

FIRST REGULAR SESSION

HOUSE BILL NO. 707

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRISAMORE.

1165H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 209.202, RSMo, and to enact in lieu thereof one new section relating to the crime of causing injury to or the death of a service dog, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 209.202, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 209.202, to read as follows:

209.202. 1. Any person who [knowingly, intentionally, or recklessly causes substantial physical injury to or the death of a service dog] , **with reckless disregard, injures or kills or permits a dog that he or she owns or is in the immediate control of to injure or kill a service animal** is guilty of a class A misdemeanor. [The provisions of this subsection shall not apply to the destruction of a service dog for humane purposes.]

2. Any person who [knowingly or intentionally fails to exercise sufficient control over an animal such person owns, keeps, harbors, or exercises control over to prevent the animal from causing the substantial physical injury to or death of a service dog, or the subsequent inability to function as a service dog as a result of the animal's attacking, chasing, or harassing the service dog] , **with reckless disregard, interferes with or permits a dog that he or she owns or is in the immediate control of to interfere with the use of a service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the service animal or its user is guilty of a class B misdemeanor. Any second or subsequent violation of this section** is guilty of a class A misdemeanor.

3. Any person who [harasses or chases a dog known to such person to be a service dog] is guilty of a class B misdemeanor.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 4. Any person who owns, keeps, harbors, or exercises control over an animal and who
18 knowingly or intentionally fails to exercise sufficient control over the animal to prevent such
19 animal from chasing or harassing a service dog while such dog is carrying out the dog's function
20 as a service dog, to the extent that the animal temporarily interferes with the service dog's ability
21 to carry out the dog's function is guilty of a class B misdemeanor] **intentionally injures or kills**
22 **or permits a dog that he or she owns or is in the immediate control of to injure or kill a**
23 **service animal is guilty of a class D felony.**

24 [5. An owner of a service dog or a person with a disability who uses a service dog may
25 file a cause of action to recover civil damages against any person who:

- 26 (1) Violates the provisions of subsection 1 or 2 of this section; or
27 (2) Steals a service dog resulting in the loss of the services of the service dog.

28 6. Any civil damages awarded under subsection 5 of this section shall be based on the
29 following:

30 (1) The replacement value of an equally trained service dog, without any differentiation
31 for the age or experience of the service dog;

32 (2) The cost and expenses incurred by the owner of a service dog or the person with a
33 disability who used the service dog, including:

34 (a) The cost of temporary replacement services, whether provided by another service dog
35 or by a person;

36 (b) The reasonable costs incurred in efforts to recover a stolen service dog; and

37 (c) Court costs and attorney's fees incurred in bringing a civil action under subsection
38 5 of this section.

39 7. An owner of a service dog or a person with a disability who uses a service dog may
40 file a cause of action to recover civil damages against a person who:

41 (1) Violates the provisions of subsections 1 to 4 of this section resulting in injury from
42 which the service dog recovers to an extent that the dog is able to function as a service dog for
43 the person with a disability; or

44 (2) Steals a service dog and the service dog is recovered resulting in the service dog
45 being able to function as a service dog for the person with a disability.

46 8. Any civil damages awarded under subsection 7 of this section shall be based on the
47 following:

48 (1) Veterinary medical expenses;

49 (2) Retraining expenses;

50 (3) The cost of temporary replacement services, whether provided by another service dog
51 or by a person;

52 (4) Reasonable costs incurred in the recovery of the service dog; and

53 (5) Court costs and attorney's fees incurred in bringing the civil action under subsection
54 7 of this section.]

55 **4. (1) In addition to any other penalty, a person who is convicted of a violation of**
56 **this section shall make full restitution for all damages that arise out of or are related to the**
57 **offense, including but not limited to incidental and consequential damages incurred by the**
58 **service animal's user.**

59 **(2) Restitution includes, but is not limited to:**

60 **(a) The value of the animal;**

61 **(b) Replacement and training or retraining expenses for the service animal and the**
62 **user;**

63 **(c) Veterinary and other medical and boarding expenses for the service animal;**

64 **(d) Medical expenses for the user; and**

65 **(e) Lost wages or income incurred by the user during any period that the user is**
66 **without the services of the service animal.**

67 [9.] **5.** The provisions of this section shall not apply:

68 **(1) If a person with a disability, an owner, or a person having custody or supervision of**
69 **a service dog commits criminal or civil trespass; or**

70 **(2) To the destruction of a service dog for humane purposes.**

71 [10.] **6.** Nothing in this section shall be construed to preclude any other remedies
72 available at law.

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