

CONCURRENCE IN SENATE AMENDMENTS

AB 1824 (Chang)

As Amended August 1, 2016

2/3 vote

ASSEMBLY: 76-0 (April 14, 2016) SENATE: 36-0 (August 18, 2016)

Original Committee Reference: **PUB. S.**

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.

The Senate amendments:

- 1) Revise the intent requirement from intentionally causing injury to, or the death of, any of the specified dogs, to willfully, knowingly, or recklessly causing injury to, or the death of, any of the specified dogs.
- 2) Make a violation of the sections in this bill punishable as a misdemeanor only, rather than an infraction or misdemeanor.
- 3) Change reference to the California Victim Compensation and Government Claims Board to the California Victim Compensation Board.

EXISTING LAW:

- 1) Defines "guide dog" as any guide dog that was trained by a licensed person, as specified.
- 2) Defines a "signal dog" as any dog trained to alert an individual who is deaf or hearing impaired to intruders or sounds.
- 3) Defines 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.
- 4) 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:
 - a) Provides that a violation of this section is an infraction punishable by a fine not to exceed \$250 if the injury or death to any guide, signal, or service dog is caused by the person's failure to exercise ordinary care in the control of his or her dog;
 - b) Provides that a violation of this section is a misdemeanor if the injury or death to any guide, signal, or service dog is caused by the person's reckless disregard in the exercise of control over his or her dog, under circumstances that constitute such a departure from the conduct of a reasonable person as to be incompatible with a proper regard for the safety and life of any guide, signal, or service dog. A violation of this subdivision shall be punishable by imprisonment in a county jail not exceeding one year, or by a fine of not

less than \$2,500 nor more than \$5,000, or both. The court shall consider the costs ordered when determining the amount of any fines; and

- c) Provides that in any case in which a defendant is convicted of a violation of this section, the defendant shall be ordered to make restitution to the person with a disability who has custody or ownership of the guide, signal, or service dog for any veterinary bills and replacement costs of the dog if it is disabled or killed, or other reasonable costs deemed appropriate by the court. The costs ordered pursuant to this subdivision shall be paid prior to any fines. The person with the disability may apply for compensation by the California Victim Compensation and Government Claims Board, in an amount not to exceed \$10,000.
- 5) Specifies that any person who intentionally causes injury to or the death of any guide, signal, or service dog, while the dog is in discharge of its duties, is guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding \$10,000, or by both a fine and imprisonment. The court shall consider the costs ordered when determining the amount of any fines:
- a) Provides for any case in which a defendant is convicted of a violation of this section, the defendant shall be ordered to make restitution to the person with a disability who has custody or ownership of the dog for any veterinary bills and replacement costs of the dog if it is disabled or killed, or other reasonable costs deemed appropriate by the court; and
 - b) Provides the costs ordered pursuant to this subdivision shall be paid prior to any fines. The person with the disability may apply for compensation by the California Victim Compensation and Government Claims Board pursuant to Chapter 5 in an amount not to exceed \$10,000.

AS PASSED BY THE ASSEMBLY, this bill:

- 1) Deleted, specified crimes against guide, signal, or service dogs, the requirement that the dog be in discharge of its duties when the injury or death occurs 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) Required 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.

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8 negligible state costs.

COMMENTS: "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. These animals go beyond monetary value by providing a service which countless members of the disabled community depend on. Without the aid of these animals, the independence of their owners is put on hold. 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. For this purpose, my legislation

will also enable victims to receive restitution for any lost wages or medical expenses incurred while they are without the service of their dog."

Please see the policy committee analysis for a full discussion of this bill.

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FN: 0003714