

HOUSE BILL REPORT

HB 1676

As Reported by House Committee On:
Judiciary

Title: An act relating to crimes involving a dog guide or service animal.

Brief Description: Concerning crimes involving a dog guide or service animal.

Sponsors: Representatives Sullivan, Hansen, Goodman, Rodne, Shea, Ortiz-Self and Tarleton.

Brief History:

Committee Activity:

Judiciary: 2/9/17, 2/16/17 [DP].

Brief Summary of Bill

- Expands the definition in the criminal law regarding dog guides and service animals to include dog guides and service animals that are in training.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 12 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Frame, Goodman, Graves, Haler, Hansen, Kirby, Orwall and Shea.

Minority Report: Do not pass. Signed by 1 member: Representative Klippert.

Staff: Audrey Frey (786-7289).

Background:

Interfering with the Use of a Dog Guide or Service Animal.

It is a misdemeanor offense for a person who has received notice that his or her behavior is interfering with the use of a dog guide or service animal to continue, with reckless disregard, interfering with the use of a dog guide or service animal by obstructing, intimidating, or otherwise jeopardizing: (1) the safety of the dog guide or service animal user; or (2) the safety of the dog guide or service animal. A subsequent offense is a gross misdemeanor.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

It is also a misdemeanor offense for a person, with reckless disregard, to allow his or her dog to interfere with the use of a dog guide or service animal by obstructing, intimidating, or otherwise jeopardizing: (1) the safety of the dog guide or service animal user; or (2) the safety of the dog guide or service animal. A subsequent offense is a gross misdemeanor.

Injure, Disable, or Cause the Death of a Dog Guide or Service Animal.

It is a gross misdemeanor offense for a person, with reckless disregard, to allow his or her dog to injure, disable, or cause the death of a dog guide or service animal.

It is also a gross misdemeanor offense for a person, with reckless disregard, to injure, disable, or cause the death of a dog guide or service animal.

Additionally, it is an unranked class C felony for a person to intentionally injure, disable, or cause the death of a dog guide or service animal.

Theft of a Dog Guide or Service Animal.

It is Theft in the first degree for a person to wrongfully obtain or exert unauthorized control over a dog guide or service animal with the intent to deprive the dog guide or service animal user of his or her dog guide or service animal. Theft in the first degree is a class B felony.

Restitution.

When a person is convicted of any of the above crimes, the person must make full restitution for all damages, including incidental and consequential expenses incurred by the dog guide or service animal user and the dog guide or service animal which arise out of, or are related to, the criminal offense.

Restitution includes, but is not limited to: (1) the value of the replacement of an incapacitated or deceased dog guide or service animal; (2) the value of training a replacement dog guide or service animal; (3) the value of retraining the affected dog guide or service animal and all related veterinary and care expenses; (4) medical expenses of the dog guide or service animal user; (5) the value of training of the dog guide or service animal user; and (6) compensation for wages or earned income lost by the dog guide or service animal user.

Civil Remedies.

The criminal penalties and restitution do not affect any civil remedies available for these violations.

Definitions.

For the purposes of these crimes, the following definitions apply:

- "Dog guide" means a dog that is trained for the purpose of guiding blind persons or a dog trained for the purpose of assisting hearing impaired persons.
- "Service animal" means an animal that is trained for the purposes of assisting or accommodating a disabled person's sensory, mental, or physical disability.
- "Notice" means a verbal or otherwise communicated warning prescribing the behavior of another person and a request that the person stop their behavior.
- "Value" means the value to the dog guide or service animal user and does not refer to cost or fair market value.

Summary of Bill:

The definition of "dog guide" is expanded to include a dog that is trained or in training.

The definition of "service animal" is expanded to include an animal that is trained or in training.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The current law gives some measure of protection to service animals, but there is no protection for service animals and service dogs in training. This bill would protect these animals from bad trainers. A lot of trainers are amazing, excellent people, who are credentialed, affiliated with organizations, and certified. But there are other animal trainers out there who are not affiliated, who are not vetted, and there is absolutely no oversight of them whatsoever. This bill would give protection to the animals in training, some of which start as young as eight weeks old, depending on who is handling them. Sometimes horrible things are done to service dogs in training, and this bill will protect those animals.

(Opposed) None.

Persons Testifying: Elizabeth Bissett.

Persons Signed In To Testify But Not Testifying: None.