

# SENATE BILL REPORT

## SHB 2046

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As of March 25, 2003

**Title:** An act relating to interfering with a dog guide or service animal.

**Brief Description:** Providing for law enforcement powers for interfering with a dog guide or service animal.

**Sponsors:** House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Lantz, Kirby, O'Brien, Moeller and Santos).

**Brief History:**

**Committee Activity:** Judiciary: 3/27/03.

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### SENATE COMMITTEE ON JUDICIARY

**Staff:** Lidia Mori (786-7755)

**Background:** Under the miscellaneous crimes statute, a dog guide is defined as a dog that is trained for the purpose of guiding blind persons or assisting hearing impaired persons. Service animals are animals that are trained for the purposes of assisting or accommodating a disabled person's sensory, mental, or physical disability. A person found guilty of interfering, injuring, or causing the death of a dog guide or service animal can be subject to both criminal penalties and restitution to the victim.

It is a misdemeanor offense for any person who: (1) after receiving a warning, continues with reckless disregard to interfere with the use of a dog guide or service animal by obstructing, intimidating or jeopardizing the safety of the dog guide or service animal or his or her user; or (2) with reckless disregard, allows his or her dog to interfere with the use of a dog guide or service animal or his or her user. The penalty in both cases can increase to a gross misdemeanor offense for subsequent offenses.

It is a gross misdemeanor offense for any person who: (1) with reckless disregard, injures, disables, or causes the death of a dog guide or service animal; or (2) with reckless disregard, allows his or her dog to injure, disable, or cause the death of a dog guide or service animal. It is an unranked class C felony to intentionally injure, disable, or cause the death of a dog guide or service animal.

A peace officer may be a general authority Washington peace officer or a limited authority Washington peace officer. A general authority peace officer is an elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington. A limited authority peace officer is an officer of a limited authority law enforcement agency who has been empowered by that agency to detect or apprehend violators of the laws in some or all of the subject areas for which that agency is responsible.

**Summary of Bill:** All peace officers and law enforcement agencies must respond to, investigate, and enforce all violations of the statute governing interfering with dog guides or service animals. Law enforcement agencies include all general authority Washington law enforcement agencies and specifically excludes animal care and control agencies. A peace officer is any general authority Washington peace officer and specifically excludes animal control officers and humane officers.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.