

Date of Hearing: February 26, 2019

Counsel: Sandy Uribe

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Reginald Byron Jones-Sawyer, Sr., Chair

AB 169 (Lackey) – As Amended February 20, 2019

As Proposed to be Amended in Committee

**SUMMARY:** Expands the crime of causing injury to, or the death of, any guide, signal, or service dog, and adds the medical expenses and lost wages of the owner to the existing list of recoverable restitution costs. Specifically, **this bill:**

- 1) Deletes from specified crimes against guide, signal, or service dogs the requirement that the dog be in discharge of its duties when the injury or death occurs.
- 2) Makes these crimes applicable to the injury or death of dogs enrolled in a training school or program for guide, signal, or service dogs, as specified.
- 3) Requires a peace officer investigating this crime to remain at the scene until an animal control officer arrives.
- 4) Requires a defendant convicted of these crimes to pay restitution to the person for medical or medical-related expenses, or for loss of wages or income.
- 5) Defines “replacement costs” for purposes of victim restitution as “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.”

**EXISTING LAW:**

- 1) States that a person who intentionally causes injury to or the death of any guide, signal, or service dog, while the dog is in discharge of its duties, is guilty of a misdemeanor punishable by imprisonment in a county jail for up to one year, or by a fine not exceeding \$10,000, or by both a fine and imprisonment. (Pen. Code, § 600.5, subd. (a).)
- 2) Provides that a defendant convicted of personally causing injury or death to a guide, signal, or service dog must pay restitution for any veterinary bills, replacement costs of the dog if it is disabled or killed, or other reasonable costs deemed appropriate by the court. (Pen. Code, § 600.5, subd. (b).)
- 3) Makes it a crime for a person to allow a dog owned or controlled by him or her to cause injury to or the death of any guide, signal, or service dog, while the dog is discharging its duties punishable as follows: (Pen. Code, § 600.2, subd. (a).)

- a) If a violation is caused by the person's failure to exercise ordinary care in the control of his or her dog, then it is punishable as an infraction; or, (Pen. Code, § 600.2, subd. (b).)
- b) If a violation is caused by the person's reckless disregard in controlling his or her dog, then it is punishable as a misdemeanor. (Pen. Code, § 600.2, subd. (c).)
- 4) Provides that if a defendant is convicted of allowing his or her dog to cause injury or death to a guide, signal, or service dog, then he or she must pay restitution for any veterinary bills, replacement costs of the dog if it is disabled or killed, or other reasonable costs deemed appropriate by the court. (Pen. Code, § 600.2, subd. (d).)
- 5) Defines "guide dog" as "any guide dog that was trained by a licensed person, as specified, or as defined under the regulations implementing the Americans with Disabilities Act." (Civ. Code, § 54.1, subd. (b)(6)(C)(i).)
- 6) Defines "signal dog" as "any dog trained to alert an individual who is deaf or hearing impaired to intruders or sounds." (Civ. Code, § 54.1, subd. (b)(6)(C)(ii).)
- 7) Defines "service dog" as "any dog individually trained to the requirements of the individual with a disability including, but not limited to, minimal protection work, rescue work, pulling a wheelchair, or fetching dropped items." (Civ. Code, § 54.1, subd. (b)(6)(C)(iii).)
- 8) Authorizes a person with a disability whose dog has been injured or killed in violation of either crime to apply for compensation from the California Victim Compensation Board in an amount not to exceed \$10,000. (Gov. Code, §§ 13955, subd. (f)(4) & 13957, subd. (a)(10); and Pen. Code, §§ 600.5, subd. (b) & 600.2, subd. (d).)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

- 1) **Author's Statement:** According to the author, "Guide, signal and service dogs need to feel secure if they are to perform their duties appropriately. These are the animals whose life's work revolves around protecting us. The least we can do for them is ensure that both they and their owners are properly cared for in a time of need."
- 2) **Governor's Veto Message:** AB 1865 (Lackey), of the 2017-2018 legislative session, was substantially similar to this bill and was vetoed.

In his veto message, Governor Brown said, "[This bill] expands the scope of several crimes without commensurate evidence that this is needed. Moreover, the existing provisions allowing compensation for crimes against service dogs have been in place for over three years and have not resulted in a single eligible claim. No claim has been denied because a dog was not in the performance of its duties at the time of a crime-the subject matter of this '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. Accordingly I don't believe the proposed changes are warranted."

- 3) **The Cost of Injury to Guide and Service Dog:** If a guide dog must be retired due to injury or death, the cost, in both economic and human terms, is significant. According to Guide Dogs of America, which provides specially bred and trained dog guides for blind persons, “Formal training takes four to six months with the instructor. Then, each guide dog and their blind partner will spend three weeks in class learning to work together as a team.” As far as economic costs, according to The Seeing Eye Dog, “[T]he cost incurred by the guide dog school to breed, raise and train a replacement guide dog and to instruct the blind person to work with a new dog well exceeds \$50,000. (See, 2011 Dog Attack and Interference Survey United States Report, <http://www.seeingeye.org/assets/pdfs/dog-attack-survey.pdf>.)
- 4) **Argument in Support:** According to *Golden State Guide Dog Handlers, Inc.*, “[I]t is an infraction or a misdemeanor for any person to permit any dog which is owned, harbored, or controlled by him or her to cause injury to or the death of any guide, signal, or service dog while the service animal is in discharge of its duties. This bill would expand the scope of that provision to instances when the service animal is not in discharge of its duties, and would include service dog in training from a training school or program within these provisions. A survey conducted by Guide Dogs for the Blind, along with anecdotal information from guide dog handlers throughout the state, indicates that dog attacks against guide dogs, whether or not engaged in their duties, are quite frequent. The training costs for a guide dog are approximately \$60,000. Moreover, an attack may result in loss of income to the guide dog handler, and the incurring of veterinary and other expenses. Thus, it is important to broaden these protections by applying them to instances when the guide dog is not in discharge of its duties.

“The bill would also expand the scope of expenses for which restitution may be claimed to include medical expenses or loss of wages when incurred by the service animal handler. The death or retirement of a guide dog may require the handler to miss work either because he/she is injured in the attack or until he/she can obtain a replacement to travel to and from his/her place of employment. In addition, the handler may incur medical expenses due to suffering an injury during the attack on his/her service animal. This bill would help to remedy these financial issues.”

- 5) **Related Legislation:** AB 415 (Maienschein) Authorizes the California Victim Compensation Board to reimburse as part of eligible relocation costs both a pet deposit and any additional rent required because the victim has a pet. AB 415 is pending hearing in this Committee.
- 6) **Prior Legislation:**
- a) AB 1865 (Lackey), of the 2017-2018 Legislative Session, was substantially to this bill. AB 1865 was vetoed.
  - b) AB 1824 (Chang), of the 2015-2016 Legislative Session, as introduced would have expanded the scope of certain crimes against guide dogs, lowered the standard for convicting an individual who causes injury or death to such a dog, and allowed for victims compensation in those instances. AB 1824 was vetoed.

- c) AB 2264 (Levine), Chapter 502, Statutes of 2014, allows a person with a disability who has ownership or custody of a guide, signal, or service dog that has been injured or killed due to the intentional actions of another individual, as specified, to seek reimbursement from the board for veterinary bills, replacement costs, or other costs deemed reasonable by the court, if the defendant is unable to pay restitution.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

American Council of the Blind  
American Society For The Prevention Of Cruelty To Animals  
California Council of the Blind  
Canine Companions For Independence  
Child & Family Center  
Disability Rights California  
Golden State Guide Dog Handlers, Inc.  
Guide Dogs For The Blind  
Helping Hands For The Blind  
Independent Living Center Of Kern County  
International Association Of Assistance Dog Partners  
Society For The Blind

43 Private Individuals

**Opposition**

None

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