

Jen Plumb proposes the following substitute bill:

Public Safety Animal Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jen Plumb

House Sponsor: Jefferson S. Burton

LONG TITLE

General Description:

This bill amends provisions relating to public safety animals.

Highlighted Provisions:

This bill:

- defines terms;
- expands and clarifies criminal provisions relating to police service canines to include

other animals used by public safety organizations to assist with duties related to public safety; and

- adds a coordination clause to merge the changes to Section 76-9-306 in this bill, if this bill and H.B. 21, Criminal Code Recodification and Cross References, both pass and become law, due to Section 76-9-306 being renumbered and split into two separate sections in H.B. 21.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

76-9-306, as last amended by Laws of Utah 2018, Chapter 264

Utah Code Sections affected by Coordination Clause:

76-9-306, as last amended by Laws of Utah 2018, Chapter 264

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

The following section is affected by a coordination clause at the end of this bill.

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

76-9-306 . Public safety animals -- Causing injury, death, or interference --

30 **Penalties.**

31 (1) As used in this section:

32 [~~(a) "Handler" means a law enforcement officer who is specially trained, and uses a~~
33 ~~police service canine during the course of the performance of his law enforcement~~
34 ~~duties.]~~35 [~~(b) "Police service canine" means any dog used by a law enforcement agency, which is~~
36 ~~specially trained for law enforcement work, or any animal contracted to assist a law~~
37 ~~enforcement agency in the performance of law enforcement duties.]~~38 (a) "Handler" means an individual who uses a public safety animal to assist with duties
39 of a public safety organization.40 (b) "Public safety animal" means an animal that a public safety organization:41 (i) owns or uses under contract; and42 (ii) uses, or allows another public safety organization to use, to assist with duties of a
43 public safety organization.44 (c) "Public safety organization" means a government entity that provides a law
45 enforcement, firefighting, search and rescue, military, or other public safety service.46 (2) It is a second degree felony for a person to intentionally or knowingly cause death to a [~~police service canine]~~ public safety animal.

48 (3) It is a third degree felony for a person to intentionally or knowingly:

49 (a) cause bodily injury to a [~~police service canine]~~ public safety animal;50 (b) engage in conduct likely to cause bodily injury or death to [a ~~police service canine]~~
51 public safety animal; or52 (c) lay out, place, or administer any poison, trap, substance, or object which is likely to
53 produce bodily injury or death to a [~~police service canine]~~ public safety animal.

54 (4) It is a class A misdemeanor for a person to intentionally or knowingly:

55 (a) taunt, torment, strike, or otherwise assault a [~~police service canine]~~ public safety
56 animal;57 (b) throw any object or substance at, or in the path of, a [~~police service canine]~~ public
58 safety animal;59 (c) interfere with or obstruct a [~~police service canine]~~ public safety animal, or attempt to,
60 or interfere with the handler of [the canine] a public safety animal in a manner that
61 inhibits, restricts, or deprives the handler of control of the [canine] public safety
62 animal;63 (d) release a [~~police service canine]~~ public safety animal from its area of control, such as

64 a vehicle, kennel, or pen, or trespass in that area; or
 65 (e) place any food, object, or substance into a [~~police service canine's~~] public safety
 66 animal's area of control without the permission of the handler.

67 (5)(a) A [~~police service canine~~] public safety animal is exempt from quarantine or other
 68 animal control ordinances if [~~it~~] the public safety animal bites any [~~person~~] individual
 69 while under proper [~~police-~~]supervision by a public safety organization or during
 70 routine veterinary care.[~~-~~]

71 (b) The [~~law enforcement agency~~] public safety organization and the [~~canine's~~] public
 72 safety animal's handler shall make the [~~canine~~] public safety animal available for
 73 examination at any reasonable time and shall notify the local health officer if the []
 74 canine] public safety animal exhibits any abnormal behavior.

75 (6) In addition to any other penalty, a person convicted of a violation of this section is liable
 76 for restitution to the owning or employing [~~law enforcement agency~~] public safety
 77 organization or individual owner of the [~~police service canine~~] public safety animal for
 78 the replacement, training, and veterinary costs incurred as a result of the violation of this
 79 section.

80 Section 2. **Effective date.**

81 This bill takes effect on May 7, 2025.

82 Section 3. **Coordinating S.B. 77 with H.B. 21.**

83 If S.B. 77, Public Safety Animal Amendments, and H.B. 21, Criminal Code
 84 Recodification and Cross References, both pass and become law, the Legislature intends that,
 85 on May 7, 2025:

86 (1) Section 76-13-209 (renumbered from Section 76-9-306) in H.B. 21 and Section
 87 76-9-306 in S.B. 77 be amended to read:

88 **"76-13-209. Endangering, injuring, or killing a public safety animal.**

89 (1) (a) As used in this section:

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

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

95 (i) "Handler" means an individual who uses a public safety animal to assist with duties of a
 96 public safety organization.

97 (ii) "Public safety animal" means an animal that a public safety organization:

98 (A) owns or uses under contract; and
 99 (B) uses, or allows another public safety organization to use, to assist with duties of a
 100 public safety organization.
 101 (iii) "Public safety organization" means a government entity that provides a law
 102 enforcement, firefighting, search and rescue, military, or other public safety service.
 103 (b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.
 104 (2) [It is a second degree felony for a person to intentionally or knowingly cause] An actor
 105 commits endangering, injuring, or killing a public safety animal if the actor intentionally or
 106 knowingly:
 107 (a) causes the death [to] of a [police service canine.] public safety animal;
 108 (b) causes bodily injury to a public safety animal;
 109 (c) engages in conduct likely to cause bodily injury or death to a public safety animal; or
 110 (d) lays out, places, or administers any poison, trap, substance, or object that is likely to
 111 produce bodily injury or death to a public safety animal.
 112 (3) (a) A violation of Subsection (2)(a) is a second degree felony.
 113 (b) A violation of Subsection (2)(b), (c), or (d) is a third degree felony.
 114 [(3) It is a third degree felony for a person to intentionally or knowingly:]
 115 [(a) cause bodily injury to a police service canine;]
 116 [(b) engage in conduct likely to cause bodily injury or death to a police service canine; or]
 117 [(c) lay out, place, or administer any poison, trap, substance, or object which is likely to
 118 produce bodily injury or death to a police service canine.]
 119 [(4) It is a class A misdemeanor for a person to intentionally or knowingly:]
 120 [(a) taunt, torment, strike, or otherwise assault a police service canine;]
 121 [(b) throw any object or substance at, or in the path of, a police service canine;]
 122 [(c) interfere with or obstruct a police service canine, or attempt to, or interfere with the
 123 handler of the canine in a manner that inhibits, restricts, or deprives the handler of control of
 124 the canine;]
 125 [(d) release a police service canine from its area of control, such as a vehicle, kennel, or
 126 pen, or trespass in that area; or]
 127 [(e) place any food, object, or substance into a police service canine's area of control
 128 without the permission of the handler.]
 129 [(5)] (4)(a) A [police service canine] public safety animal is exempt from quarantine or
 130 other animal control ordinances if [it] the public safety animal bites [any person] an individual
 131 while under proper [police] supervision by a public safety organization or during routine

132 veterinary care.

133 ~~(b) The [law enforcement agency] public safety organization and the [canine's] public safety~~
134 ~~animal's handler shall make the [canine] public safety animal available for examination at [any]~~
135 ~~a reasonable time and shall notify the local health officer if the [canine] public safety animal~~
136 ~~exhibits any abnormal behavior.~~

137 ~~[(6)] (5) In addition to any other penalty, [a person] an actor convicted of a violation of this~~
138 ~~section is liable for restitution to the owning or employing [law enforcement agency] public~~
139 ~~safety organization or individual owner of the [police service canine] public safety animal for~~
140 ~~the replacement, training, and veterinary costs incurred as a result of the violation of this~~
141 ~~section."; and~~

142 ~~(2) Section 76-13-210, enacted in H.B. 21, be amended to read:~~

143 ~~**"76-13-210. Interference with a public safety animal.**~~

144 ~~(1)(a) As used in this section:~~

145 ~~(i) "Handler" means the same as that term is defined in Section 76-13-209.~~

146 ~~(ii) "Public safety animal" means the same as that term is defined in Section 76-13-209.~~

147 ~~(iii) "Public safety organization" means the same as that term is defined in Section~~
148 ~~76-13-209.~~

149 ~~(b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.~~

150 ~~(2) An actor commits interference with a public safety animal if the actor intentionally or~~
151 ~~knowingly:~~

152 ~~(a) taunts, torments, strikes, or otherwise assaults a public safety animal;~~

153 ~~(b) throws an object or substance at, or in the path of, a public safety animal;~~

154 ~~(c) interferes with or obstructs a public safety animal, or attempts to, or interferes with the~~
155 ~~handler of the public safety animal in a manner that inhibits, restricts, or deprives the handler~~
156 ~~of control of the public safety animal;~~

157 ~~(d) releases a public safety animal from the public safety animal's area of control, including~~
158 ~~a vehicle, kennel, or pen, or trespasses in that area; or~~

159 ~~(e) places any food, object, or substance into a public safety animal's area of control without~~
160 ~~the permission of the handler.~~

161 ~~(3) A violation of Subsection (2) is a class A misdemeanor.~~

162 ~~(4) In addition to any other penalty, an actor convicted of a violation of this section is liable~~
163 ~~for restitution to the owning or employing public safety organization or individual owner of~~
164 ~~the public safety animal for the replacement, training, and veterinary costs incurred as a result~~
165 ~~of the violation of this section."~~