



**House  
Legislative  
Analysis  
Section**

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**PROTECT ASSISTANCE DOGS**

House Bill 4894 as enrolled  
Public Act 42 of 1994  
Second Analysis (1-10-95)

Sponsor: Rep. Beverly Bodem  
House Committee: Judiciary  
Senate Committee: Agriculture and  
Forestry

***THE APPARENT PROBLEM:***

Since the nineteenth century, Michigan law has forbidden cruelty to animals. For decades, Michigan statute has recognized the special importance of guide dogs for the blind with laws that required guide dog admittance to public accommodations and transportation, and which required drivers to take precautions when a person with a guide dog was crossing. More recently, the roles of hearing ear dogs and service dogs that assist physically limited people (with, for example, picking up dropped items) were recognized with legislation that extended admittance requirements to such dogs and restricted the public use of distinctive blaze orange leashes and collars to them. However, there apparently is no law that prohibits someone from teasing or interfering with guide, hearing, or service dogs. Although most people respect the roles of specially trained assistance dogs, and politely accept their presence in public places, others evidently view the dogs as attractive targets for malicious pranks. The House Judiciary committee heard testimony that described incidents of interference with a guide dog that was leading its owner across a busy intersection, of "sicking" a dog on a guide dog, and more. While the frequency with which such incidents occur may be uncertain, to many it is clear that the law should not permit such behavior. Legislation has been proposed to forbid harassment or interference with a guide dog, hearing dog, or service dog.

***THE CONTENT OF THE BILL:***

The bill would amend the Michigan Penal Code (MCL 750.50a) to make it a misdemeanor to wilfully or maliciously harass, injure, attempt to injure, or interfere with a dog that the individual

knew or had reason to believe was a leader dog for a blind person, a hearing dog for a hearing impaired person, or a service dog for a physically limited person. The offense would be punishable by up to 90 days in jail, a fine of up to \$500, or both. In a prosecution under the bill, there would be a rebuttable presumption that a defendant's conduct was malicious if there was evidence that the defendant initiated or continued conduct after the dog's human companion asked the defendant to stop.

A conviction and sentence under the bill would not prevent conviction and sentencing under any applicable provision of law.

The bill would take effect June 1, 1994.

***FISCAL IMPLICATIONS:***

The Senate Fiscal Agency reported that the bill could result in additional costs for local units of government. To the extent that individuals were arrested, prosecuted, and sentenced to jail for violating the bill's provisions, local costs could increase. (2-22-94)

***ARGUMENTS:***

***For:***

The bill would forbid behavior that most people would find appalling: harassing or injuring a leader dog or other dog specially trained to assist people who are physically challenged. By making the offense a misdemeanor, the bill makes it clear that such behavior is not to be countenanced; by

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applying penalties only to someone who knew or should have known the dog's status, the bill ensures that incidents involving out-of-harness guide dogs or similarly unidentified dogs are not included. The bill would provide the means to punish reprehensible behavior.