

Senator Jani Iwamoto proposes the following substitute bill:

**POLICE SERVICE ANIMAL AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jani Iwamoto**

House Sponsor: V. Lowry Snow

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**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

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

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



26           **76-9-306. Police service canine -- Causing injury or interfering with handler --**  
27 **Penalties.**

28           (1) As used in this section:

29           (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.