

1 **PENALTIES FOR OFFENSES AGAINST**
2 **POLICE SERVICE ANIMALS**

3 2000 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Peter C. Knudson**

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

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

10 AMENDS:

11 **76-9-306**, as enacted by Chapter 70, Laws of Utah 1992

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

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

14 **76-9-306. Police service animals -- Causing injury or interfering with handler --**
15 **Penalties.**

16 (1) As used in this section:

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

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

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

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

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

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

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

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

31 (a) taunt, torment, strike, or otherwise assault a police service animal;

32 (b) throw any object or substance at, or in the path of, a police service animal;

33 (c) interfere with or obstruct a police service animal, or attempt to, or interfere with the
34 handler of the animal in [~~such~~] a manner [~~as to inhibit, restrict,~~] that inhibits, restricts, or [~~deprive~~]
35 deprives the handler of his control of the animal;

36 (d) release a police service animal from its area of control, such as a vehicle, kennel, or
37 pen, or trespass in that area; or

38 (e) place any food, object, or substance into a police service animal's area of control
39 without the permission of the handler.

40 (4) A police service animal is exempt from quarantine or other animal control ordinances
41 if it bites any person while under proper police supervision or routine veterinary care. The law
42 enforcement agency and the animal's handler shall make the animal available for examination at
43 any reasonable time and shall notify the local health officer if the animal exhibits any abnormal
44 behavior.

45 (5) In addition to any other penalty, a person convicted of a violation of this section is
46 liable for restitution to the owning or employing law enforcement agency or individual owner of
47 the police service animal for the replacement, training, and veterinary costs incurred as a result of
48 the violation of this section.

Legislative Review Note
as of 2-8-00 4:15 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel