

# HOUSE BILL No. 5154

October 9, 2001, Introduced by Reps. Neumann, Adamini, Dennis, Bovin, Spade, Pestka, Plakas, Schauer, Sheltroun, Gielegem, Rivet, Whitmer, Jacobs, Daniels, Wojno, Rich Brown, Anderson, Stewart, Pappageorge and Phillips and referred to the Committee on Criminal Justice.

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  
6 a 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

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~~ 180  
6 days or a fine of not more than ~~\$500.00~~ \$2,000.00, 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.

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).

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

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

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

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

14 (ii) Affects sight or hearing to the extent that an individ-  
15 ual is insecure or exposed to danger.

16 (iii) Causes faulty coordination.

17 (iv) Reduces mobility, flexibility, coordination, or  
18 perceptiveness.