

AMENDED IN SENATE MAY 18, 2004

AMENDED IN ASSEMBLY MARCH 11, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1801

Introduced by Assembly Member Pavley
(Coauthors: Assembly Members Cox, Jerome Horton, *Kehoe*,
Koretz, Lieber, Levine, *Longville*, Mullin, and Wolk)
(Coauthor: Senator Kuehl)

January 12, 2004

An act to amend Sections 365.6, 600.2, and 600.5 of the Penal Code, relating to guide dogs.

LEGISLATIVE COUNSEL'S DIGEST

AB 1801, as amended, Pavley. Guide dogs.

Under existing law any person who, with no legal justification, intentionally interferes with the use of a guide dog by harassing or obstructing the guide dog user or his or her guide dog, is guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding 6 months, or by a fine of not less than \$1,500 nor more than \$2,500. Existing law defines the term "guide dog."

This bill would change the definition of the term "guide dog" to define guide, signal, or service dog and would also define the term "mobility aid." The bill would, in addition, apply these provisions to any person who intentionally interferes with the use of a mobility aid. Because this bill would expand the scope of an existing crime, it would impose a state-mandated local program.

Under existing law, it is unlawful and constitutes an infraction 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, as defined, while the guide, signal, or service dog is in discharge of its duties. Under existing law, in any case in which a defendant is convicted of a violation of these provisions, the defendant is required to be ordered to make restitution to the disabled person who has custody or ownership of the dog for any veterinary bills and replacement costs of the dog if it is disabled or killed.

This bill would make this violation an infraction punishable by a fine of not more than \$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. This bill would make this crime a misdemeanor if the injury or death to the guide, signal, or service dog is caused by the person's reckless disregard in the exercise of control over his or her dog, as specified, and would make a misdemeanor violation of these provisions 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. This bill would include in the restitution payment to the person with a disability who has custody or ownership of the dog other reasonable costs deemed appropriate by the court. Because this bill would increase the penalty of a crime from an infraction to a misdemeanor, it would impose a state-mandated local program.

Existing law makes any person who intentionally causes injury to or the death of any guide, signal, or service dog, as defined, while the dog is in discharge of its duties, guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding \$5,000, or by both a fine and imprisonment. Under existing law, in any case in which a defendant is convicted of a violation of these provisions, the defendant is required to be ordered to make restitution to the disabled person who has custody or ownership of the dog for any veterinary bills and replacement costs of the dog if it is disabled or killed.

This bill would increase the fine to \$10,000 and would include in the restitution payment to the person with a disability other reasonable costs deemed appropriate by the court.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.



This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 365.6 of the Penal Code is amended to
2 read:

3 365.6. (a) Any person who, with no legal justification,
4 intentionally interferes with the use of a guide, signal, or service
5 dog or mobility aid by harassing or obstructing the guide, signal,
6 or service dog or mobility aid user or his or her guide, signal, or
7 service dog, is guilty of a misdemeanor, punishable by
8 imprisonment in a county jail not exceeding six months, or by a
9 fine of not less than one thousand five hundred dollars (\$1,500) nor
10 more than two thousand five hundred dollars (\$2,500), or both that
11 fine and imprisonment.

12 (b) As used in this section, the following definitions shall
13 apply:

14 (1) "Mobility aid" means any device enabling a person with a
15 disability, as defined in subdivision (b) of Section 54 of the Civil
16 Code, to travel independently, including, but not limited to, a
17 guide, signal, or service dog, as defined in Section 54.1 of the Civil
18 Code, a wheelchair, walker or white cane.

19 (2) "Guide, signal, or service dog" means any dog trained to
20 do work or perform tasks for the benefit of an individual with a
21 disability, including, but not limited to, guiding individuals with
22 impaired vision, alerting individuals with impaired hearing to
23 intruders or sounds, pulling a wheelchair, or fetching dropped
24 items.

25 (c) Nothing in this section is intended to affect any civil
26 remedies available for a violation of this section.

27 SEC. 2. Section 600.2 of the Penal Code is amended to read:

28 600.2. (a) It is a ~~misdemeanor~~ *crime* for any person to permit
29 any dog which is owned, harbored, or controlled by him or her to
30 cause injury to or the death of any guide, signal, or service dog, as
31 defined by Section 54.1 of the Civil Code, while the guide, signal,
32 or service dog is in discharge of its duties.



1 (b) A violation of this section is an infraction punishable by a
2 fine not to exceed two hundred fifty dollars (\$250) if the injury or
3 death to any guide, signal, or service dog is caused by the person's
4 failure to exercise ordinary care in the control of his or her dog.

5 (c) A violation of this section is a misdemeanor if the injury or
6 death to any guide, signal, or service dog is caused by the person's
7 reckless disregard in the exercise of control over his or her dog,
8 under circumstances that constitute such a departure from the
9 conduct of a reasonable person as to be incompatible with a proper
10 regard for the safety and life of any guide, signal, or service dog.
11 A violation of this subdivision shall be punishable by
12 imprisonment in a county jail not exceeding one year, or by a fine
13 of not less than two thousand five hundred dollars (\$2,500) nor
14 more than five thousand dollars (\$5,000), or both.

15 (d) In any case in which a defendant is convicted of a violation
16 of this section, the defendant shall be ordered to make restitution
17 to the person with a disability who has custody or ownership of the
18 guide, signal, or service dog for any veterinary bills and
19 replacement costs of the dog if it is disabled or killed, or other
20 reasonable costs deemed appropriate by the court.

21 SEC. 3. Section 600.5 of the Penal Code is amended to read:

22 600.5. (a) Any person who intentionally causes injury to or
23 the death of any guide, signal, or service dog, as defined by Section
24 54.1 of the Civil Code, while the dog is in discharge of its duties,
25 is guilty of a misdemeanor, punishable by imprisonment in a
26 county jail not exceeding one year, or by a fine not exceeding ten
27 thousand dollars (\$10,000), or by both a fine and imprisonment.

28 (b) In any case in which a defendant is convicted of a violation
29 of this section, the defendant shall be ordered to make restitution
30 to the person with a disability who has custody or ownership of the
31 dog for any veterinary bills and replacement costs of the dog if it
32 is disabled or killed, or other reasonable costs deemed appropriate
33 by the court.

34 SEC. 4. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 the only costs that may be incurred by a local agency or school
37 district will be incurred because this act creates a new crime or
38 infraction, eliminates a crime or infraction, or changes the penalty
39 for a crime or infraction, within the meaning of Section 17556 of
40 the Government Code, or changes the definition of a crime within



1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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