

ENGROSSED HOUSE
BILL NO. 1524

By: Lindley and Nance of the
House

and

Eason McIntyre of the
Senate

An Act relating to crimes and punishments; amending Section 1, Chapter 281, O.S.L. 2004 (21 O.S. Supp. 2004, Section 649.3), which relates to harming, mistreating, or killing service dogs; expanding crime to include service animals; defining term; and providing an effective date.

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

SECTION 1. AMENDATORY Section 1, Chapter 281, O.S.L. 2004 (21 O.S. Supp. 2004, Section 649.3), is amended to read as follows:

Section 649.3 A. No person shall willfully harm, including torture, torment, beat, mutilate, injure, disable, or otherwise mistreat or kill a service ~~dog~~ animal 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~~ animal 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~~ an animal owned or kept by such person to fight, injure, disable or kill a service ~~dog~~ animal used for the benefit of any handicapped person in this state, or to interfere with a service ~~dog~~ animal in any place where the service ~~dog~~ animal 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 owner of the service ~~dog's~~ owner animal for actual costs and expenses incurred as a direct result of any injury, disability or death caused to ~~such~~ the service ~~dog~~ animal, including but not limited to costs of replacing and training any new service ~~dog~~ animal when a service ~~dog~~ animal is killed, disabled or unable to perform due to injury. For purpose of this subsection, when a person informs the owner of ~~a dog~~ an animal that the ~~dog~~ animal is a threat and requests the owner to control or contain the ~~dog~~ animal 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~~ animal.

F. As used in this section, "service animal" means an animal that is trained for the purpose of guiding or assisting a disabled person who has a sensory, mental, or physical impairment.

SECTION 2. This act shall become effective November 1, 2005.

Passed the House of Representatives the 15th day of March, 2005.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2005.

Presiding Officer of the Senate