

Superseded 5/3/2023

76-9-307 Injury to service animals -- Penalties.

- (1) As used in this section:
 - (a) "Disability" has the same meaning as defined in Section 62A-5b-102.
 - (b) "Search and rescue dog" means a dog:
 - (i) with documented training to locate persons who are:
 - (A) lost, missing, or injured; or
 - (B) trapped under debris as the result of a natural or man-made event; and
 - (ii) affiliated with an established search and rescue dog organization.
 - (c) "Service animal" means:
 - (i) a service animal as defined in Section 62A-5b-102; or
 - (ii) a search and rescue dog.
- (2) It is a class A misdemeanor for a person to knowingly, intentionally, or recklessly cause substantial bodily injury or death to a service animal.
- (3) It is a class A misdemeanor for a person who owns, keeps, harbors, or exercises control over an animal to knowingly, intentionally, or recklessly fail to exercise sufficient control over the animal to prevent it from causing:
 - (a) any substantial bodily injury or the death of a service animal; or
 - (b) the service animal's subsequent inability to function as a service animal as a result of the animal's attacking, chasing, or harassing the service animal.
- (4) It is a class B misdemeanor for a person to chase or harass a service animal.
- (5) It is a class B misdemeanor for a person who owns, keeps, harbors, or exercises control over an animal to knowingly, intentionally, or recklessly fail to exercise sufficient control over the animal to prevent it from chasing or harassing a service animal while it is carrying out its functions as a service animal, to the extent that the animal temporarily interferes with the service animal's ability to carry out its functions.
- (6)
 - (a) A service animal is exempt from quarantine or other animal control ordinances if it bites any person while it is subject to an offense under Subsection (2), (3), (4), or (5).
 - (b) The owner of the service animal or the person with a disability whom the service animal serves 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.
- (7) In addition to any other penalty, a person convicted of any violation of this section is liable for restitution to the owner of the service animal or the person with a disability whom the service animal serves for the replacement, training, and veterinary costs incurred as a result of the violation of this section.
- (8) If the act committed under this section amounts to an offense subject to a greater penalty under another provision of Title 76, Utah Criminal Code, than is provided under this section, this section does not prohibit prosecution and sentencing for the more serious offense.