

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Bill No. 787, Page 3, Section 209.200, Line 36, by inserting immediately after all of
2 said section and line the following:

3
4 "209.202. 1. Any person who knowingly, intentionally, or recklessly causes substantial
5 physical injury to or the death of a service dog is guilty of a class A misdemeanor. The
6 provisions of this subsection shall not apply to the destruction of a service dog for humane
7 purposes.

8 2. Any person who knowingly or intentionally fails to exercise sufficient control over an
9 animal such person owns, keeps, harbors, or exercises control over to prevent the animal from
10 causing the substantial physical injury to or death of a service dog, or the subsequent inability to
11 function as a service dog as a result of the animal's attacking, chasing, or harassing the service dog is
12 guilty of a class A misdemeanor.

13 3. Any person who harasses or chases a dog known to such person to be a service dog is
14 guilty of a class B misdemeanor.

15 4. Any person who owns, keeps, harbors, or exercises control over an animal and who
16 knowingly or intentionally fails to exercise sufficient control over the animal to prevent such animal
17 from chasing or harassing a service dog while such dog is carrying out the dog's function as a service
18 dog, to the extent that the animal temporarily interferes with the service dog's ability to carry out the
19 dog's function is guilty of a class B misdemeanor and shall be ordered to pay restitution in an amount
20 that fully compensates the owner for the injury, loss, or replacement of his or her service dog.

21 5. An owner of a service dog or a person with a disability who uses a service dog may file a
22 cause of action to recover civil damages against any person who:

23 (1) Violates the provisions of subsection 1 or 2 of this section; or

24 (2) Steals a service dog resulting in the loss of the services of the service dog.

25 6. Any civil damages awarded under subsection 5 of this section shall be based on the
26 following:

27 (1) The replacement value of an equally trained service dog, without any differentiation for
28 the age or experience of the service dog;

29 (2) The cost and expenses incurred by the owner of a service dog or the person with a
30 disability who used the service dog, including:

31 (a) The cost of temporary replacement services, whether provided by another service dog or
32 by a person;

33 (b) The reasonable costs incurred in efforts to recover a stolen service dog; and

34 (c) Court costs and attorney's fees incurred in bringing a civil action under subsection 5 of
35 this section.

36 7. An owner of a service dog or a person with a disability who uses a service dog may file a

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1 cause of action to recover civil damages against a person who:

2 (1) Violates the provisions of subsections 1 to 4 of this section resulting in injury from which
3 the service dog recovers to an extent that the dog is able to function as a service dog for the person
4 with a disability; or

5 (2) Steals a service dog and the service dog is recovered resulting in the service dog being
6 able to function as a service dog for the person with a disability.

7 8. Any civil damages awarded under subsection 7 of this section shall be based on the
8 following:

9 (1) Veterinary medical expenses;

10 (2) Retraining expenses;

11 (3) The cost of temporary replacement services, whether provided by another service dog or
12 by a person;

13 (4) Reasonable costs incurred in the recovery of the service dog; and

14 (5) Court costs and attorney's fees incurred in bringing the civil action under subsection 7 of
15 this section.

16 9. The provisions of this section shall not apply if a person with a disability, an owner, or a
17 person having custody or supervision of a service dog commits criminal or civil trespass.

18 10. Nothing in this section shall be construed to preclude any other remedies available at
19 law."; and

20
21 Further amend said bill by amending the title, enacting clause, and intersectional references
22 accordingly.