
THIRD READING

Bill No: AB 1865
Author: Lackey (R), et al.
Amended: 8/21/18 in Senate
Vote: 27

SENATE PUBLIC SAFETY COMMITTEE: 7-0, 5/15/18
AYES: Skinner, Anderson, Bradford, Jackson, Mitchell, Stone, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/16/18
AYES: Portantino, Bates, Beall, Bradford, Hill, Nielsen, Wiener

ASSEMBLY FLOOR: 68-0, 4/12/18 (Consent) - See last page for vote

SUBJECT: Guide, signal, and service dogs: injury or death

SOURCE: California Council of the Blind

DIGEST: This bill expands the situations in which an individual can be charged with causing injury to, or the death of, any guide, signal, or service dog, and adds the medical bills and lost wages of the owner to the existing list of recoverable restitution costs.

Senate Floor Amendments of 8/21/18 are double-jointing amendments that address chaptering issues between this bill and three other bills.

ANALYSIS:

Existing law:

- 1) States that a person who intentionally causes injury to or the death of any guide, signal, or service dog, while the dog is in discharge of its duties, is guilty of a misdemeanor punishable by imprisonment in a county jail for up to one year, or by a fine not exceeding \$10,000, or by both a fine and imprisonment. (Penal Code § 600.5 (a).)

- 2) Provides that a defendant convicted of personally causing injury or death to a guide, signal, or service dog must pay restitution for any veterinary bills, replacement costs of the dog if it is disabled or killed, or other reasonable costs deemed appropriate by the court. (Penal Code, § 600.5 (b).)
- 3) Makes it a crime for a person to allow a dog owned or controlled by him or her to cause injury to or the death of any guide, signal, or service dog, while the dog is discharging its duties punishable as follows: (Penal Code § 600.2 (a).)
 - a) If a violation is caused by the person's failure to exercise ordinary care in the control of his or her dog, then it is punishable as an infraction; or (Penal Code, § 600.2 (b).)
 - b) If a violation is caused by the person's reckless disregard in controlling his or her dog, then it is punishable as a misdemeanor. (Penal Code § 600.2 (c).)
- 4) Provides that if a defendant is convicted of allowing his or her dog to cause injury or death to a guide, signal, or service dog, then he or she must pay restitution for any veterinary bills, replacement costs of the dog if it is disabled or killed, or other reasonable costs deemed appropriate by the court. (Penal Code § 600.2 (d).)
- 5) Authorizes a person with a disability whose dog has been injured or killed in violation of either crime to apply for compensation by the California Victim Compensation Board in an amount not to exceed \$10,000. (Penal Code §§ 600.5 (b) & 600.2 (d).)
- 6) Defines "guide dog" as any guide dog that was trained by a licensed person, as specified, or as defined under the regulations implementing the Americans with Disabilities Act. (Civil Code § 54.1 (b)(6)(C)(i).)
- 7) Defines "signal dog" as "any dog trained to alert an individual who is deaf or hearing impaired to intruders or sounds." (Civil Code § 54.1 (b)(6)(C)(ii).)
- 8) Defines "service dog" as "any dog individually trained to the requirements of the individual with a disability including, but not limited to, minimal protection work, rescue work, pulling a wheelchair, or fetching dropped items." (Civil Code § 54.1 (b)(6)(C)(iii).)

This bill:

- 1) Deletes from specified crimes against guide, signal, or service dogs the requirement that the dog be in discharge of its duties when the injury or death occurs.
- 2) Makes these crimes applicable to the injury or death of dogs that are enrolled in a training school or program for guide, signal, or service dogs, as specified.
- 3) Defines “located in this state” to include the training of guide, signal or service dogs that occurs in this state but where the training school or program is located in another state.
- 4) Requires a defendant convicted of these crimes to also make restitution to the person for medical or medical-related expenses, or for loss of wages or income.

FISCAL EFFECT: Appropriation: Yes Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

- Court: Unknown, potentially-significant workload cost pressures to the court to adjudicate charges brought against defendants who cause injury to or the death of a guide, signal, or service dog during a time other than when it is in discharge of its duties. While the superior courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources. (General Fund*)
- Victim Compensation Board: The board anticipates costs associated with this bill to be minor and absorbable. It has yet to receive an application for a claim related to the injury to or death of a guide, signal, or service dog for currently-allowable reimbursable losses. (Special fund**)
- Prosecution & incarceration: Unknown potential increase in non-reimbursable local enforcement and incarceration costs to prosecute and incarcerate those charged with and found guilty of conduct proscribed by this bill. Costs would be offset, to a degree, by fee and assessment revenue. (Local funds)

*Trial Court Trust Fund

**Restitution Fund

SUPPORT: (Verified 8/21/18)

California Council of the Blind (source)
American Association for the Deaf and Blind
American Society for the Prevention of Cruelty to Animals
Canine Companions for Independence
Disability Rights California
Golden State Guide Dog Handlers, Inc.
Guide Dog Users
Guide Dogs for the Blind
Guide Dogs of America
Lighthouse for the Blind and Visually Impaired
National Federation of the Blind of California
Northern California Association of the Deaf-Blind, Inc.
Paws'itive Teams
Pro-Train Innovative Dog Training
Society for the Blind

OPPOSITION: (Verified 8/21/18)

California Public Defenders Association

ASSEMBLY FLOOR: 68-0, 4/12/18

AYES: Acosta, Aguiar-Curry, Travis Allen, Arambula, Baker, Berman, Bigelow, Bonta, Brough, Burke, Caballero, Calderon, Carrillo, Cervantes, Chau, Chávez, Chen, Chiu, Choi, Chu, Cooley, Cooper, Cunningham, Dahle, Daly, Eggman, Flora, Fong, Frazier, Friedman, Gallagher, Eduardo Garcia, Gipson, Gloria, Gonzalez Fletcher, Grayson, Harper, Holden, Irwin, Kalra, Kiley, Lackey, Levine, Maienschein, Mathis, Mayes, McCarty, Medina, Melendez, Muratsuchi, Nazarian, Obernolte, O'Donnell, Patterson, Quirk, Quirk-Silva, Reyes, Rodriguez, Rubio, Salas, Mark Stone, Thurmond, Ting, Voepel, Waldron, Weber, Wood, Rendon

NO VOTE RECORDED: Bloom, Cristina Garcia, Gray, Jones-Sawyer, Limón, Low, Mullin, Santiago, Steinorth

Prepared by: Mary Kennedy / PUB. S. /
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