

# HOUSE BILL No. 4287

February 26, 2003, Introduced by Reps. Spade, Sheltroun, Tobocman, Sak and Kooiman  
and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 50a (MCL 750.50a), as added by 1994 PA 42.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 50a. ~~—(1) An individual shall not do either of the~~  
2 ~~following:~~

3       ~~—— (a) Willfully and maliciously assault, beat, harass, injure,~~  
4 ~~or attempt to assault, beat, harass or injure a dog that he or~~  
5 ~~she knows or has reason to believe is a guide or leader dog for a~~  
6 ~~blind individual, a hearing dog for a deaf or audibly impaired~~  
7 ~~individual, or a service dog for a physically limited~~  
8 ~~individual.~~

9       ~~—— (b) Willfully and maliciously impede or interfere with, or~~  
10 ~~attempt to impede or interfere with duties performed by a dog~~  
11 ~~that he or she knows or has reason to believe is a guide or~~

~~1 leader dog for a blind individual, a hearing dog for a deaf or  
2 audibly impaired individual, or a service dog for a physically  
3 limited individual.~~

~~4 — (2) An individual who violates subsection (1) is guilty of a  
5 misdemeanor punishable by imprisonment for not more than 90 days  
6 or a fine of not more than \$500.00, or both.~~

~~7 — (3) In a prosecution for a violation of subsection (1),  
8 evidence that the defendant initiated or continued conduct  
9 directed toward a dog described in subsection (1) after being  
10 requested to avoid or discontinue that conduct or similar conduct  
11 by a blind, deaf, audibly impaired, or physically limited  
12 individual being served or assisted by the dog shall give rise to  
13 a rebuttable presumption that the conduct was initiated or  
14 continued maliciously.~~

~~15 — (4) A conviction and imposition of a sentence under this  
16 section does not prevent a conviction and imposition of a  
17 sentence under any other applicable provision of law.~~

~~18 — (5) As used in this section:~~

~~19 — (a) "Audibly impaired" means the inability to hear air  
20 conduction thresholds at an average of 40 decibels or greater in  
21 the individual's better ear.~~

~~22 — (b) "Blind" means having a visual acuity of 20/200 or less in  
23 the individual's better eye with correction, or having a  
24 limitation of the individual's field of vision such that the  
25 widest diameter of the visual field subtends an angular distance  
26 not greater than 20 degrees.~~

~~27 — (c) "Deaf" means the individual's hearing is totally impaired~~

~~1 or the individual's hearing, with or without amplification, is so  
2 seriously impaired that the primary means of receiving spoken  
3 language is through other sensory input, including, but not  
4 limited to, lip reading, sign language, finger spelling, or  
5 reading.~~

~~6 — (d) "Harass" means to engage in any conduct directed toward a  
7 guide, leader, hearing, or service dog that is likely to impede  
8 or interfere with the dog's performance of its duties or that  
9 places the blind, deaf, audibly impaired, or physically limited  
10 individual being served or assisted by the dog in danger of  
11 injury.~~

~~12 — (e) "Injure" means to cause any physical injury to a dog  
13 described in subsection (1).~~

~~14 — (f) "Maliciously" means any of the following:~~

~~15 — (i) With intent to assault, beat, harass or injure a dog  
16 described in subsection (1).~~

~~17 — (ii) With intent to impede or interfere with duties performed  
18 by a dog described in subsection (1).~~

~~19 — (iii) With intent to disturb, endanger, or cause emotional  
20 distress to a blind, deaf, audibly impaired, or physically  
21 limited individual being served or assisted by a dog described in  
22 subsection (1).~~

~~23 — (iv) With knowledge that the individual's conduct will, or is  
24 likely to harass or injure a dog described in subsection (1).~~

~~25 — (v) With knowledge that the individual's conduct will, or is  
26 likely to impede or interfere with duties performed by a dog  
27 described in subsection (1).~~

~~1        (vi) With knowledge that the individual's conduct will, or is  
2 likely to disturb, endanger, or cause emotional distress to a  
3 blind, deaf, audibly impaired, or physically limited individual  
4 being served or assisted by a dog described in subsection (1).~~

~~5        (g) "Physically limited" means having limited ambulatory  
6 abilities and includes but is not limited to having a temporary  
7 or permanent impairment or condition that does 1 or more of the  
8 following:~~

~~9        (i) Causes the individual to use a wheelchair or walk with  
10 difficulty or insecurity.~~

~~11        (ii) Affects sight or hearing to the extent that an  
12 individual is insecure or exposed to danger.~~

~~13        (iii) Causes faulty coordination.~~

~~14        (iv) Reduces mobility, flexibility, coordination, or  
15 perceptiveness.~~

16        (1) A person who has received notice that his or her behavior  
17 is interfering with the use of a dog guide or service animal  
18 shall not, with reckless disregard, continue to interfere with  
19 the use of the dog guide or service animal by obstructing,  
20 intimidating, or otherwise jeopardizing the safety of the dog  
21 guide or service animal user or his or her dog guide or service  
22 animal.

23        (2) A person shall not do any of the following:

24        (a) Knowingly allow his or her dog to interfere with the use  
25 of a dog guide or service animal by obstructing, intimidating, or  
26 otherwise jeopardizing the safety of the dog guide or service  
27 animal user or his or her dog guide or service animal.

1 (b) Knowingly allow his or her dog to injure, disable, or  
2 cause the death of a dog guide or service animal.

3 (c) Knowingly allow his or her dog to run at large in an area  
4 where he or she knows, or reasonably should know, that a dog  
5 guide or service animal is likely to be, resulting in his or her  
6 dog doing either of the following:

7 (i) Obstructing, intimidating, or otherwise jeopardizing the  
8 safety of the dog guide or service animal user or his or her dog  
9 guide or service animal.

10 (ii) Injuring, disabling, or causing the death of a dog guide  
11 or service animal.

12 (d) With reckless disregard, injure, disable, or cause the  
13 death of a dog guide or service animal.

14 (e) Intentionally injure, disable, or cause the death of a  
15 dog guide or service animal.

16 (3) A person shall not obtain or exert unauthorized control  
17 over a dog guide or service animal with the intent to deprive the  
18 dog guide or service animal user of his or her dog guide or  
19 service animal.

20 (4) A person who violates this section is guilty of a crime  
21 as follows:

22 (a) A person who violates subsection (1) or (2)(a) or (c)(i)  
23 is guilty of a crime as follows:

24 (i) For a first offense, the person is guilty of a  
25 misdemeanor punishable by imprisonment for not more than 180 days  
26 or a fine of not more than \$2,000.00, or both.

27 (ii) For a second or subsequent offense, the person is guilty

1 of a misdemeanor punishable by imprisonment for not more than  
2 1 year or a fine of not more than \$5,000.00, or both.

3 (b) A person who violates subsection (2)(b), (c)(ii), or (d)  
4 is guilty of a misdemeanor punishable by imprisonment for not  
5 more than 1 year or a fine of not more than \$5,000.00, or both.

6 (c) A person who violates subsection (2)(e) is guilty of a  
7 felony punishable by imprisonment for not more than 5 years or a  
8 fine of not more than \$10,000.00, or both.

9 (d) A person who violates subsection (3) is guilty of a  
10 felony punishable by imprisonment for not more than 10 years or a  
11 fine of not more than \$20,000.00, or both.

12 (5) This section does not prohibit a person from being  
13 charged with, convicted of, or punished for any other violation  
14 of law arising out of the same criminal transaction as the  
15 violation of this section.

16 (6) As part of the sentence for a violation of this section,  
17 in addition to any other penalty authorized by law, the court may  
18 order the person convicted to reimburse the dog guide or service  
19 animal user for all expenses incurred by the dog guide or service  
20 user related to the offense. The expenses for which  
21 reimbursement may be ordered under this section include, but are  
22 not limited to, all of the following:

23 (a) The value of the replacement of an incapacitated or  
24 deceased dog guide or service animal, the training of a  
25 replacement dog guide or service animal, or retraining of the  
26 affected dog guide or service animal and all related veterinary  
27 and care expenses.

1       (b) Medical expenses of the dog guide or service animal user,  
2 training of the dog guide or service animal user, and  
3 compensation for wages or earned income lost by the dog guide or  
4 service animal user.

5       (7) This section does not preclude any civil remedy available  
6 for violation of this section.

7       (8) As used in this section:

8       (a) "Dog guide" means a dog that is trained for the purpose  
9 of guiding blind persons or a dog trained for the purpose of  
10 assisting hearing impaired persons.

11       (b) "Notice" means a verbal or otherwise communicated warning  
12 prescribing the behavior of another person and requesting that  
13 the person stop his or her behavior.

14       (c) "Service animal" means an animal that meets both of the  
15 following requirements:

16       (i) The animal has successfully completed a course of  
17 training in assisting or accommodating a disabled person's  
18 sensory, mental, or physical disability, conducted at a  
19 recognized animal training school that provides that training.

20       (ii) The animal is identified in a document issued by the  
21 training school.

22       (d) "Value" means the cost or fair market value of the dog  
23 guide or service animal.

24       Enacting section 1. This amendatory act takes effect  
25 November 1, 2003.