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AB-169 Guide, signal, and service dogs: injury or death. (2019-2020)

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Assembly Bill No. 169

CHAPTER 604

An act to amend Sections 600.2 and 600.5 of the Penal Code, relating to guide, signal, and service dogs.

[Approved by Governor October 08, 2019. Filed with Secretary of State October 08, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 169, Lackey. Guide, signal, and service dogs: injury or death.

Under existing law, it is an infraction or a misdemeanor for a person to permit a dog that is owned, harbored, or controlled by the person to cause injury to, or the death of, a guide, signal, or service dog, as defined, while the guide, signal, or service dog is in discharge of its duties. Existing law makes a person who intentionally causes injury to, or the death of, a guide, signal, or service dog, 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.

Under existing law, if a defendant is convicted of either of the above 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.

The 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, as defined, incurred by the person with a disability. The bill would also include in the definition of "replacement costs" for this purpose the training costs for a new dog, if needed, the cost of keeping the now-disabled dog in a kennel while the handler travels to receive the new dog, and, if needed, the cost of the travel required for the handler to receive the new dog.

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

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: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

600.2. (a) It is a crime for a person to permit a dog that is owned, harbored, or controlled by the person to cause injury to, or the death of, a guide, signal, or service dog.

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

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

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

(e) For the purposes of this section, the following definitions apply:

(1) "Guide, signal, or service dog" means a guide dog, signal dog, or service dog, as defined in Section 54.1 of the Civil Code. "Guide, signal, or service dog" also includes a dog enrolled in a training school or program, located in this state, for guide, signal, or service dogs.

(2) "Located in this state" includes the training of a guide, signal, or service dog that occurs in this state, even if the training school or program is located in another state.

(3) "Loss of wages or income" means wages or income that are lost by the person with a disability as a direct result of a violation of this section.

(4) "Replacement costs" means all costs that are incurred in the replacement of the guide, signal, or service dog, including, but not limited to, the training costs for a new dog, if needed, the cost of keeping the now-disabled dog in a kennel while the handler travels to receive the new dog, and, if needed, the cost of the travel required for the handler to receive the new dog.

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

600.5. (a) A person who intentionally causes injury to, or the death of, a guide, signal, or service dog is guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding ten thousand dollars (\$10,000), or by both that fine and imprisonment. The court shall consider the costs ordered pursuant to subdivision (b) when determining the amount of any fines.

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

(c) For the purposes of this section, the following definitions apply:

(1) "Guide, signal, or service dog" means a guide dog, signal dog, or service dog, as defined in Section 54.1 of the Civil Code. "Guide, signal, or service dog" also includes a dog enrolled in a training school or program, located in this state, for guide, signal, or service dogs.

(2) "Located in this state" includes the training of a guide, signal, or service dog that occurs in this state, even if the training school or program is located in another state.

(3) "Loss of wages or income" means wages or income that are lost by the person with a disability as a direct result of a violation of this section.

(4) "Replacement costs" means all costs that are incurred in the replacement of the guide, signal, or service dog, including, but not limited to, the training costs for a new dog, if needed, the cost of keeping the now-disabled dog in a kennel while the handler travels to receive the new dog, and, if needed, the cost of the travel required for the handler to receive the new dog.

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