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PROTECT ASSISTANCE DOGS

House Bill 4894 with committee amendment
First Analysis (10-21-93)

Sponsor: Rep. Beverly Bodem
Committee: Judiciary

THE APPARENT PROBLEM:

Since the nineteenth century, Michigan law has forbidden cruelty to animals. For decades, Michigan statute has recognized the special importance of guide dogs for the blind with laws that required guide dog admittance to public accommodations and transportation, and which required drivers to take precautions when a person with a guide dog was crossing. More recently, the roles of hearing ear dogs and service dogs that assist the physically limited (with, for example, picking up dropped items) were recognized with legislation that extended admittance requirements to such dogs and restricted the public use of distinctive blaze orange leashes and collars to them. However, there apparently is no law that prohibits someone from teasing or interfering with guide, hearing, or service dogs. Although most people respect the roles of specially trained assistance dogs, and politely accept their presence in public places, others evidently view the dogs as attractive targets for malicious pranks. The House Judiciary committee heard testimony that described incidents of interference with a guide dog that was leading its owner across a busy intersection, of "sicking" a dog on a guide dog, and more. While the frequency with which such incidents occur may be unclear, to many it is clear that the law should not permit such behavior. Legislation has been proposed to forbid harassment or interference with a guide dog, hearing dog, or service dog.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Penal Code (MCL 750.50a) to make it a misdemeanor to harass, injure, attempt to injure, or interfere with a dog that the individual knew or had reason to know was a leader dog for a blind person, a hearing dog for a hearing impaired person, or a service dog for a physically limited person. The offense would be punishable by up to 90 days in jail, a fine of up to \$100, or both.

FISCAL IMPLICATIONS:

The House Fiscal Agency says that the bill would have no significant fiscal implications. (10-19-93)

ARGUMENTS:

For:

The bill would forbid behavior that most people would find appalling: harassing or injuring a leader dog or other dog specially trained to assist people who are physically challenged. By making the offense a misdemeanor, the bill makes it clear that such behavior is not to be countenanced; by applying penalties only to someone who knew or should have known the dog's status, the bill ensures that incidents involving out-of-harness guide dogs or similarly unidentified dogs are not included. The bill would provide the means to punish reprehensible behavior.

Against:

Although the concept of the bill may be sound, it could be improved by further technical refinement. Committee testimony indicated a preference for the term "dog guide" (rather than the "guide or leader dog" used by the bill) as a comprehensive term than includes all such dogs trained to assist the blind, regardless of which organization trained the dog. (And, "dog guide" is the term employed by the statute that calls for motorists to be cautious around such dogs.) Further, although the context suggests that only malicious acts of interference are to be outlawed, the bill is not specific on this point, raising questions of whether well-intentioned but misguided "help" with a dog would be criminalized by the bill.

Response:

It seems reasonable to assume that prosecutors would not pursue cases where offenders meant well. The demands on limited prosecutorial resources are such that prosecutors would not squander those resources on cases with no merit. Further, to pet or feed a guide dog in harness is to interfere with its

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work and endanger its training; when petting persists after the owner has asked the person to stop, the person should be held accountable for his or her actions.

POSITIONS:

The Prosecuting Attorneys Association of Michigan supports the concept of the bill. (10-19-93)