
**Criminal Justice & Corrections
Committee**

HB 2090

Brief Description: Prohibiting interference with search and rescue dogs.

Sponsors: Representatives Clements, Sump and Orcutt.

Brief Summary of Bill

- Expands the statute governing interfering with dog guides or service animals to include search and rescue dogs.
- Subjects a person to criminal penalties and restitution to the victim if found guilty of interfering, injuring, or causing the death of a search and rescue dog.

Hearing Date: 3/4/03

Staff: Yvonne Walker (786-7841).

Background:

Many city and county governments operate search and rescue units and there are also local volunteer units located throughout the state. These units are responsible for searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural, technological, or human caused disaster; including instances involving searches for downed aircraft when ground personnel are used. Many of these units use search and rescue dogs to help in their search and rescue missions.

Criminal Penalties. A misdemeanor offense is punishable by a maximum term of 90 days in jail, a \$1,000 fine, or both. A gross misdemeanor offense is punishable by a maximum term of one year in jail, a \$5,000 fine, or both. The maximum sentence for unranked felonies is one year of confinement, along with possible community service, legal financial obligations, community supervision, and a fine.

Summary of Bill:

The statute governing interfering with dog guides or service animals is expanded to include search and rescue dogs. A person found guilty of interfering, injuring, or causing the death of a search and rescue dog can be subject to both criminal penalties as well as restitution to the victim.

Interfering with the use of a Search & Rescue Dog. It is a misdemeanor offense for any person who: (1) after receiving a warning about his or her behavior, continues with reckless disregard to interfere with the use of a search and rescue dog by obstructing, intimidating or jeopardizing the safety of the dog or his or her user; or (2) with reckless disregard, allows his or her dog to interfere with the use of a search and rescue dog by obstructing, intimidating, or otherwise jeopardizing the safety of the dog or his her user. The penalties in both cases increase to gross misdemeanor offenses for second or subsequent offenses.

Injuring a Search & Rescue Dog It is a gross misdemeanor offense for any person who: (1) with reckless disregard, injures, disables, or causes the death of a search and rescue dog; or (2) with reckless disregard, allows his or her dog to injure, disable, or cause the death of a search and rescue dog. It is an unranked class C felony to intentionally injure, disable, or cause the death of a search and rescue dog.

Theft of a Search & Rescue Dog It is a seriousness level II, class B felony theft offense for any person that wrongfully obtains or exerts authorized control over a search and rescue dog with the intent to deprive the dog user of his or her dog. The presumptive sentence range for a level II offender with no prior criminal history is zero to 90 days in jail.

Restitution. When a person is convicted of any of the above listed crimes, the person must make full restitution for all damages, including incidental and consequential expenses incurred by the search and rescue dog and his or her user, which arose out of, or was related to the criminal offense. Restitution includes, but is not limited to the following: (1) the value of the replacement of an incapacitated or a deceased search and rescue dog; (2) the training of a replacement dog or the retraining of the affected dog and all related veterinary and care expenses; and (3) medical expenses of the search and rescue dog user, training of the dog user, and compensation for wages or earned income lost by the dog user.

The criminal penalties and the restitution do not preclude civil remedies available for these violations.

Appropriation: None.

Fiscal Note: Requested on February 25, 2003.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.