

**ASSEMBLY BILL**

**No. 2243**

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**Introduced by Assembly Member Smyth**

February 18, 2010

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An act to amend Section 54.25 of the Civil Code, relating to civil law.

LEGISLATIVE COUNSEL'S DIGEST

AB 2243, as introduced, Smyth. Civil law: search and rescue dogs.

Existing law provides that a peace officer or firefighter assigned to a canine unit, who is assigned to duty away from his or her home jurisdiction because of a declared federal, state, or local emergency, and in the course and scope of his or her official duties, may not be discriminated against in hotels, lodging establishments, eating establishments, or public transportation by being required to pay an extra charge or security deposit for the peace officer's or firefighter's dog.

This bill would also prohibit that discrimination against the handler of a search and rescue dog, as defined. The bill would also expand the circumstances to include when the peace officer, firefighter, or handler is away from his or her home jurisdiction because of an official mutual aid request or training.

Existing law provides the peace officer's law enforcement agency or the firefighter's fire agency is liable for any damages to the premises or facilities caused by the peace officer's or firefighter's dog.

The bill would require the handler would be liable for any damages to the premises or facilities caused by the search and rescue dog.

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

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

SECTION 1. Section 54.25 of the Civil Code is amended to read:

54.25. (a) (1) A peace officer or firefighter assigned to a canine unit *or the handler of a search and rescue dog* assigned to duty away from his or her home jurisdiction because of a declared federal, state, or local emergency, *or an official mutual aid request or training*, and in the course and scope of his or her duties shall not be discriminated against in hotels, lodging establishments, eating establishments, or public transportation by being required to pay an extra charge or security deposit for the ~~peace officer's or firefighter's~~ dog. However, the peace officer's law enforcement agency ~~or, the firefighter's fire agency, or the handler of a search and rescue dog~~ shall be liable for any damages to the premises or facilities caused by the ~~peace officer's or firefighter's~~ dog.

(2) Any person, firm, association, or corporation, or the agent of any person, firm, association, or corporation that prevents a peace officer or a firefighter assigned to a canine unit and his or her dog from exercising, or interferes in the exercise of, the rights specified in this section is subject to a civil fine not exceeding one thousand dollars (\$1,000).

(b) ~~(1)~~ For purposes of this section, a ~~“peace officer's or firefighter's dog”~~ means a dog owned by a public law enforcement agency or fire department and under the control of a peace officer or firefighter assigned to a canine unit that has been trained in matters including, but not limited to, discovering controlled substances, explosives, cadavers, victims in collapsed structures, and peace officer on-command searches for suspects and victims at crime scenes. *the following definitions apply:*

~~(2)~~

(1) “Declared emergency” is any emergency declared by the President of the United States, the Governor of a state, or local authorities.

(2) “Handler of a search and rescue dog” means a person in possession of a dog that is in training to become registered and approved as a search and rescue dog, or that is currently registered and approved for tasks, including, but not limited to, locating missing persons, discovering controlled substances, explosives, or cadavers, or locating victims in collapsed structures, and

1 *assisting with peace officer on-command searches for suspects*  
2 *and victims at crime scenes.*

3 (3) *“Peace officer’s or firefighter’s dog” means a dog owned*  
4 *by a public law enforcement agency or fire department and under*  
5 *the control of a peace officer or firefighter assigned to a canine*  
6 *unit that has been trained in matters, including, but not limited to,*  
7 *discovering controlled substances, explosives, cadavers, victims*  
8 *in collapsed structures, and peace officer on-command searches*  
9 *for suspects and victims at crime scenes.*

10 (4) *“Search and rescue dog” means a dog that has been trained*  
11 *and approved as a search and rescue dog, or that is currently*  
12 *registered and approved for search and rescue work with a search*  
13 *and rescue team affiliated with the California Emergency*  
14 *Management Agency. The term also includes a dog that is in*  
15 *training to become registered and approved for that work.*

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

18 (d) This section is intended to provide accessibility without  
19 discrimination to a peace officer or firefighter *or handler of a*  
20 *search and rescue dog* with a trained, public-owned dog in hotels,  
21 lodging places, eating establishments, and public transportation  
22 ~~during declared emergencies.~~