

SECOND REGULAR SESSION

HOUSE BILL NO. 1869

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KRATKY.

4418H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 209.202, RSMo, and to enact in lieu thereof one new section relating to service dogs, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 209.202, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 209.202, to read as follows:

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

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

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

4. Any person who owns, keeps, harbors, or exercises control over an animal and who knowingly or intentionally fails to exercise sufficient control over the animal to prevent such animal from chasing or harassing a service dog while such dog is carrying out the dog's function as a service dog, to the extent that the animal temporarily interferes with the service dog's ability to carry out the dog's function is guilty of a class B misdemeanor **and shall be ordered to pay**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **restitution in an amount that fully compensates the owner for the injury, loss, or**
18 **replacement of his or her service dog.**

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

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

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

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

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

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

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

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

32 (c) Court costs and attorney's fees incurred in bringing a civil action under subsection
33 5 of this section.

34 7. An owner of a service dog or a person with a disability who uses a service dog may
35 file a cause of action to recover civil damages against a person who:

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

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

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

43 (1) Veterinary medical expenses;

44 (2) Retraining expenses;

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

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

48 (5) Court costs and attorney's fees incurred in bringing the civil action under subsection
49 7 of this section.

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

52 10. Nothing in this section shall be construed to preclude any other remedies available
53 at law.

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