

HOUSE BILL NO. 623

INTRODUCED BY M. ROMANO, J. COHENOUR, P. GREEN, P. TUSS, D. BAUM

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING MISDEMEANOR PENALTIES FOR HARASSING OR HARMING A SERVICE ANIMAL; PROVIDING THAT INTENTIONALLY DEPRIVING A HANDLER OF A SERVICE ANIMAL BY UNAUTHORIZED FORCE CONSTITUTES THEFT; AND ALLOWING RESTITUTION FOR DAMAGES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Harassment or harm of service animal. (1) A person commits the offense of harassment of a service animal if the person:

(a) continues behavior that interferes with the use of a service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the service animal or the service animal's handler after the person has received notice on the behavior;

(b) negligently causes the harm, disability, or death of a service animal; or

(c) is the owner of a dog or other animal and negligently allows the dog or other animal to interfere with the use of a service animal by obstructing, intimidating, or otherwise jeopardizing the safety of or causing harm to a service animal or the service animal's handler.

(2) (a) A person convicted of a first offense of harassment of a service animal is guilty of a misdemeanor and shall be fined no more than \$100.

(b) A person convicted of a second or subsequent offense of harassment of a service animal is guilty of a misdemeanor and shall be fined no less than \$250 and no more than \$500.

(3) For the purposes of this section, the following definitions apply:

(a) "Notice" means a verbal or otherwise communicated warning regarding the behavior of another person and a request that the person stop the behavior.

(b) "Service animal" has the meaning provided in 49-4-203.

NEW SECTION. Section 2. Unauthorized control of service animal. (1) A person commits the

offense of unauthorized control of a service animal as defined in 49-4-203 if the person purposely or knowingly obtains or exerts unauthorized control over a service animal with the intent to deprive the service animal's handler of the service animal.

(2) A person convicted of unauthorized control of a service animal is guilty of misdemeanor theft and shall be punished as provided in 45-6-301.

NEW SECTION. Section 3. Restitution for harassment, harm, or unauthorized control of service

animal. (1) A person convicted of a violation of [section 1 or 2] must be ordered to make full restitution of all damages, including incidental and consequential expenses incurred by the service animal handler, arising from or related to the violation.

(2) Restitution for applicable expenses may include but is not limited to:

(a) the value of an incapacitated or deceased service animal and the training of a replacement service animal;

(b) the retraining of an affected service animal;

(c) related veterinary and care expenses; and

(d) medical expenses of the service animal handler, training of the service animal handler, and compensation for wages or earned income lost by the service animal handler.

(3) Nothing in this section affects any civil remedies available for a violation of [sections 1 and 2] and this section.

(4) For the purposes of this section, the following definitions apply:

(a) "Service animal" has the meaning provided in 49-4-203.

(b) "Value" means the valuation of a service dog, including but not limited to the initial cost to purchase the animal and other expenses incurred, such as the cost of training, licensing, and hardware necessary for the use of the service animal.

NEW SECTION. Section 4. Codification instruction. [Sections 1 through 3] are intended to be

codified as an integral part of Title 45, chapter 8, part 2, and the provisions of Title 45, chapter 8, part 2, apply

1 to [sections 1 through 3].

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