

PENALTIES FOR OFFENSES AGAINST POLICE SERVICE ANIMALS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Peter C. Knudson

AN ACT RELATING TO THE CRIMINAL CODE AND LAW ENFORCEMENT; AMENDING PENALTIES FOR INJURY OR INTERFERENCE REGARDING A POLICE SERVICE ANIMAL.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

76-9-306, as enacted by Chapter 70, Laws of Utah 1992

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-9-306** is amended to read:

76-9-306. Police service animals -- Causing injury or interfering with handler -- Penalties.

(1) As used in this section:

(a) "Handler" means a law enforcement officer who is specially trained, and uses a police service animal during the course of the performance of his law enforcement duties.

(b) "Police service animal" means any dog or horse used by a law enforcement agency, which is specially trained for law enforcement work, or any animal contracted to assist a law enforcement agency in the performance of law enforcement duties.

(2) It is a [~~class A misdemeanor~~] third degree felony for a person to intentionally:

(a) cause bodily injury or death to a police service animal;

(b) engage in [~~such~~] conduct likely to cause bodily injury or death to a police service animal;

(c) lay out, place, or administer any poison, trap, substance, or object which is likely to produce bodily injury or death to a police service animal; or

(d) offer or agree with one or more persons to engage in or cause the performance of an act which constitutes a violation of this [~~statute~~] section.

(3) It is a class [~~B~~] A misdemeanor for a person to intentionally or knowingly:

- (a) taunt, torment, strike, or otherwise assault a police service animal;
 - (b) throw any object or substance at, or in the path of, a police service animal;
 - (c) interfere with or obstruct a police service animal, or attempt to, or interfere with the handler of the animal in [~~such~~] a manner [~~as to inhibit, restrict,~~] that inhibits, restricts, or [~~deprive~~] deprives the handler of his control of the animal;
 - (d) release a police service animal from its area of control, such as a vehicle, kennel, or pen, or trespass in that area; or
 - (e) place any food, object, or substance into a police service animal's area of control without the permission of the handler.
- (4) A police service animal is exempt from quarantine or other animal control ordinances if it bites any person while under proper police supervision or routine veterinary care. The law enforcement agency and the animal's handler shall make the animal available for examination at any reasonable time and shall notify the local health officer if the animal exhibits any abnormal behavior.
- (5) In addition to any other penalty, a person convicted of a violation of this section is liable for restitution to the owning or employing law enforcement agency or individual owner of the police service animal for the replacement, training, and veterinary costs incurred as a result of the violation of this section.