1   HOUSE BILL NO. 623

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

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4   A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING MISDEMEANOR PENALTIES FOR HARASSING

5   OR HARMING A SERVICE ANIMAL; PROVIDING THAT INTENTIONALLY DEPRIVING A HANDLER OF A

6   SERVICE ANIMAL BY UNAUTHORIZED FORCE CONSTITUTES THEFT; AND ALLOWING RESTITUTION

7   FOR DAMAGES."

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

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11   NEW SECTION. **Section 1.   Harassment or harm of service animal.** (1) A person commits the

12   offense of harassment of a service animal if the person:

13   (a)   continues behavior that interferes with the use of a service animal by obstructing, intimidating,

14   or otherwise jeopardizing the safety of the service animal or the service animal's handler after the person has

15   received notice on the behavior;

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

17   (c)   is the owner of a dog or other animal and negligently allows the dog or other animal to interfere

18   with the use of a service animal by obstructing, intimidating, or otherwise jeopardizing the safety of or causing

19   harm to a service animal or the service animal's handler.

20   (2)   (a) A person convicted of a first offense of harassment of a service animal is guilty of a

21   misdemeanor and shall be fined no more than $100.

22   (b)   A person convicted of a second or subsequent offense of harassment of a service animal is

23   guilty of a misdemeanor and shall be fined no less than $250 and no more than $500.

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

25   (a)   "Notice" means a verbal or otherwise communicated warning regarding the behavior of another

26   person and a request that the person stop the behavior.

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

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

2	offense of unauthorized control of a service animal as defined in 49-4-203 if the person purposely or knowingly

3	obtains or exerts unauthorized control over a service animal with the intent to deprive the service animal's

4	handler of the service animal.

5		(2)	A person convicted of unauthorized control of a service animal is guilty of misdemeanor theft

6	and shall be punished as provided in 45-6-301.

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

9	**animal.** (1) A person convicted of a violation of [section 1 or 2] must be ordered to make full restitution of all

10	damages, including incidental and consequential expenses incurred by the service animal handler, arising from

11	or related to the violation.

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

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

14	service animal;

15		(b)	the retraining of an affected service animal;

16		(c)	related veterinary and care expenses; and

17		(d)	medical expenses of the service animal handler, training of the service animal handler, and

18	compensation for wages or earned income lost by the service animal handler.

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

20	and this section.

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

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

23		(b)	"Value" means the valuation of a service dog, including but not limited to the initial cost to

24	purchase the animal and other expenses incurred, such as the cost of training, licensing, and hardware

25	necessary for the use of the service animal.

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

28	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].

2   - END -

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