

POLICE SERVICE ANIMAL AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jani Iwamoto

House Sponsor: V. Lowry Snow

LONG TITLE

General Description:

This bill provides penalties for injuring or killing a police animal.

Highlighted Provisions:

This bill:

- ▶ makes it a second degree felony to intentionally or knowingly cause death to a police service canine; and
- ▶ makes it a third degree felony to intentionally or knowingly injure a police service canine.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-9-306, as last amended by Laws of Utah 2000, Chapter 192

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 canine -- 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

30 police service [~~animal~~] canine during the course of the performance of his law enforcement
31 duties.

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

35 (2) It is a [~~third~~] second degree felony for a person to intentionally[?] or knowingly
36 cause death to a police service canine.

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

38 (a) cause bodily injury [~~or death~~] to a police service [~~animal~~] canine;

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

41 (c) lay out, place, or administer any poison, trap, substance, or object which is likely to
42 produce bodily injury or death to a police service [~~animal; or~~] canine.

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

45 [~~(3)~~] (4) It is a class A misdemeanor for a person to intentionally or knowingly:

46 (a) taunt, torment, strike, or otherwise assault a police service [~~animal~~] canine;

47 (b) throw any object or substance at, or in the path of, a police service [~~animal~~] canine;

48 (c) interfere with or obstruct a police service [~~animal~~] canine, or attempt to, or interfere
49 with the handler of the [~~animal~~] canine in a manner that inhibits, restricts, or deprives the
50 handler of [~~his~~] control of the [~~animal~~] canine;

51 (d) release a police service [~~animal~~] canine from its area of control, such as a vehicle,
52 kennel, or pen, or trespass in that area; or

53 (e) place any food, object, or substance into a police service [~~animal's~~] canine's area of
54 control without the permission of the handler.

55 [~~(4)~~] (5) A police service [~~animal~~] canine is exempt from quarantine or other animal
56 control ordinances if it bites any person while under proper police supervision or routine
57 veterinary care. The law enforcement agency and the [~~animal's~~] canine's handler shall make the

58 ~~[animal]~~ canine available for examination at any reasonable time and shall notify the local
59 health officer if the ~~[animal]~~ canine exhibits any abnormal behavior.

60 ~~[(5)]~~ (6) In addition to any other penalty, a person convicted of a violation of this
61 section is liable for restitution to the owning or employing law enforcement agency or
62 individual owner of the police service ~~[animal]~~ canine for the replacement, training, and
63 veterinary costs incurred as a result of the violation of this section.