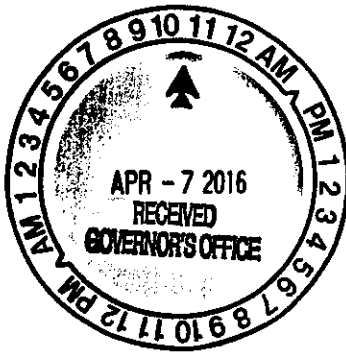


ACT #2016-132

1 SB168  
2 173607-3  
3 By Senator Holley  
4 RFD: Agriculture, Conservation, and Forestry  
5 First Read: 09-FEB-16



1 SB168

2  
3  
4 ENROLLED, An Act,

5 Relating to service dogs; to make it a crime to  
6 harass, injure, or cause the death of a service dog under  
7 certain conditions; to provide penalties; to provide for  
8 restitution of certain expenses; and in connection therewith  
9 would have as its purpose or effect the requirement of a new  
10 or increased expenditure of local funds within the meaning of  
11 Amendment 621 of the Constitution of Alabama of 1901, now  
12 appearing as Section 111.05 of the Official Recompilation of  
13 the Constitution of Alabama of 1901, as amended.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. It is the policy of this state to  
16 recognize the special role and value of service dogs, not only  
17 in the lives of those persons who use them but also in society  
18 at large, and to encourage the use of service dogs by persons  
19 with disabilities and to recognize that those persons have a  
20 right to use service dogs without any interference with or  
21 injury to the service dog.

22 Section 2. For the purposes of this act, the  
23 following terms have the following meanings:

24 (1) HARASS. To engage in any conduct directed toward  
25 a service dog or handler that is likely to impede or interfere

1 with the performance of a service dog in its duties or places  
 2 the health and safety of the service dog or its handler in  
 3 jeopardy. Such conduct includes actions which distract,  
 4 obstruct, or intimidate the service dog, such as taunting,  
 5 teasing, or striking.

6 (2) INJURY. Physical or emotional injury to the  
 7 service dog.

8 (3) NOTICE. An actual verbal or other communication  
 9 warning that the behavior of the person or the dog of the  
 10 person is harassing toward the performance of a service dog in  
 11 its duty or endangering the health and safety of the service  
 12 dog.

13 (4) SERVICE DOG. A dog that has been individually  
 14 trained for the purpose of assisting or accommodating a  
 15 physician-diagnosed physical or mental disability or medical  
 16 condition of a person as that term is used in the federal  
 17 Americans with Disabilities Act. Service dogs include, but are  
 18 not limited to, guide or leader dogs for persons who are  
 19 blind; dogs that assist persons with physical disabilities by  
 20 providing balance support, pulling a wheelchair, or performing  
 21 other tasks; dogs that provide hearing assistance by alerting  
 22 individuals who are deaf to specific sounds; and dogs who  
 23 alert persons to an impending potential medical crisis.

1           (5) VALUE. The value of the service dog to the  
2 service dog user as demonstrated by any of the following  
3 elements:

4           a. Cost of the service dog.

5           b. Replacement and training or retraining expenses  
6 for the service dog and the user.

7           c. Veterinary and other medical and boarding  
8 expenses for the service dog during a period of treatment for  
9 injury.

10          d. Lost wages or income incurred by the service dog  
11 user during any period the user is without the services of the  
12 service dog.

13          e. Any additional expenses incurred by the service  
14 dog user directly because of the loss of the use of the  
15 service dog.

16          Section 3. (a) It is unlawful for a person who has  
17 received notice that his or her behavior is harassing to a dog  
18 the person knows or has reason to believe is a service dog to  
19 continue that behavior with malice or reckless disregard.

20          (b) It is unlawful for a person with reckless  
21 disregard to allow his or her dog that is not contained by a  
22 fence, a leash, or other containment system to harass a  
23 service dog.

24          (c) A person who violates subsection (a) or (b) is  
25 guilty of a Class C misdemeanor.

1           Section 4. (a) It is unlawful for any person without  
2       legal justification or authority to cause injury to a service  
3       dog, or to allow his or her dog to cause injury to a service  
4       dog.

5           (b) A person who violates subsection (a) with  
6       reckless disregard is guilty of a Class B misdemeanor.

7           (c) A person who intentionally or willfully violates  
8       subsection (a) is guilty of a Class A misdemeanor.

9           Section 5. (a) It is unlawful for any person without  
10      legal justification or authority to cause the death of a  
11      service dog or cause an injury resulting in disability to the  
12      service dog such that it is no longer able to function in that  
13      role, or for that person to allow his or her dog to cause the  
14      same.

15          (b) A person who violates subsection (a) with  
16      reckless disregard is guilty of a Class A misdemeanor.

17          (c) A person who intentionally or willfully violates  
18      subsection (a) is guilty of a Class A misdemeanor.

19          Section 6. (a) A person convicted of a violation of  
20      this act shall be ordered to make full restitution for  
21      damages, including incidental and consequential expenses,  
22      incurred by the service dog and its user, which arise out of  
23      or are related to the violation.

24          (b) Restitution for a conviction under this act  
25      includes, but is not limited to, any of the following:

1           (1) The medical expenses of the service dog and its  
2 user, and the value of the service dog to its user for the  
3 period in which the dog is unable to perform its duties due to  
4 injuries suffered as a proximate cause of the violation, or if  
5 the violation resulted in the death or permanent disability of  
6 the service dog, the value of the service dog to its user.

7           (2) The cost of any retraining of the service dog  
8 needed as a result of the violation.

9           (3) Compensation for wages or earned income lost by  
10 the service dog user as a proximate cause of the violation.

11           (4) Any other economic loss suffered by the service  
12 dog user as a proximate result of the violation.

13           (c) This section does not affect the civil remedy  
14 that is available for violations of this act. Restitution paid  
15 pursuant to this act shall be set off against damages awarded  
16 in a civil action arising out of the same conduct that  
17 resulted in the restitution payment.

18           (d) The user of a service dog may bring a civil  
19 cause of action for violation of any of the provisions of this  
20 act in a court of competent jurisdiction in the county where  
21 the service animal user resides or where the violation  
22 occurred.

23           (e) In any civil action brought under this act, the  
24 court may award costs and reasonable attorney fees to the  
25 prevailing party.

1           Section 7. Although this bill would have as its  
2           purpose or effect the requirement of a new or increased  
3           expenditure of local funds, the bill is excluded from further  
4           requirements and application under Amendment 621, now  
5           appearing as Section 111.05 of the Official ReCompilation of  
6           the Constitution of Alabama of 1901, as amended, because the  
7           bill defines a new crime or amends the definition of an  
8           existing crime.

9           Section 8. This act shall become effective on the  
10          first day of the third month following its passage and  
11          approval by the Governor, or its otherwise becoming law.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

*Kay Ivey*

President and Presiding Officer of the Senate

*Jeffrey Land*

Speaker of the House of Representatives

SB168

Senate 18-FEB-16

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris  
Secretary

House of Representatives  
Amended and passed 23-MAR-16

Senate concurred in House amendment 05-APR-16

**APPROVED**  
By: Senator Holley

*4-11-16*

**TIME**

*3:30 PM*

*Robert Bentley*

**GOVERNOR**

Page 7

Alabama Secretary Of State

Act Num....: 2016-132  
Bill Num....: S-168

Recv'd 04/12/16 09:13a SLF



SPONSOR

Holley

SPONSORS

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 168

yeas 30 nays 0 abstain 0

PATRICK HARRIS,  
Secretary

I hereby certify that the notice & proof is attached to the Bill, SB as required in the General Acts of Alabama, 1975 Act No. 919.

PATRICK HARRIS,  
Secretary

### CONFERENCE COMMITTEE

Senate Conferees

DATE:

2-23

20 16

RD 1 RFD

PSJAS

### REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on Public Safety and Homeland Security was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed, w/amend(s) 1 w/sub 0. This 3rd day of March, 2016.

Chairperson

DATE:

3-3

2016

RF

Ward

RD 2 CAL

DATE:

20

RE-REFERRED

RE-COMMITTED

Committee

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 168

YEAS 100 NAYS 0

JEFF WOODARD,  
Clerk

FURTHER HOUSE ACTION (OVER)