

EHB 1524

THE STATE SENATE
Monday, April 4, 2005

ENGROSSED

House Bill No. 1524

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:

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

1 imprisonment in the county jail not exceeding one (1) year, or by
2 both such fine and imprisonment.

3 D. Any person who knowingly and willfully and without lawful
4 cause or justification violates the provisions of this section,
5 during the commission of a misdemeanor or felony, shall be guilty of
6 a felony, punishable by the imposition of a fine not exceeding One
7 Thousand Dollars (\$1,000.00), or by imprisonment in the Department
8 of Corrections not exceeding two (2) years, or by both such fine and
9 imprisonment.

10 E. Any person who encourages, permits or allows ~~a dog~~ an animal
11 owned or kept by such person to fight, injure, disable or kill a
12 service ~~dog~~ animal used for the benefit of any handicapped person in
13 this state, or to interfere with a service ~~dog~~ animal in any place
14 where the service ~~dog~~ animal resides or is performing, shall, upon
15 conviction, be guilty of a misdemeanor punishable as provided in
16 subsection C of this section. In addition to the penalty imposed,
17 the court shall order the violator to make restitution to the owner
18 of the service ~~dog's owner~~ animal for actual costs and expenses
19 incurred as a direct result of any injury, disability or death
20 caused to ~~such the~~ service ~~dog~~ animal, including but not limited to
21 costs of replacing and training any new service ~~dog~~ animal when a
22 service ~~dog~~ animal is killed, disabled or unable to perform due to
23 injury. For purpose of this subsection, when a person informs the

1 owner of a ~~dog~~ an animal that the ~~dog~~ animal is a threat and
2 requests the owner to control or contain the ~~dog~~ animal and the
3 owner disregards the request, the owner shall be deemed to have
4 encouraged, permitted or allowed any resulting injury to or
5 interference with a service ~~dog~~ animal.

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

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

10 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY AND HOMELAND
11 SECURITY, dated 3-29-05 - DO PASS.