

1 SB168
2 173607-2
3 By Senator Holley
4 RFD: Agriculture, Conservation, and Forestry
5 First Read: 09-FEB-16

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to service dogs; to make it a crime to
12 harass, injure, or cause the death of a service dog under
13 certain conditions; to provide penalties; to provide for
14 restitution of certain expenses; and in connection therewith
15 would have as its purpose or effect the requirement of a new
16 or increased expenditure of local funds within the meaning of
17 Amendment 621 of the Constitution of Alabama of 1901, now
18 appearing as Section 111.05 of the Official Recompilation of
19 the Constitution of Alabama of 1901, as amended.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. It is the policy of this state to
22 recognize the special role and value of service dogs, not only
23 in the lives of those persons who use them but also in society
24 at large, and to encourage the use of service dogs by persons
25 with disabilities and to recognize that those persons have a
26 right to use service dogs without any interference with or
27 injury to the service dog.

1 Section 2. For the purposes of this act, the
2 following terms have the following meanings:

3 (1) HARASS. To engage in any conduct directed toward
4 a service dog or handler that is likely to impede or interfere
5 with the performance of a service dog in its duties or places
6 the health and safety of the service dog or its handler in
7 jeopardy. Such conduct includes actions which distract,
8 obstruct, or intimidate the service dog, such as taunting,
9 teasing, or striking.

10 (2) INJURY. Physical or emotional injury to the
11 service dog.

12 (3) NOTICE. An actual verbal or other communication
13 warning that the behavior of the person or the dog of the
14 person is harassing toward the performance of a service dog in
15 its duty or endangering the health and safety of the service
16 dog.

17 (4) SERVICE DOG. A dog that has been individually
18 trained for the purpose of assisting or accommodating a
19 physician-diagnosed physical or mental disability or medical
20 condition of a person as that term is used in the federal
21 Americans with Disabilities Act. Service dogs include, but are
22 not limited to, guide or leader dogs for persons who are
23 blind; dogs that assist persons with physical disabilities by
24 providing balance support, pulling a wheelchair, or performing
25 other tasks; dogs that provide hearing assistance by alerting
26 individuals who are deaf to specific sounds; and dogs who
27 alert persons to an impending potential medical crisis.

1 (5) VALUE. The value of the service dog to the
2 service dog user as demonstrated by any of the following
3 elements:

4 a. Cost of the service dog.

5 b. Replacement and training or retraining expenses
6 for the service dog and the user.

7 c. Veterinary and other medical and boarding
8 expenses for the service dog during a period of treatment for
9 injury.

10 d. Lost wages or income incurred by the service dog
11 user during any period the user is without the services of the
12 service dog.

13 e. Any additional expenses incurred by the service
14 dog user directly because of the loss of the use of the
15 service dog.

16 Section 3. (a) It is unlawful for a person who has
17 received notice that his or her behavior is harassing to a dog
18 the person knows or has reason to believe is a service dog to
19 continue that behavior with malice or reckless disregard.

20 (b) It is unlawful for a person with reckless
21 disregard to allow his or her dog that is not contained by a
22 fence, a leash, or other containment system to harass a
23 service dog.

24 (c) A person who violates subsection (a) or (b) is
25 guilty of a Class C misdemeanor.

26 Section 4. (a) It is unlawful for any person without
27 legal justification or authority to cause injury to a service

1 dog, or to allow his or her dog to cause injury to a service
2 dog.

3 (b) A person who violates subsection (a) with
4 reckless disregard is guilty of a Class B misdemeanor.

5 (c) A person who intentionally or willfully violates
6 subsection (a) is guilty of a Class A misdemeanor.

7 Section 5. (a) It is unlawful for any person without
8 legal justification or authority to cause the death of a
9 service dog or cause an injury resulting in disability to the
10 service dog such that it is no longer able to function in that
11 role, or for that person to allow his or her dog to cause the
12 same.

13 (b) A person who violates subsection (a) with
14 reckless disregard is guilty of a Class A misdemeanor.

15 (c) A person who intentionally or willfully violates
16 subsection (a) is guilty of a Class A misdemeanor.

17 Section 6. (a) A person convicted of a violation of
18 this act shall be ordered to make full restitution for
19 damages, including incidental and consequential expenses,
20 incurred by the service dog and its user, which arise out of
21 or are related to the violation.

22 (b) Restitution for a conviction under this act
23 includes, but is not limited to, any of the following:

24 (1) The medical expenses of the service dog and its
25 user, and the value of the service dog to its user for the
26 period in which the dog is unable to perform its duties due to
27 injuries suffered as a proximate cause of the violation, or if

1 the violation resulted in the death or permanent disability of
2 the service dog, the value of the service dog to its user.

3 (2) The cost of any retraining of the service dog
4 needed as a result of the violation.

5 (3) Compensation for wages or earned income lost by
6 the service dog user as a proximate cause of the violation.

7 (4) Any other economic loss suffered by the service
8 dog user as a proximate result of the violation.

9 (c) This section does not affect the civil remedy
10 that is available for violations of this act. Restitution paid
11 pursuant to this act shall be set off against damages awarded
12 in a civil action arising out of the same conduct that
13 resulted in the restitution payment.

14 (d) The user of a service dog may bring a civil
15 cause of action for violation of any of the provisions of this
16 act in a court of competent jurisdiction in the county where
17 the service animal user resides or where the violation
18 occurred.

19 (e) In any action brought under this act, the court
20 may award costs and reasonable attorney fees to the prevailing
21 party.

22 Section 7. Although this bill would have as its
23 purpose or effect the requirement of a new or increased
24 expenditure of local funds, the bill is excluded from further
25 requirements and application under Amendment 621, now
26 appearing as Section 111.05 of the Official Recompilation of
27 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

3 Section 8. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Agriculture, Conservation, and For-
estry..... 09-FEB-16

Read for the second time and placed on the calen-
dar 1 amendment..... 11-FEB-16

Read for the third time and passed as amended 18-FEB-16

Yeas 26
Nays 1
Abstaining 1

Patrick Harris
Secretary