

AMENDED IN SENATE AUGUST 1, 2016

AMENDED IN SENATE MAY 31, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1824

Introduced by Assembly Member Chang
(Coauthors: Assembly Members Baker, Lackey, and Maienschein)
(Coauthors: Senators Cannella and Fuller)

February 8, 2016

An act to amend Sections 600.2 and 600.5 of the Penal Code, relating to guide, signal, or service dogs, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1824, as amended, Chang. Guide, signal, or service dogs: injury or death.

Under existing law, it is an infraction or a misdemeanor for any person to permit any dog that 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. 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.

This bill would delete, from both crimes, the requirement that the guide, signal, or service dog be in discharge of its duties when the injury or death occurs and would make these crimes applicable to the injury or death of dogs that are enrolled in a training school or program for guide, signal, or service dogs, as specified. The bill would also instead make any person who willfully, knowingly, or recklessly causes injury to, or the death of, any of the specified dogs guilty of a misdemeanor.

Under existing law, if a defendant is convicted of either of these crimes, the defendant is required to make restitution to the person with a disability who has custody or ownership of the dog for any veterinary bills and replacement costs of the dog if it is disabled or killed, or other reasonable costs deemed appropriate by the court.

This bill would require the defendant, convicted of either crime, to also make restitution to the person for medical or medical-related expenses, or for loss of wages or income, incurred by the person as a direct result of the crime.

Because this bill would expand the scope and penalties of existing crimes, it would impose a state-mandated local program.

Existing law provides for the compensation of victims and derivative victims of certain crimes by the California Victim Compensation and Government Claims Board from the Restitution Fund, a continuously appropriated fund, for specified losses suffered as a result of those crimes. Existing law authorizes the person with a disability in either of the above crimes to apply for compensation by the board in an amount not to exceed \$10,000.

By expanding the authorization for the use of moneys in the continuously appropriated Restitution Fund, this bill would make an appropriation.

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: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
 State-mandated local program: yes.

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

- 1 ~~SECTION 1. Section 600.2 of the Penal Code is amended to~~
- 2 ~~read:~~
- 3 ~~600.2. (a) It is a crime for any person to permit any dog that~~
- 4 ~~is owned, harbored, or controlled by him or her to cause injury to,~~
- 5 ~~or the death of, any guide, signal, or service dog, as defined by~~
- 6 ~~Section 54.1 of the Civil Code.~~
- 7 ~~(b) A violation of this section is an infraction punishable by a~~
- 8 ~~fine not to exceed two hundred fifty dollars (\$250) if the injury or~~

1 death to any guide, signal, or service dog is caused by the person's
2 failure to exercise ordinary care in the control of his or her dog.

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

15 (d) ~~A defendant who is convicted of a violation of this section~~
16 ~~shall be ordered to make restitution to the person with a disability~~
17 ~~who has custody or ownership of the guide, signal, or service dog~~
18 ~~for any veterinary bills and replacement costs of the dog if it is~~
19 ~~disabled or killed, medical or medical-related expenses incurred~~
20 ~~by the person with a disability as a direct result of a violation of~~
21 ~~this section, loss of wages or income incurred by the person with~~
22 ~~a disability as a direct result of a violation of this section, or other~~
23 ~~reasonable costs deemed appropriate by the court. The costs~~
24 ~~ordered pursuant to this subdivision shall be paid prior to any fines.~~
25 ~~The person with the disability may apply for compensation by the~~
26 ~~California Victim Compensation and Government Claims Board~~
27 ~~pursuant to Chapter 5 (commencing with Section 13950) of Part~~
28 ~~4 of Division 3 of Title 2 of the Government Code, in an amount~~
29 ~~not to exceed ten thousand dollars (\$10,000).~~

30 (e) ~~For the purpose of this section, a "guide, signal, or service~~
31 ~~dog" also includes a dog enrolled in a training school or program,~~
32 ~~located in this state, for guide, signal, or service dogs.~~

33 **SEC. 2.** ~~Section 600.5 of the Penal Code is amended to read:~~

34 ~~600.5. (a) Any person who willfully, knowingly, or recklessly~~
35 ~~causes injury to, or the death of, any guide, signal, or service dog,~~
36 ~~as defined by Section 54.1 of the Civil Code, is guilty of a~~
37 ~~misdemeanor, punishable by imprisonment in a county jail not~~
38 ~~exceeding one year, or by a fine not exceeding ten thousand dollars~~
39 ~~(\$10,000), or by both a fine and imprisonment. The court shall~~

1 ~~consider the costs ordered pursuant to subdivision (b) when~~
 2 ~~determining the amount of any fines.~~

3 ~~(b) A defendant who is convicted of a violation of this section~~
 4 ~~shall be ordered to make restitution to the person with a disability~~
 5 ~~who has custody or ownership of the dog for any veterinary bills~~
 6 ~~and replacement costs of the dog if it is disabled or killed, medical~~
 7 ~~or medical-related expenses incurred by the person with a disability~~
 8 ~~as a direct result of a violation of this section, loss of wages or~~
 9 ~~income incurred by the person with a disability as a direct result~~
 10 ~~of a violation of this section, or other reasonable costs deemed~~
 11 ~~appropriate by the court. The costs ordered pursuant to this~~
 12 ~~subdivision shall be paid prior to any fines. The person with the~~
 13 ~~disability may apply for compensation by the California Victim~~
 14 ~~Compensation and Government Claims Board pursuant to Chapter~~
 15 ~~5 (commencing with Section 13950) of Part 4 of Division 3 of~~
 16 ~~Title 2 of the Government Code, in an amount not to exceed ten~~
 17 ~~thousand dollars (\$10,000).~~

18 ~~(e) For the purpose of this section, a “guide, signal, or service~~
 19 ~~dog” also includes a dog enrolled in a training school or program,~~
 20 ~~located in this state, for guide, signal, or service dogs.~~

21 *SECTION 1. Section 600.2 of the Penal Code is amended to*
 22 *read:*

23 600.2. (a) It is a crime for any person to permit any dog ~~which~~
 24 ~~that~~ is owned, harbored, or controlled by him or her to cause injury
 25 ~~to to,~~ or the death ~~of of,~~ any guide, signal, or service dog, as defined
 26 by Section 54.1 of the Civil Code, ~~while the guide, signal, or~~
 27 ~~service dog is in discharge of its duties. Code.~~

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

32 (c) A violation of this section is a misdemeanor if the injury or
 33 death to any guide, signal, or service dog is caused by the person’s
 34 reckless disregard in the exercise of control over his or her dog,
 35 under circumstances that constitute such a departure from the
 36 conduct of a reasonable person as to be incompatible with a proper
 37 regard for the safety and life of any guide, signal, or service dog.
 38 A violation of this subdivision shall be punishable by imprisonment
 39 in a county jail not exceeding one year, or by a fine of not less
 40 than two thousand five hundred dollars (\$2,500) nor more than

1 five thousand dollars (\$5,000), or both. The court shall consider
2 the costs ordered pursuant to subdivision (d) when determining
3 the amount of any fines.

4 ~~(d) In any case in which a defendant~~ *A defendant who is*
5 ~~convicted of a violation of this section, the defendant~~ *section shall*
6 *be ordered to make restitution to the person with a disability who*
7 *has custody or ownership of the guide, signal, or service dog for*
8 *any veterinary bills and replacement costs of the dog if it is disabled*
9 *or killed, medical or medical-related expenses incurred by the*
10 *person with a disability as a direct result of a violation of this*
11 *section, loss of wages or income incurred by the person with a*
12 *disability as a direct result of a violation of this section, or other*
13 *reasonable costs deemed appropriate by the court. The costs*
14 *ordered pursuant to this subdivision shall be paid prior to any fines.*
15 *The person with the disability may apply for compensation by the*
16 *California Victim Compensation Board pursuant to Chapter 5*
17 *(commencing with Section 13950) of Part 4 of Division 3 of Title*
18 *2 of the Government Code, in an amount not to exceed ten*
19 *thousand dollars (\$10,000).*

20 *(e) For the purpose of this section, a “guide, signal, or service*
21 *dog” also includes a dog enrolled in a training school or program,*
22 *located in this state, for guide, signal, or service dogs.*

23 *SEC. 2. Section 600.5 of the Penal Code is amended to read:*

24 *600.5. (a) Any person who intentionally willfully, knowingly,*
25 *or recklessly causes injury to, or the death of, any guide,*
26 *signal, or service dog, as defined by Section 54.1 of the Civil Code,*
27 *while the dog is in discharge of its duties, is guilty of a*
28 *misdemeanor, punishable by imprisonment in a county jail not*
29 *exceeding one year, or by a fine not exceeding ten thousand dollars*
30 *(\$10,000), or by both a fine and imprisonment. The court shall*
31 *consider the costs ordered pursuant to subdivision (b) when*
32 *determining the amount of any fines.*

33 ~~(b) In any case in which a defendant~~ *A defendant who is*
34 ~~convicted of a violation of this section, the defendant~~ *section shall*
35 *be ordered to make restitution to the person with a disability who*
36 *has custody or ownership of the dog for any veterinary bills and*
37 *replacement costs of the dog if it is disabled or killed, medical or*
38 *medical-related expenses incurred by the person with a disability*
39 *as a direct result of a violation of this section, loss of wages or*
40 *income incurred by the person with a disability as a direct result*

1 *of a violation of this section*, or other reasonable costs deemed
2 appropriate by the court. The costs ordered pursuant to this
3 subdivision shall be paid prior to any fines. The person with the
4 disability may apply for compensation by the California Victim
5 Compensation Board pursuant to Chapter 5 (commencing with
6 Section 13950) of Part 4 of Division 3 of Title 2 of the Government
7 Code, in an amount not to exceed ten thousand dollars (\$10,000).

8 *(c) For the purpose of this section, a “guide, signal, or service*
9 *dog” also includes a dog enrolled in a training school or program,*
10 *located in this state, for guide, signal, or service dogs.*

11 SEC. 3. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.