

SUBSTITUTE FOR
HOUSE BILL NO. 5154

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~~

HB5154, As Passed House, May 16, 2002

House Bill No. 5154

2

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

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

18 ~~(5) As used in this section:~~

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

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

HB5154, As Passed House, May 16, 2002

House Bill No. 5154

3

1 ~~(c) "Deaf" means the individual's hearing is totally~~
2 ~~impaired or the individual's hearing, with or without~~
3 ~~amplification, is so seriously impaired that the primary means of~~
4 ~~receiving spoken language is through other sensory input, includ=~~
5 ~~ing, but not limited to, lip reading, sign language, finger~~
6 ~~spelling, or reading.~~

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

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

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

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

18 ~~(ii) With intent to impede or interfere with duties per-~~
19 ~~formed by a dog described in subsection (1).~~

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

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

HB5154, As Passed House, May 16, 2002

House Bill No. 5154

4

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

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

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

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

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

~~(iii) Causes faulty coordination.~~

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

(1) A PERSON WHO HAS RECEIVED NOTICE THAT HIS OR HER BEHAVIOR IS INTERFERING WITH THE USE OF A DOG GUIDE OR SERVICE ANIMAL SHALL NOT, WITH RECKLESS DISREGARD, CONTINUE TO INTERFERE WITH THE USE OF THE DOG GUIDE OR SERVICE ANIMAL BY OBSTRUCTING, INTIMIDATING, OR OTHERWISE JEOPARDIZING THE SAFETY OF THE DOG GUIDE OR SERVICE ANIMAL USER OR HIS OR HER DOG GUIDE OR SERVICE ANIMAL.

(2) A PERSON SHALL NOT DO ANY OF THE FOLLOWING:

(A) KNOWINGLY ALLOW HIS OR HER DOG TO INTERFERE WITH THE USE OF A DOG GUIDE OR SERVICE ANIMAL BY OBSTRUCTING, INTIMIDATING, OR

HB5154, As Passed House, May 16, 2002

House Bill No. 5154

5

1 OTHERWISE JEOPARDIZING THE SAFETY OF THE DOG GUIDE OR SERVICE
2 ANIMAL USER OR HIS OR HER DOG GUIDE OR SERVICE ANIMAL.

3 (B) KNOWINGLY ALLOW HIS OR HER DOG TO INJURE, DISABLE, OR
4 CAUSE THE DEATH OF A DOG GUIDE OR SERVICE ANIMAL.

5 (C) KNOWINGLY ALLOW HIS OR HER DOG TO RUN AT LARGE IN AN
6 AREA WHERE HE OR SHE KNOWS, OR REASONABLY SHOULD KNOW, THAT A DOG
7 GUIDE OR SERVICE ANIMAL IS LIKELY TO BE, RESULTING IN HIS OR HER
8 DOG DOING EITHER OF THE FOLLOWING:

9 (i) OBSTRUCTING, INTIMIDATING, OR OTHERWISE JEOPARDIZING THE
10 SAFETY OF THE DOG GUIDE OR SERVICE ANIMAL USER OR HIS OR HER DOG
11 GUIDE OR SERVICE ANIMAL.

12 (ii) INJURING, DISABLING, OR CAUSING THE DEATH OF A DOG
13 GUIDE OR SERVICE ANIMAL.

14 (D) WITH RECKLESS DISREGARD, INJURE, DISABLE, OR CAUSE THE
15 DEATH OF A DOG GUIDE OR SERVICE ANIMAL.

16 (E) INTENTIONALLY INJURE, DISABLE, OR CAUSE THE DEATH OF A
17 DOG GUIDE OR SERVICE ANIMAL.

18 (3) A PERSON SHALL NOT OBTAIN OR EXERT UNAUTHORIZED CONTROL
19 OVER A DOG GUIDE OR SERVICE ANIMAL WITH THE INTENT TO DEPRIVE THE
20 DOG GUIDE OR SERVICE ANIMAL USER OF HIS OR HER DOG GUIDE OR SERV-
21 ICE ANIMAL.

22 (4) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME
23 AS FOLLOWS:

24 (A) A PERSON WHO VIOLATES SUBSECTION (1) OR (2)(A) OR (C)(i)
25 IS GUILTY OF A CRIME AS FOLLOWS:

HB5154, As Passed House, May 16, 2002

House Bill No. 5154

6

1 (i) FOR A FIRST OFFENSE, THE PERSON IS GUILTY OF A
2 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 180 DAYS
3 OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

4 (ii) FOR A SECOND OR SUBSEQUENT OFFENSE, THE PERSON IS
5 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
6 THAN 1 YEAR OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

7 (B) A PERSON WHO VIOLATES SUBSECTION (2)(B), (C)(ii), OR (D)
8 IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT
9 MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

10 (C) A PERSON WHO VIOLATES SUBSECTION (2)(E) IS GUILTY OF A
11 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A
12 FINE OF NOT MORE THAN \$10,000.00, OR BOTH.

13 (D) A PERSON WHO VIOLATES SUBSECTION (3) IS GUILTY OF A
14 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A
15 FINE OF NOT MORE THAN \$20,000.00, OR BOTH.

16 (5) THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING
17 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION
18 OF LAW ARISING OUT OF THE SAME CRIMINAL TRANSACTION AS THE VIOLA-
19 TION OF THIS SECTION.

20 (6) AS PART OF THE SENTENCE FOR A VIOLATION OF THIS SECTION,
21 IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW, THE COURT MAY
22 ORDER THE PERSON CONVICTED TO REIMBURSE THE DOG GUIDE OR SERVICE
23 ANIMAL USER FOR ALL EXPENSES INCURRED BY THE DOG GUIDE OR SERVICE
24 USER RELATED TO THE OFFENSE. THE EXPENSES FOR WHICH REIMBURSE-
25 MENT MAY BE ORDERED UNDER THIS SECTION INCLUDE, BUT ARE NOT
26 LIMITED TO, ALL OF THE FOLLOWING:

HB5154, As Passed House, May 16, 2002

Sub. HB 5154 (H-7) as amended May 14, 2002 7

1 (A) THE VALUE OF THE REPLACEMENT OF AN INCAPACITATED OR
2 DECEASED DOG GUIDE OR SERVICE ANIMAL, THE TRAINING OF A
3 REPLACEMENT DOG GUIDE OR SERVICE ANIMAL, OR RETRAINING OF THE
4 AFFECTED DOG GUIDE OR SERVICE ANIMAL AND ALL RELATED VETERINARY
5 AND CARE EXPENSES.

6 (B) MEDICAL EXPENSES OF THE DOG GUIDE OR SERVICE ANIMAL
7 USER, TRAINING OF THE DOG GUIDE OR SERVICE ANIMAL USER, AND COM-
8 PENSATION FOR WAGES OR EARNED INCOME LOST BY THE DOG GUIDE OR
9 SERVICE ANIMAL USER.

10 (7) THIS SECTION DOES NOT PRECLUDE ANY CIVIL REMEDY AVAIL-
11 ABLE FOR VIOLATION OF THIS SECTION.

12 (8) AS USED IN THIS SECTION:

13 (A) "DOG GUIDE" MEANS A DOG THAT IS TRAINED FOR THE PURPOSE
14 OF GUIDING BLIND PERSONS OR A DOG TRAINED FOR THE PURPOSE OF
15 ASSISTING HEARING IMPAIRED PERSONS.

16 (B) "NOTICE" MEANS A VERBAL OR OTHERWISE COMMUNICATED WARN-
17 ING PRESCRIBING THE BEHAVIOR OF ANOTHER PERSON AND REQUESTING
18 THAT THE PERSON STOP HIS OR HER BEHAVIOR.

19 (C) "SERVICE ANIMAL" MEANS AN ANIMAL THAT MEETS BOTH OF THE
20 FOLLOWING REQUIREMENTS:

21 (i) THE ANIMAL HAS SUCCESSFULLY COMPLETED A COURSE OF TRAIN-
22 ING IN ASSISTING OR ACCOMMODATING A DISABLED PERSON'S SENSORY,
23 MENTAL, OR PHYSICAL DISABILITY, CONDUCTED AT A RECOGNIZED ANIMAL
24 TRAINING SCHOOL THAT PROVIDES THAT TRAINING.

25 (ii) THE ANIMAL IS IDENTIFIED IN A DOCUMENT ISSUED BY THE
26 TRAINING SCHOOL [.]

HB5154, As Passed House, May 16, 2002

Sub. HB 5154 (H-7) as amended May 14, 2002 8

- 1 (D) "VALUE" MEANS THE COST OR FAIR MARKET VALUE OF THE DOG
2 GUIDE OR SERVICE ANIMAL.

[Enacting section 1. This amendatory act takes effect November 1, 2002.]