



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 353

**Assembly Substitute
Amendment 1**

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Assembly Bill 353 creates the crime of harassment of service dogs and makes the provisions of current law relating to restitution in cases involving law enforcement agency or fire department animals applicable to service dogs.

Offense of Harassment of Service Dogs

Under *Assembly Substitute Amendment 1*, it is a **Class B misdemeanor**, punishable by a fine not to exceed \$1,000, imprisonment of not more than 90 days, or both, to do either of the following:

- Recklessly interfere with the use of a service dog by obstructing or intimidating it or otherwise jeopardizing its safety or the safety of its user after receiving notice from any person in any manner that the person's behavior is interfering with the use of the service dog and being requested to stop engaging in that behavior.
- Recklessly allow one's dog to interfere with the use of a service dog by obstructing or intimidating it or otherwise jeopardizing its safety or the safety of its user.

Under the substitute amendment, it is a **Class A misdemeanor**, punishable by a fine not to exceed \$10,000, imprisonment of not more than nine months, or both, to do any of the following:

- Intentionally interfere with the use of a service dog, as described above, after receiving notice and being requested to stop engaging in that behavior.
- Intentionally allowing one's dog to interfere with the use of a service dog by obstructing or intimidating it or otherwise jeopardizing its safety or the safety of its user.
- Recklessly injuring a service dog or recklessly allowing one's dog to injure a service dog.

Under the substitute amendment, it is a ***Class I felony***, punishable by a fine not to exceed \$10,000, imprisonment not to exceed 3 ½ years (maximum of 1 ½ years of confinement in prison), or both, to do either of the following:

- Intentionally injure a service dog or intentionally allow one's dog to injure a service dog.
- Recklessly cause the death of a service dog.

The substitute amendment also provides that it is a ***Class H felony***, punishable by a fine not to exceed \$10,000, imprisonment not to exceed 6 years (maximum of 3 ½ years of confinement in prison), or both, to do either of the following:

- Intentionally cause the death of a service dog.
- Take possession of or exert control over a service dog without the consent of its owner or user and with the intent to deprive another of the use of the service dog.

Restitution

The substitute amendment makes the provisions of current law relating to restitution in cases involving law enforcement agency or fire department animals applicable to service dogs. For purposes of restitution, the substitute amendment includes the following as pecuniary loss to the victim: (a) the value of a replacement animal, if needed, the cost of retraining a replacement animal, or the cost of retraining the affected animal; (b) all related veterinary and care expenses; and (c) the medical expenses of the animal's user, the cost of training the animal's user, and compensation for income lost by the animal's user.

Legislative History

Representative Berceau offered Assembly Substitute Amendment 1. On February 15, 2006, the Assembly Committee on Criminal Justice and Homeland Security recommended adoption of the substitute amendment on a vote of Ayes, 11; Noes, 0, and recommended passage of the bill, as amended, on a vote of Ayes, 11; Noes, 0.

AS:ksm