

By: Robinson of the Senate
and
Lindley of the House

[crimes and punishments - prohibiting harming or
killing service dogs - codification -
emergency]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 649.3 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. No person shall willfully harm, including torture, torment, beat, mutilate, injure, disable, or otherwise mistreat or kill a service dog that is used for the benefit of any handicapped person in the state.

B. No person shall willfully interfere with the lawful performance of any service dog used for the benefit of any handicapped person in the state.

C. Except as provided in subsection D of this section, any person convicted of violating any of the provisions of this section shall be guilty of a misdemeanor, punishable by the imposition of a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail not exceeding one (1) year, or by both such fine and imprisonment.

D. Any person who knowingly and willfully and without lawful cause or justification violates the provisions of this section, during the commission of a misdemeanor or felony, shall be guilty of a felony, punishable by the imposition of a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the Department

of Corrections not exceeding two (2) years, or by both such fine and imprisonment.

E. Any person who encourages, permits or allows a dog owned or kept by such person to fight, injure, disable or kill a service dog used for the benefit of any handicapped person in this state, or to interfere with a service dog in any place where the service dog resides or is performing, shall, upon conviction, be guilty of a misdemeanor punishable as provided in subsection C of this section. In addition to the penalty imposed, the court shall order the violator to make restitution to the service dog's owner for actual costs and expenses incurred as a direct result of any injury, disability or death caused to such service dog, including but not limited to costs of replacing and training any new service dog when a service dog is killed, disabled or unable to perform due to injury. For purpose of this subsection, when a handicapped person informs the owner of a dog that the dog is a threat to a service dog and requests the owner to control or contain the dog and the owner disregards the request, the owner shall be deemed to have encouraged, permitted or allowed any resulting injury to or interference with a service dog.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 9th day of March, 2004.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2004.

Presiding Officer of the House
of Representatives