



**House
Legislative
Analysis
Section**

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**ASSAULTING GUIDE DOG:
INCREASE PENALTIES**

**House Bill 5154 as introduced
First Analysis (2-21-02)**

**Sponsor: Rep. Andy Neumann
Committee: Criminal Justice**

THE APPARENT PROBLEM:

Cruelty to animals has long been forbidden under Michigan law. More recently, Public Act 42 of 1994 established increased penalties for cruelty to and interference with guide dogs for visually impaired, hearing dogs for audibly impaired, and service dogs for physically limited individuals. Public Act 42 was enacted specifically to address a reported problem of people teasing or interfering with these assistance dogs, and even urging their own dogs to attack assistance dogs. Making such treatment of assistance animals a crime was hoped to deter and prevent future occurrences.

According to testimony before the House Criminal Justice committee, incidents involving the interference and abuse of assistance dogs are occurring all too frequently. These incidents are not just an annoyance, they represent potential life-threatening situations both to the assistance animal and its owner. For example, people with visual impairments reported that individuals have blocked the path of their guide dogs when leading them across busy intersections; have insisted on petting dogs when working (a distracted dog can become confused and take a person diagonally across a street into the path of traffic or miss potential dangers such as broken pavement or oncoming cars); have thrown items at their dogs; and have kicked, screamed at, and threatened to kill their dogs. A severely frightened or injured dog can become too timid or too aggressive to continue being an effective guide dog. Some dogs require months of retraining after such abusive treatment, and many have to be retired. One woman testified that in her recent training class with her guide dog, ten percent of the people in the class were receiving new dogs to replace dogs killed by individuals or by dogs allowed to run loose.

In an effort to deter potential abusive treatment of assistance dogs, and to adequately punish such reprehensible conduct, legislation has been offered to increase the penalties for abusing or interfering with assistance dogs.

THE CONTENT OF THE BILL:

Under the Michigan Penal Code, it is illegal to willfully or maliciously assault, beat, harass, injure, impede, or interfere (or attempt any of these acts) with a dog that the individual knew or had reason to believe was a guide or leader dog for a person who is blind, a hearing dog for the deaf or audibly impaired, or a service dog for a physically limited person. An individual who violates this law is guilty of a misdemeanor punishable by not more than 90 days in jail or a fine of not more than \$500, or both.

House Bill 5154 would amend the code to increase the maximum imprisonment to 180 days and increase the maximum fine to \$2,000. The bill would also eliminate the requirement that the individual knew or had reason to believe that the dog was a guide dog, hearing dog, or service dog.

MCL 750.50a

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

Assistance dogs enable persons with impairments and physical disabilities to access their world with greater freedom. For people with visual impairments, guide dogs become their "eyes". However, a guide dog cannot properly or safely lead its owner if it is being harassed or interfered with. Even petting a dog when working can distract or confuse it. A distracted, confused, or upset dog can miss potential dangers such as oncoming cars, broken pavement, or foreign objects in its owner's path, and this can lead to an owner's injury. Dogs that are kicked, attacked, screamed at, or injured can become too aggressive or too timid to effectively continue as an assistance dog. Assistance dogs are guide dogs, not guard dogs; they are specifically bred and trained to be nonaggressive. Therefore, they are unlikely to adequately defend

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themselves or their owners in the face of such abuse. Considering the vital service assistance dogs provide to their owners, and that they are valuable dogs (breeding and training costs can exceed \$50,000 per dog), it is imperative that persons who would interfere with or abuse these animals be punished appropriately. The bill would increase existing penalties. Hopefully, a potential fine of up to \$2,000 and/or up to six months in jail would deter anyone from engaging in such harassment.

Response:

The bill does not go far enough. It is also important to educate the public to increase awareness of and sensitivity to the role that assistance dogs play in their owners' lives, and also to warn the public of the increased penalties under the bill. Perhaps the bill could be amended to encourage bus stations, colleges, schools, and transportation centers (train and bus depots and airports), as well as restaurants and businesses, to post signs about respecting assistance dogs and the penalties for prohibited acts. Or, perhaps the state could provide low-cost or free posters with such information.

For:

Currently, to violate the law, a person must know or have reason to believe that a dog is an assistance dog. The bill would remove this provision to eliminate any uncertainty of whether a person could be prosecuted under the law; if a person willfully or maliciously injured, harassed, assaulted, or interfered with an assistance dog, he or she could be prosecuted. (This section of the penal code defines "maliciously" to include elements of intent and knowledge. Therefore, an incident that was accidental or unintentional would not automatically result in a charge or conviction under the law.)

Against:

Increasing the penalties for assaulting, injuring, and interfering with assistance dogs may help deter some incidents, but the bill does not address one of the main sources of injury and interference with assistance dogs – the problem of dogs allowed to run loose. In particular, people with visual and physical impairments cannot protect their dogs from an attacking dog; they may not be able to see the attacking dog, or have movement sufficient to protect their dogs. Further, an attempt to intervene could expose them to being attacked, too. According to committee testimony, many assistance dogs have been injured, blinded, and killed by dogs allowed to roam free. Dogs that are chained or leashed in the front yard often have chains that extend across the sidewalk, thereby enabling a dog to attack or interfere

with an assistance dog. Several people reported being tripped by dog chains extending across the sidewalk. The bill should be amended to address these concerns, also.

POSITIONS:

The Michigan Protection & Advocacy Service, Inc. supports the bill. (2-19-02)

Guide Dog Users of Michigan (GDUM) supports the bill. (2-19-02)

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.