

## 2007 DRAFTING REQUEST

### Bill

Received: 03/05/2007

Received By: rryan

Wanted: As time permits

Identical to LRB:

For: Terese Berceau (608) 266-3784

By/Representing: Tracy

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Adl. Drafters: gmalaise

Subject: **Discrimination**  
**Criminal Law - miscellaneous**

Extra Copies:

Submit via email: NO

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### Pre Topic:

No specific pre topic given

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### Topic:

Definition of service animal for discrimination in public accomodation, harassment of an animal, and dog tax

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### Instructions:

Same as 07 LRB-0031/2

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rryan 03/05/2007	wjackson 03/05/2007		_____			
/1			rschluet 03/06/2007	_____	sbasford 03/06/2007	cduerst 04/03/2007	

FE Sent For:

<END>

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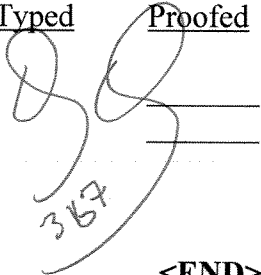
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FE Sent For:

<END>

2140/1  
↑  
stays

In 3/5/07

wanted by 3/9/07  
Fri

**2007 BILL**

No changes

1 AN ACT to amend 106.52 (1) (fm), 174.055, 951.01 (5), 951.097, 951.18 (2s) and  
2 951.18 (4) (a) 1. d. of the statutes; relating to: the definition of service animal  
3 for purposes of discrimination against a person using a service animal in a  
4 public accommodation and harassment of a service animal and providing a  
5 penalty.

*Analysis by the Legislative Reference Bureau*

***Discrimination against a person using a service animal in a public accommodation***

Under current law, a person with a disability may not be refused entrance into or use of a public place of accommodation or amusement (public accommodation) because the person is accompanied by a service animal. For purposes of discrimination against a person using a service animal in a public accommodation, "service animal" is defined as an animal that is individually trained or being trained to do work or perform tasks for the benefit of a person with a disability, including the work or task of guiding a person with impaired vision, alerting a person with impaired hearing to intruders or sound, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

This bill makes the following changes to the definition of "service animal" that is applicable to discrimination in a public accommodation:

1. A service animal must perform tasks to mitigate a person's disability rather than do work or perform tasks for the benefit of a person with a disability.

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2. The tasks performed must be physical tasks.
3. The example of providing minimal protection or rescue work is deleted.
4. Lending balance support and providing assistance in a medical crisis are added as examples of tasks performed for a person with a disability other than blindness, visual impairment, deafness, or hardness of hearing.
5. The bill specifies that an animal's presence for comfort, protection, or defense of an individual does not constitute performing a task to mitigate an individual's disability.
6. The example of guiding a person with impaired vision is changed to guiding a person who is blind or visually impaired.
7. The example of alerting a person with impaired hearing to intruders or sound is changed to alerting a person who is deaf or hard of hearing to specific sounds.

***Prohibition against harassing a service dog and exemption from dog tax***

Under current law, it is a crime to harass a service dog by injuring, killing, or interfering with the service dog. For this crime, "service dog" is defined as, "a dog that is trained for the purpose of assisting a person with a sensory, mental, or physical disability or accommodating such a disability."

This bill prohibits harassing any service animal, not just a service dog, and applies the definition of "service animal" that is applicable to discrimination in a public accommodation, as amended by this bill, to the crime of harassing a service animal.

Also under current law, dog owners must pay a tax for their dogs, except a dog owner is not required to pay the tax for a service dog. The bill adopts the definition of service animal that is applicable to discrimination in a public accommodation for purposes of the service dog exemption from the dog tax.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 1           SECTION 1. 106.52 (1) (fm) of the statutes is amended to read:
- 2           106.52 (1) (fm) "Service animal" means a guide dog, signal dog, or other animal
- 3           that is individually trained or is being trained to ~~do work or~~ perform physical tasks
- 4           ~~for the benefit of a person with a~~ to mitigate a person's disability, including the work
- 5           ~~or task of guiding a person with impaired vision,~~ who is blind, as defined in s. 47.01
- 6           (1), or visually impaired, as defined in s. 47.01 (5), the task of alerting a person with
- 7           ~~impaired hearing to intruders or sound, providing minimal protection or rescue~~
- 8           ~~work,~~ who is deaf or hard of hearing to specific sounds, and such tasks as pulling a

**BILL**

1 wheelchair, ~~or fetching~~ lending balance support, picking up dropped items, or  
2 providing assistance in a medical crisis for a person with a disability other than  
3 blindness, visual impairment, deafness, or hardness of hearing. An animal's  
4 presence for comfort, protection, or defense of a person does not constitute  
5 performing a physical task to mitigate a person's disability.

6 SECTION 2. 174.055 of the statutes is amended to read:

7 **174.055 Exemption of service dogs for ~~blind, deaf and~~**  
8 **~~mobility-impaired.~~** Every dog specially trained to lead blind or deaf persons or to  
9 ~~provide support for mobility-impaired persons~~ that is a service animal, as defined  
10 in s. 106.52 (1) (fm), is exempt from the dog license tax and every person owning such  
11 a dog shall receive annually a free dog license from the local collecting officer upon  
12 application.

13 SECTION 3. 951.01 (5) of the statutes is amended to read:

14 951.01 (5) "Service dog" means a dog that is trained for the purpose of assisting  
15 a person with a sensory, mental, or physical disability or accommodating such a  
16 disability animal" has the meaning given in s. 106.52 (1) (fm).

17 SECTION 4. 951.097 of the statutes is amended to read:

18 **951.097 Harassment of service dogs animals.** (1) (a) Any person may  
19 provide notice to another person in any manner that the latter person's behavior is  
20 interfering with the use of a service dog animal and may request that the latter  
21 person stop engaging in that behavior.

22 (b) No person, after receiving a notice and request under par. (a) regarding a  
23 service dog animal, may do any of the following:

24 1. Recklessly interfere with the use of the service dog animal by obstructing or  
25 intimidating it or otherwise jeopardizing its safety or the safety of its user.

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1           2. Intentionally interfere with the use of the service ~~dog~~ animal by obstructing  
2 or intimidating it or otherwise jeopardizing its safety or the safety of its user.

3           **(2)** (a) No person may recklessly allow his or her dog to interfere with the use  
4 of a service ~~dog~~ animal by obstructing or intimidating it or otherwise jeopardizing  
5 its safety or the safety of its user.

6           (b) No person may intentionally allow his or her dog to interfere with the use  
7 of a service ~~dog~~ animal by obstructing or intimidating it or otherwise jeopardizing  
8 its safety or the safety of its user.

9           **(3)** (a) No person may recklessly injure a service ~~dog~~ animal or recklessly allow  
10 his or her dog to injure a service ~~dog~~ animal.

11           (b) No person may intentionally injure a service ~~dog~~ animal or intentionally  
12 allow his or her dog to injure a service ~~dog~~ animal.

13           **(4)** (a) No person may recklessly cause the death of a service ~~dog~~ animal.

14           (b) No person may intentionally cause the death of a service ~~dog~~ animal.

15           **(5)** No person may take possession of or exert control over a service ~~dog~~ animal  
16 without the consent of its owner or user and with the intent to deprive another of the  
17 use of the service ~~dog~~ animal.

18           **SECTION 5.** 951.18 (2s) of the statutes is amended to read:

19           951.18 **(2s)** Any person who violates s. 951.097 (1) (b) 1. or (2) (a), knowing that  
20 the ~~dog~~ animal that is the victim is a service ~~dog~~ animal, is guilty of a Class B  
21 misdemeanor. Any person who violates s. 951.097 (1) (b) 2., (2) (b), or (3) (a), knowing  
22 that the ~~dog~~ animal that is the victim is a service ~~dog~~ animal, is guilty of a Class A  
23 misdemeanor. Any person who violates s. 951.097 (3) (b) or (4) (a), knowing that the  
24 ~~dog~~ animal that is the victim is a service ~~dog~~ animal, is guilty of a Class I felony. Any

**BILL**

1 person who violates s. 951.097 (4) (b) or (5), knowing that the ~~dog~~ animal that is the  
2 victim is a service ~~dog~~ animal, is guilty of a Class H felony.

3 **SECTION 6.** 951.18 (4) (a) 1. d. of the statutes is amended to read:

4 951.18 (4) (a) 1. d. In a case under s. 951.095 or 951.097, the value of a  
5 replacement animal, if the affected animal is incapacitated or dead; the cost of  
6 training a replacement animal; or the cost of retraining the affected animal. The  
7 court shall base any determination of the value of a replacement service ~~dog~~ animal  
8 on the value of the service ~~dog~~ animal to the user and not on its cost or fair market  
9 value.

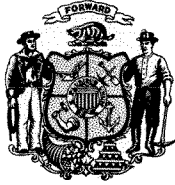
10 **SECTION 7. Initial applicability.**

11 (1) This act first applies to acts or omissions that occur on the effective date of  
12 this subsection.

13

(END)





# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

ONE EAST MAIN STREET  
SUITE 200  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

March 6, 2007

### MEMORANDUM

To: Representative Berceau

From: Robin L. Ryan, Legislative Attorney

Re: LRB-2140/1 Definition of service animal for discrimination in public accomodation, harassment of an animal, and dog tax

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

X JACKET FOR ASSEMBLY \_\_\_\_\_ JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 261-6927 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.