 1824 provides for restitution for these losses.

- 3) **Argument in Support:** According to the *California Council of the Blind*, "Under existing law, it is an infraction or a misdemeanor for any person to permit any dog which is owned, harbored, or controlled by him or her to cause injury to or the death of any guide, signal, or service dog while the dog is not engaged in these duties. Under these circumstances, it is very difficult for guide, signal, or service dog users to recover the costs incurred due to these attacks. This bill would expand these provisions by eliminating the requirements that the guide, signal, or service dog be in discharge of its duties, thus allowing recovery in those situations... This bill would expand these restitution provisions to cover medical or medical-related expenses and loss of wages or income."
- 4) **Prior Legislation:** AB 2264 (Levine), Statutes of 2014, Chapter 502, allows a person with a disability who has ownership or custody of a guide, signal, or service dog that has been injured or killed due to the intentional actions of another individual, as specified, to seek reimbursement from the board for veterinary bills, replacement costs, or other costs deemed reasonable by the court, if the defendant is unable to pay restitution.

Analysis Prepared by: Pedro Reyes / APPR. / (916) 319-2081