



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 298 (as introduced 4-28-15)
Sponsor: Senator David Knezek
Committee: Veterans, Military Affairs and Homeland Security

Date Completed: 6-10-15

CONTENT

The bill would amend Chapter 9 (Animals) and Chapter 72 (Public Safety) of the Michigan Penal Code to do the following:

- **Change various terms and definitions.**
- **Eliminate certain conditions for the misdemeanor of refusing to accommodate person with a service animal.**

The Code prohibits an individual from willfully and maliciously assaulting, beating, harassing, or attempting to assault, beat, or harass a dog that he or she knows or has reason to believe is a guide or leader dog for a blind individual, a hearing dog for a deaf or audibly impaired individual, or a service dog for a physically limited person. The Code also prohibits impeding or interfering with, or attempting to impede or interfere with, the duties of guide, hearing, or service dogs. Where the Code refers to a blind, deaf or audibly impaired, or physically limited individual, the bill would refer to a person with a disability. Where the Code refers to a guide or leader, hearing, or service dog, the bill would refer instead to a service animal.

"Person with a disability" would mean a person who satisfies all of the following conditions: has a physical or mental impairment that substantially limits one or more major life activities; has a history or record of such an impairment; and is perceived by others as having such an impairment. The term would include a veteran who has been diagnosed with one or more of the following: a) post-traumatic stress disorder, b) traumatic brain injury, or c) other service-related disabilities.

"Service animal" would mean a dog or a miniature horse that is on a leash, harness, or other tether and under the control of its handler that has been individually trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

"Veteran" would mean any of the following: a) a person who performed military service in the armed forces for a period of more than 90 days and separated from the armed forces in a manner other than a dishonorable discharge, b) a person discharged or released from military service because of a service-related disability, or c) a member of a reserve branch of the armed forces at the time he or she was ordered to military service during a period of war, or in a campaign or expedition for which a campaign badge is authorized, and was released from military service in a manner other than a dishonorable discharge.

The Code also specifies that any person who is the owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public or private housing, accommodation, amusement, or recreation who refuses to permit a person with a disability or a trainer of

service animals to enter or use the place is guilty of a misdemeanor if the animal is wearing a blaze orange leash and collar or a harness, hearing dog cape, or service dog backpack, and the person with a disability, or trainer, possesses a pictured identification card certifying that the dog was trained by a qualified organization or that the person is the trainer. The bill would eliminate those conditions for the misdemeanor violation.

MCL 750.50a & 750.502c

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have no fiscal impact on State government and could result in no net change in incarceration and court costs for local government. It is uncertain how many actions that are not considered misdemeanors under current law would be treated as misdemeanors under the bill. To the extent that the proposed definitions resulted in court and incarceration costs similar to those under current law, the fiscal impact on local government would be minimal.

Fiscal Analyst: John Maxwell

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.