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## CAGDU Local Legislative Update

***By CAGDU Board Member: Shannon Dillon***

### Readers Note:

The information below is taken directly from an e mail message sent to the CAGDU list serve and still contains references to e mail related information. The text of the bill is lengthy and is provided at the end of this newsletter.

We are working on the bill concerning attacks on guide dogs, AB 1865.

At this point, it would really help us to hear from anyone who has been attacked or harassed by another dog. Please write a letter describing your story and send it to me. Please describe what happened and the impact it had on you and the impact it had on your dog. Describe emotional as well as physical injury. We really want people to understand the effect that attacks have, emotionally as well as physically, on both humans and dogs.

You can also send your story to Amanda Hernandez in Assemblyman Tom Lackey's office if you would prefer. Assemblyman Tom Lackey 36th District

State Capitol, Room 2174

916.319.2036

But we are hoping to keep copies of the stories so we can reuse them for later committee hearings.

Below is the text of the bill. Amanda Hernandez from Assemblyman Lackey's office has flagged the text below with [AMENDMENT HERE] at the points where an amendment is proposed. In short, this bill would delete, from both crimes, the requirement that the guide, signal, or service dog be in discharge of its duties when the injury or death occurs and would make these crimes applicable to the injury or death of dogs that are enrolled in a training school or program for guide, signal, or service dogs, as specified. The bill would require the defendant, convicted of either crime, to also make restitution to the person for medical or medical-related expenses, or for loss of wages or income, incurred by the person as a direct result of the crime. The bill would authorize the disabled person to apply for compensation from the California Victim Compensation Board and would authorize the board to pay compensation for medical and medical-related expenses, and loss of wages or income incurred by the person with a disability as a direct result of a violation of those criminal provisions, in an amount not to exceed $10,000.

## Delta Airlines Service animal Policy Evolves

A Message from Marion Gwizdala, President National Association of Guide Dog Users

Dear Members & Supporters,

On January 19, 2018, Delta Airlines circulated a news release announcing their new policy concerning the carriage of emotional support and psychiatric service animals, as well as trained service animals, in the aircraft cabin. This new policy, scheduled to take effect on March 1, 2018, was in response to a growing safety concern over emotional support and psychiatric service animals (ESAs) and negatively impacted those of us who use guide and other trained service dogs. This policy required those intending to travel with their trained guide or other service animals to notify the company at least 48 hours in advance of their travel, submit documentation of the dog’s immunization record, and required those accompanied by service animals to check in at the customer service counter rather than curbside, online, or through a self-service kiosk. The National Federation of the Blind and its special interest division, the National Association of Guide Dog Users, expressed our concern over this policy, believing it was incongruent with the Air Carrier Access Act (ACAA). We requested a face-to-face meeting with Delta Airlines and met with them on February 2 at their headquarters in Atlanta, Georgia.

During this meeting, Anil Lewis, Executive Director of the Jernigan Institute, and I began a productive dialogue with upper level management of Delta, including the chair of their advisory board on disability. As a result of this meeting and through scores of email messages, Delta Airlines and the National Federation of the Blind circulated a joint news release announcing an enhanced service animal policy that seemed congruent with the ACAA. However, Delta’s website concerning this policy did not seem to reflect our mutual understanding contained in the press release. We continued our dialogue with Delta to create an official policy statement that more closely aligns with our interpretation of the ACAA while ensuring the safety of all of Delta’s passengers.

I am pleased to announce that the National Federation of the Blind and the National Association of Guide Dog Users have worked collaboratively with Delta Airlines to create a policy that protects the civil rights of the blind and other disabled individuals who use guide or service animals while ensuring the safety of all Delta passengers. This current policy states, if you are traveling with a trained service animal, in some cases you may be asked to show:   
1.      The animal’s Veterinary Health Form and/or an immunization record or other proof that the animal's vaccinations are current within one year of the travel date

2.      While not required, customers are encouraged to upload this documentation to My Trips through the Accessibility Service Request Form, Delta's Service Animal Policy

Delta assures us valid tags issued by your local animal services department will suffice as “other proof that the animal's vaccinations are current”. The National Federation of the Blind and the National Association of Guide Dog Users will be hosting officials from Delta Airlines at our Jernigan Institute in the near future to discuss the specific procedures to implement this policy. As these procedures are created, we will circulate them widely so that all Delta Patrons who use service animals will understand their rights and responsibilities under this policy. We are also aware that other airlines are watching this policy evolve and we are working proactively with other airlines to help them create and implement sound effective policies. We will keep our membership and the flying public abreast of our advocacy efforts on this issue.  
 Fraternally yours,

Marion Gwizdala, President National Association of Guide Dog Users Inc. (NAGDU)

National Federation of the Blind (

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## Tips for Traveling by Air with a Guide Dog

*By Ginger Kutsch, Advocacy Specialist, The Seeing Eye, Inc.*

From beginning to end, here are twenty tips from seasoned guide dog handlers that can help to minimize the stress of traveling by air with your guide dog.

1.         Set up a frequent flier account with your airline.

Every airline has a reward program. These are free and you can visit the airline’s web site to join. Once you have an account, you can print out your boarding pass before you head to the airport.  You can also use the airline’s mobile tools and apps to check in and get a mobile boarding pass; receive automatic updates about any gate changes and your flight status; or learn about inflight amenities such as what snacks/meals will be sold on your flight.

2.         Investigate the use of mobile apps.

A number of apps for both iOS and Android devices can make travel easier. For instance, some airports have their own apps, and other apps like Flight Tracker can check the status of your flight and more. TripIt creates your very own personalized master itinerary; The Seeing Eye GPS app and other similar apps help you navigate in unfamiliar places; “overThere” marks special locations that might otherwise be difficult to find; and The Seeing AI app reads text and signs. My TSA offers airport security screening info including how to file a complaint; Uber or Lyft summons a driver to take you to your destination; the NAGDU app provides both Federal and State service animal access laws; and BeMyEyes, or FaceTime connects you to a sighted person for “real time” assistance. International travelers may appreciate apps like Money Reader which identifies paper currency from various countries; the Mobile Passport lets you skip customs & border protection lines at some U.S. airports; and AppleVis.com lists several language apps under its Travel category.

3.         Set aside cash for tipping.

Estimate how much money you’ll need and store it in a place that can be quickly accessed during your travels. Be prepared with small bills to avoid the hassle of identifying and putting away change. Escort personnel who assist you from one point to the next should be tipped at least $2. If they take you to the restroom or go out of their way to perform additional service in route, then the tip should increase up to $5. If you check your bags curbside, you should tip $2 for the first bag, and $1 for each additional bag. Over-sized bags should be tipped at a rate of $2 per bag. Some frequent flyers will tip more generously in their home airports as a way to increase favor and the likelihood of prompt future service.

4. Choose the best time to fly.

Early morning flights tend to have the least amount of delays.  Friday is generally the busiest airport day, and Saturday is the least busy. Thanksgiving week is the busiest week of the entire year. July is the busiest air travel month, and February usually tends to be the slowest.

5.         Locate airport relief areas before you fly.

Plan for layovers or unexpected delays by checking [www.petfriendlytravel.com/airports](http://www.petfriendlytravel.com/airports) to learn where relief areas are set up along your journey. Often times airline personnel do not know where the areas are located so be prepared to share this information with them. Several larger airports have relief areas inside security now. Some of these areas may contain objects like “fire hydrants” so be careful not to hit your head when you bend down to feel your dog’s body position or to pick up waste. Some areas also have artificial grass which can be automatically rinsed after use. Think twice about pre-rinsing the area since some dogs are reluctant to go on wet surfaces.

6.         Pack an emergency travel kit for your guide dog.

Be sure to include items such as a small supply of medicine for an upset stomach or diarrhea; paper towels neatly folded inside a resealable bag; pick up bags; and hand wipes.

7. Bring along a folding cane.

Should anything happen to your dog, or in case you want to make a quick trip to the ice machine in your hotel, the white cane serves as an excellent backup. (Please note that the Department of Justice prohibits service animals from being left alone in a hotel room if the guest leaves the hotel.)

 8.         Plan for your dog’s meals.

Airline regulations do not exempt dog food or crates from baggage restrictions.  On longer trips, consider shipping the food to your destination, or sending it directly from a supplier on the Internet. Meals that you pack and bring can be pre-measured and stored in resealable sandwich bags, and then put into a larger odor-proof plastic bag to keep the smell of kibble from seeping into your luggage. Pack a few extra servings of food in case of unexpected flight delays or cancellations, and always bring a few meals worth of kibble in your carry-on in case your checked luggage goes missing. Avoid the possibility of intestinal upset by giving your dog bottled or filtered water when you travel, especially when going abroad.

9. Be efficient when you pack.

Consider what items you will need at the airport or on the plane and pack those items for fast retrieval. Your ticket & passport should be securely stored but easily accessible. Tuck a few dog treats or a small chew toy in your pocket to help your dog's ears adjust to changes in cabin pressure. Know the color of your luggage and Mark it with a unique identifier so it can be more easily retrieved by others. If you choose to remove your dog's harness for the flight, place the chest-strap end of the harness over your shoulder and let it rest up against your side, put it between the wall and the window seat, tuck it in the seat pocket in front of you, or put it in overhead storage. (Please note that FAA regulations prohibit storing items in the seat pocket during takeoff and landing so if asked, you'll need to move the harness.)

10.       Take time to groom your dog.

Stress makes most dogs shed more than usual so give your dog a good brushing before you depart. While away, groom your dog in the hotel bathroom where the hair can be swept up easily with a dry sweeping cloth like a Swiffer or a damp tissue. Lightly dampen your hands and rub them through your dog’s coat to eliminate static before you groom, or to remove loose hairs when you finish. Bring a sticky roller to remove stray hairs from your clothing. A lightweight non-slip hot yoga towel or hiking towel is a good option for covering areas you wish to protect from dog hair.

11. Know how to enforce your rights.

The operations of any portion of any airport that are under the control of an air carrier are covered by a federal law called the Air Carrier Access Act (ACAA). (The ACAA does not cover public accommodations located within airports, such as restaurants, shops, or lounges – these places are covered under the ADA.) Under the ACAA, carriers cannot require you to:

                • Sit in a bulkhead or window seat

                • Accept special services that you did not request, e.g. ride in a wheelchair

                • Remain in a specific holding area e.g. on the plane after landing, or other location in order to receive assistance

·         Sit in separate rows when you are accompanied by another person with a service animal

·         Provide advance notice that you are traveling with a guide dog unless you wish to ensure special seating, or plan to travel to Hawaii or abroad.

If you experience a disability-related issue, immediately ask to speak with a CRO (Complaints Resolution Official). CROs must provide immediate on site assistance (either in person or by phone). They are specially trained in disability sensitivity and awareness, as well as applicable federal regulations and legislation. A copy of the ACAA must be available at the airport for review upon request. You can call The Air Travelers with Disabilities hotline at 800-778-4838 to ask questions about your rights. To file a civil rights complaint, visit <https://www.transportation.gov/airconsumer>

12.       Determine the best place to sit on the plane.

Given the many variations in aircraft layout and seat design, it can be difficult to figure out the best place to sit with your dog. You may prefer the bulkhead, but not all bulkheads provide adequate space for your dog, and some bulkheads are no longer available to economy class passengers. Contact the airline’s special needs representative at least 24 hours in advance of your scheduled departure time to reserve a bulkhead or other seat location that best accommodates your needs. If you choose not to give advance notice, carriers must still accommodate your needs to the extent practicable, but they are not required to reassign another passenger’s seat in order to do so. Carriers that do not offer advance seat assignments must allow preboarding to passengers with service animals upon request. Always identify yourself as a person with a disability when asking for an accommodation, even if you think your disability is obvious. When you board, if your dog does not fit in the space immediately in front of you and there is no other seat with sufficient space to safely accommodate you both, there are several options to consider for accommodating your dog. The carrier should speak with other passengers to find a passenger in an adjacent seat who is willing to share foot space with your dog, or a passenger in a seat adjacent to a location where your dog can be accommodated (e.g., in the space behind the last row of seats) or adjacent to an empty seat, who is willing to exchange seats with you. Carriers are not required to provide a seat in a class of service other than the one you have purchased, and service animals are not allowed to be seated in an emergency exit row. Generally, you can sit in any seat you choose, even an aisle seat, but no part of the dog can extend into the main aisle(s) when the guide dog is seated/placed/curled up on the floor. (The space directly in front of the seats is not part of the “main aisle “.) If a flight attendant refuses to relocate you to a more suitable seat, or tries to force you to sit in a seat other than the one you purchased, calmly but firmly ask to speak with a CRO. Avoid further discussion on the matter until the CRO arrives. Likewise, when you request assistance from agents at a ticket counter or at the gate, they will ask to see your ticket. If you are satisfied with your seat assignment, tell the agent that you do not want your seat changed before you hand over your ticket. If they insist, ask to speak with a CRO.

13.       Know what to expect from escort assistance.

Escorts are required to help with key functional areas of the terminal, such as ticket counters, gates, and baggage claim. This requirement also includes a brief stop upon the passenger’s request at the entrance to a rest room – but only if it’s on route and will not result in an unreasonable delay. Escorts are not required to stop at a takeout food or beverage vendor, but will often stop if possible. Ask the escort to point out specific locations along the route should you wish to return later, or in case your flight is delayed. Escorts must also accompany you to a service animal relief area. Consider what “extras” your escort provides and tip accordingly. Frequent flyers often make time to learn their way around their local airport so they can avoid dealing with escort service.

14.       Be proactive when it comes to escort assistance.

When you request an escort, ask how long the wait will be and return to the counter for an update if the escort does not arrive in that time frame. You are not required to sit in a wheelchair and if you do, your dog’s paw may get caught under the wheel. When riding in an electric cart, use a seat facing forward and place your dog at sit between your legs to help it stay in place. Avoid sitting in the back-facing seat as it can be unsafe for your dog. When using escorts, explain your preferred method of travel and offer tips on how they can best assist you. If you choose to follow an escort, attempt to engage in small talk with the individual so that you can follow more easily. Some escorts will offer to take your luggage so consider attaching a bell or other device to it that will easily and consistently make noise for you to follow. If there’s a language barrier, or if the escort is hyper vigilant about offering guidance, you may want to opt for sighted guide. Realize that most escorts have little to no experience with this technique so be cautious and remain alert to your surroundings.  Some escorts will be overwhelmed if you are traveling with another blind person, especially if you both want to follow. One way to diffuse the situation is to go sighted guide while keeping the escort’s attention focused on you as your companion follows. Attach a bear bell to your carry-on, or frequently praise/talk to your dog or the escort in a loud voice as a way to provide your companion with tracking cues.

15.       Ask for assistance from other passengers.

Many handlers will strike up a conversation with fellow passengers in order to request assistance from them instead of waiting for an escort. Remember that you may be the first blind person the passengers have ever helped so be patient and offer guidance on the best way they can assist you.

16.       Take advantage of preboarding.

Preboarding permits you to settle your dog without the pressure of a long line behind you, gives you an opportunity to privately discuss your needs with the flight attendant, and ensures available space in the overhead storage area. Note that carriers are not required to allow you to preboard unless you identify yourself as a person with a disability and explain that you need extra time to get seated. When you first arrive at the gate, find out where the desk is located so you can notify the gate agent that you wish to preboard. Ask what time preboarding will begin and then plan to go back up near the desk about 5 - 10 minutes before the designated time. Even if agents promise to come get you when it’s time to preboard, they often forget so it’s best to rely on yourself.

17.       Be prepared at the security checkpoints.

The Transportation Security Administration (TSA) manages security at U.S. airports. When going through security checkpoints, TSA officers cannot separate you and your dog, or require that you remove your dog’s harness, leash or collar. You can, however, be required to remove harness pouches or signs before the dog is screened. When preparing to go through the metal detector, you can place your dog in a down position to help maintain the dog’s stay. Avoid bumping the sides of the detector by reaching through the archway to grasp the officer’s hand for guidance. Walking thru sideways can allow for more room on either side.  You must maintain contact with your dog’s leash at all times, and if you touch your dog before it has been patted down, you may be subject to a pat-down yourself, even if you did not alarm when you went through. A same gender officer will conduct the pat-down and advise you of the procedure to help you anticipate any actions before you feel them. Expect to be tested for traces of explosives right after you are screened, but testing can also take place in other areas of the airport. Avoid the recent use of topical flea treatments, or products that contain glycerin like hand lotion or sanitizers since they can trigger a false positive test when you are swabbed for explosives. Be aware that explosive detection canine teams may be present at checkpoints in larger airports, and passengers with service animals cannot be screened using full-body scanners. Reduce the chance of loss or theft by placing small items such as your cell phone, wallet, loose change, keys, watch and other jewelry, or sunglasses in a re-sealable bag before placing them in the bin. Finally, if you experience problems at the security checkpoint, ask to speak with a Passenger Support Specialist (PSS) or a supervisor. You can call TSA Cares toll free at 1-855-787-2227 at least 72 hours prior to traveling with questions about screening policies and  procedures or if you require additional support at the checkpoint. If you wish to file a formal complaint against an officer, call the Transportation Security Administration (TSA) Office of Civil Rights at 877-336-4872 or send a message to [TSA.ODPO@dhs.gov](mailto:TSA.ODPO@dhs.gov).

18.       Prepare in advance for international travel

International travel regulations can differ from country to country so be sure to allow enough time to find out what forms, vaccinations and blood tests may be required. Some of these requirements must be completed months before departure. Some countries may not allow service animals at all and some may restrict dog food from being brought into the country. Even though it’s part of the United States, travel to Hawaii also requires several additional steps before your dog can visit the island. Start researching your trip by visiting [www.seeingeye.org/access](http://www.seeingeye.org/access) and follow the link to travel by air or sea.

19.       Sign up for credit card security alerts.

Some credit card companies offer fraud or transaction alerts where you can sign up to receive a text message or email any time your card is charged over a specified amount. Simply set the alert threshold to one dollar or as low as possible to get alerts any time your card is used. Although this isn’t specifically related to air travel, it’s helpful for the overall trip. This allows you to more quickly dispute erroneous charges, such as an additional cleaning fee for your guide dog. As an aside, if you plan to use your card while traveling, especially if you leave the country, you may wish to notify your bank/credit card company to avoid any interruption in service.

20.       Be your own best advocate.

Hi everyone,

We are working on the bill concerning attacks on guide dogs, AB 1865.

At this point, it would really help us to hear from anyone who has been attacked or harassed by another dog. Please write a letter describing your story and send it to me. Please describe what happened and the impact it had on you and the impact it had on your dog. Describe emotional as well as physical injury. We really want people to understand the effect that attacks have, emotionally as well as physically, on both humans and dogs.

You can also send your story to Amanda Hernandez in Assemblyman Tom Lackey's office if you would prefer. But we are hoping to keep copies of the stories so we can reuse them for later committee hearings.

Below is the text of the bill. Amanda Hernandez from Assemblyman Lackey's office has flagged the text below with [AMENDMENT HERE] at the points where an amendment is proposed. She also attached a pdf version.

In short, this bill would delete, from both crimes, the requirement that the guide, signal, or service dog be in discharge of its duties when the injury or death occurs and would make these crimes applicable to the injury or death of dogs that are enrolled in a training school or program for guide, signal, or service dogs, as specified. The bill would require the defendant, convicted of either crime, to also make restitution to the person for medical or medical-related expenses, or for loss of wages or income, incurred by the person as a direct result of the crime. The bill would authorize the disabled person to apply for compensation from the California Victim Compensation Board and would authorize the board to pay compensation for medical and medical-related expenses, and loss of wages or income incurred by the person with a disability as a direct result of a violation of those criminal provisions, in an amount not to exceed $10,000.

The bill begins below here:

An act to amend Sections 13955 and 13957 of the Government Code, and to amend Sections 600.2 and 600.5 of the Penal Code, relating to guide, signal, and service dogs, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1865, as introduced, Lackey. Guide, signal, and service dogs:

injury or death.

Under existing law, it is an infraction or a misdemeanor for any person to permit any dog that is owned, harbored, or controlled by him or her to cause injury to, or the death of, any guide, signal, or service dog, as defined, while the guide, signal, or service dog is in discharge of its duties. Existing law makes any person who intentionally causes injury to, or the death of, any guide, signal, or service dog, as defined, while the dog is in discharge of its duties, guilty of a misdemeanor. Under existing law, if a defendant is convicted of either of these crimes, the defendant is required to make restitution to the person with a disability who has custody or ownership of the dog for any veterinary bills and replacement costs of the dog if it is disabled or killed, or other reasonable costs deemed appropriate by the court. Existing law provides for the compensation of victims of certain crimes by the California Victim Compensation Board from the Restitution Fund, a continuously appropriated fund, for specified losses suffered as a result of those crimes. Existing law authorizes the person with a disability in either of the above crimes to apply for compensation by the board for veterinary bills and replacement costs if the dog is disabled or killed, or other reasonable costs, as specified, in an amount not to exceed $10,000.

This bill would delete, from both crimes, the requirement that the guide, signal, or service dog be in discharge of its duties when the injury or death occurs and would make these crimes applicable to the injury or death of dogs that are enrolled in a training school or program for guide, signal, or service dogs, as specified. The bill would require the defendant, convicted of either crime, to also make restitution to the person for medical or medical-related expenses, or for loss of wages or income, incurred by the person as a direct result of the crime. The bill would authorize the disabled person to apply for compensation from the California Victim Compensation Board and would authorize the board to pay compensation for medical and medical-related expenses, and loss of wages or income incurred by the person with a disability as a direct result of a violation of those criminal provisions, in an amount not to exceed $10,000.

By expanding the authorization for the use of moneys in the continuously appropriated Restitution Fund, this bill would make an appropriation.

Because this bill would expand the scope and penalties of existing crimes, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: 2/3 Appropriation: yes Fiscal Committee: yes Local Program: yes

SECTION 1.

Section 13955 of the Government Code is amended to read:

13955.

Except as provided in Section 13956, a person shall be eligible for compensation when all of the following requirements are met:

(a) The person for whom compensation is being sought is any of the following:

(1) A victim.

(2) A derivative victim.

(3) (A) A person who is entitled to reimbursement for funeral, burial, or crime scene cleanup expenses pursuant to paragraph (9) or (10) of subdivision (a) of Section 13957.

(B) This paragraph applies without respect to any felon status of the victim.

(b) Either of the following conditions is met:

(1) The crime occurred in California. This paragraph shall apply only during those time periods during which the board determines that federal funds are available to the state for the compensation of victims of crime.

(2) Whether or not the crime occurred in California, the victim was any of the following:

(A) A resident of California.

(B) A member of the military stationed in California.

(C) A family member living with a member of the military stationed in California.

(c) If compensation is being sought for a derivative victim, the derivative victim is a resident of California, or any other state, who is any of the following:

(1) At the time of the crime was the parent, grandparent, sibling, spouse, child, or grandchild of the victim.

(2) At the time of the crime was living in the household of the victim.

(3) At the time of the crime was a person who had previously lived in the household of the victim for a period of not less than two years in a relationship substantially similar to a relationship listed in paragraph (1).

(4) Is another family member of the victim, including, but not limited to, the victim’s fiancé or fiancée, and who witnessed the crime.

(5) Is the primary caretaker of a minor victim, but was not the primary caretaker at the time of the crime.

(d) The application is timely pursuant to Section 13953.

(e) (1) Except as provided in paragraph (2), the injury or death was a direct result of a crime.

(2) Notwithstanding paragraph (1), no act involving the operation of a motor vehicle, aircraft, or water vehicle that results in injury or death constitutes a crime for the purposes of this chapter, except when the injury or death from such an act was any of the following:

(A) Intentionally inflicted through the use of a motor vehicle, aircraft, or water vehicle.

(B) Caused by a driver who fails to stop at the scene of an accident in violation of Section 20001 of the Vehicle Code.

(C) Caused by a person who is under the influence of any alcoholic beverage or drug.

(D) Caused by a driver of a motor vehicle in the immediate act of fleeing the scene of a crime in which he or she knowingly and willingly participated.

(E) Caused by a person who commits vehicular manslaughter in violation of subdivision (b) of Section 191.5, subdivision (c) of Section 192, or Section 192.5 of the Penal Code.

(F) Caused by any party where a peace officer is operating a motor vehicle in an effort to apprehend a suspect, and the suspect is evading, fleeing, or otherwise attempting to elude the peace officer.

(f) As a direct result of the crime, the victim or derivative victim sustained one or more of the following:

(1) Physical injury. The board may presume a child who has been the witness of a crime of domestic violence has sustained physical injury.

A child who resides in a home where a crime or crimes of domestic violence have occurred may be presumed by the board to have sustained physical injury, regardless of whether the child has witnessed the crime.

(2) Emotional injury and a threat of physical injury.

(3) Emotional injury, where the crime was a violation of any of the following provisions:

(A) Section 236.1, 261, 262, 271, 273a, 273d, 285, 286, 288, 288a, 288.5, 289, or 653.2, or subdivision (b) or (c) of Section 311.4, of the Penal Code.

(B) Section 270 of the Penal Code, where the emotional injury was a result of conduct other than a failure to pay child support, and criminal charges were filed.

(C) Section 261.5 of the Penal Code, and criminal charges were filed.

(D) Section 278 or 278.5 of the Penal Code, and criminal charges were filed. For purposes of this paragraph, the child, and not the nonoffending parent or other caretaker, shall be deemed the victim.

[AMENDMENT HERE] (4) Injury to, or the death of, a guide, signal, or service dog, as defined in Section 54.1 of the Civil Code, and medical or medical-related expenses of, and loss of wages or income incurred by the disabled person as a result of a violation of Section 600.2 or

600.5 of the Penal Code.

(5) Emotional injury to a victim who is a minor incurred as a direct result of the nonconsensual distribution of pictures or video of sexual conduct in which the minor appears.

(g) The injury or death has resulted or may result in pecuniary loss within the scope of compensation pursuant to Sections 13957 to 13957.7, inclusive.

SEC. 2.

Section 13957 of the Government Code is amended to read:

13957.

(a) The board may grant for pecuniary loss, when the board determines it will best aid the person seeking compensation, as follows:

(1) Subject to the limitations set forth in Section 13957.2, reimburse the amount of medical or medical-related expenses incurred by the victim for services that were provided by a licensed medical provider, including, but not limited to, eyeglasses, hearing aids, dentures, or any prosthetic device taken, lost, or destroyed during the commission of the crime, or the use of which became necessary as a direct result of the crime.

(2) Subject to the limitations set forth in Section 13957.2, reimburse the amount of outpatient psychiatric, psychological, or other mental health counseling-related expenses incurred by the victim or derivative victim, including peer counseling services provided by a rape crisis center as defined by Section 13837 of the Penal Code, and including family psychiatric, psychological, or mental health counseling for the successful treatment of the victim provided to family members of the victim in the presence of the victim, whether or not the family member relationship existed at the time of the crime, that became necessary as a direct result of the crime, subject to the following conditions:

(A) The following persons may be reimbursed for the expense of their outpatient mental health counseling in an amount not to exceed ten thousand dollars ($10,000):

(i) A victim.

(ii) A derivative victim who is the surviving parent, grandparent, sibling, child, grandchild, spouse, fiancé, or fiancée of a victim of a crime that directly resulted in the death of the victim.

(iii) A derivative victim, as described in paragraphs (1) to (4), inclusive, of subdivision (c) of Section 13955, who is the primary caretaker of a minor victim whose claim is not denied or reduced pursuant to Section 13956 in a total amount not to exceed ten thousand dollars ($10,000) for not more than two derivative victims.

(B) The following persons may be reimbursed for the expense of their outpatient mental health counseling in an amount not to exceed five thousand dollars ($5,000):

(i) A derivative victim not eligible for reimbursement pursuant to subparagraph (A), provided that mental health counseling of a derivative victim described in paragraph (5) of subdivision (c) of Section 13955, shall be reimbursed only if that counseling is necessary for the treatment of the victim.

(ii) A minor who suffers emotional injury as a direct result of witnessing a violent crime and who is not eligible for reimbursement of the costs of outpatient mental health counseling under any other provision of this chapter. To be eligible for reimbursement under this clause, the minor must have been in close proximity to the victim when he or she witnessed the crime.

(C) The board may reimburse a victim or derivative victim for outpatient mental health counseling in excess of that authorized by subparagraph (A) or (B) or for inpatient psychiatric, psychological, or other mental health counseling if the claim is based on dire or exceptional circumstances that require more extensive treatment, as approved by the board.

(D) Expenses for psychiatric, psychological, or other mental health counseling-related services may be reimbursed only if the services were provided by either of the following individuals:

(i) A person who would have been authorized to provide those services pursuant to former Article 1 (commencing with Section 13959) as it read on January 1, 2002.

(ii) A person who is licensed in California to provide those services, or who is properly supervised by a person who is licensed in California to provide those services, subject to the board’s approval and subject to the limitations and restrictions the board may impose.

(3) Subject to the limitations set forth in Section 13957.5, authorize compensation equal to the loss of income or loss of support, or both, that a victim or derivative victim incurs as a direct result of the victim’s or derivative victim’s injury or the victim’s death. If the victim or derivative victim requests that the board give priority to reimbursement of loss of income or support, the board may not pay medical expenses, or mental health counseling expenses, except upon the request of the victim or derivative victim or after determining that payment of these expenses will not decrease the funds available for payment of loss of income or support.

(4) Authorize a cash payment to or on behalf of the victim for job retraining or similar employment-oriented services.

(5) Reimburse the expense of installing or increasing residential security, not to exceed one thousand dollars ($1,000). Installing or increasing residential security may include, but need not be limited to, both of the following:

(A) Home security device or system.

(B) Replacing or increasing the number of locks.

(6) Reimburse the expense of renovating or retrofitting a victim’s residence, or the expense of modifying or purchasing a vehicle, to make the residence or the vehicle accessible or operational by a victim upon verification that the expense is medically necessary for a victim who is permanently disabled as a direct result of the crime, whether the disability is partial or total.

(7) (A) Authorize a cash payment or reimbursement not to exceed two thousand dollars ($2,000) to a victim for expenses incurred in relocating, if the expenses are determined by law enforcement to be necessary for the personal safety of the victim or by a mental health treatment provider to be necessary for the emotional well-being of the victim.

(B) The cash payment or reimbursement made under this paragraph shall only be awarded to one claimant per crime giving rise to the relocation. The board may authorize more than one relocation per crime if necessary for the personal safety or emotional well-being of the claimant. However, the total cash payment or reimbursement for all relocations due to the same crime shall not exceed two thousand dollars ($2,000). For purposes of this paragraph a claimant is the crime victim, or, if the victim is deceased, a person who resided with the deceased at the time of the crime.

(C) The board may, under compelling circumstances, award a second cash payment or reimbursement to a victim for another crime if both of the following conditions are met:

(i) The crime occurs more than three years from the date of the crime giving rise to the initial relocation cash payment or reimbursement.

(ii) The crime does not involve the same offender.

(D) When a relocation payment or reimbursement is provided to a victim of sexual assault or domestic violence and the identity of the offender is known to the victim, the victim shall agree not to inform the offender of the location of the victim’s new residence and not to allow the offender on the premises at any time, or shall agree to seek a restraining order against the offender. A victim may be required to repay the relocation payment or reimbursement to the board if he or she violates the terms set forth in this paragraph.

(E) Notwithstanding subparagraphs (A) and (B), the board may increase the cash payment or reimbursement for expenses incurred in relocating to an amount greater than two thousand dollars ($2,000), if the board finds this amount is appropriate due to the unusual, dire, or exceptional circumstances of a particular claim.

(F) If a security deposit is required for relocation, the board shall be named as the recipient and receive the funds upon expiration of the victim’s rental agreement.

(8) When a victim dies as a result of a crime, the board may reimburse any individual who voluntarily, and without anticipation of personal gain, pays or assumes the obligation to pay any of the following

expenses:

(A) The medical expenses incurred as a direct result of the crime in an amount not to exceed the rates or limitations established by the board.

(B) The funeral and burial expenses incurred as a direct result of the crime, not to exceed seven thousand five hundred dollars ($7,500). The board shall not create or comply with a regulation or policy that mandates a lower maximum potential amount of an award pursuant to this subparagraph for less than seven thousand five hundred dollars ($7,500).

(9) When the crime occurs in a residence or inside a vehicle, the board may reimburse any individual who voluntarily, and without anticipation of personal gain, pays or assumes the obligation to pay the reasonable costs to clean the scene of the crime in an amount not to exceed one thousand dollars ($1,000). Services reimbursed pursuant to this subdivision shall be performed by persons registered with the State Department of Public Health as trauma scene waste practitioners in accordance with Chapter 9.5 (commencing with Section 118321) of Part 14 of Division 104 of the Health and Safety Code.

[AMENDMENT HERE] (10) When the crime is a violation of Section 600.2 or 600.5 of the Penal Code, the board may reimburse the expense of veterinary services, replacement costs, medical or medical-related expenses of, and loss of wages or income incurred by, the disabled person, or other reasonable expenses, as ordered by the court pursuant to Section 600.2 or 600.5 of the Penal Code, in an amount not to exceed ten thousand dollars ($10,000).

(11) An award of compensation pursuant to paragraph (5) of subdivision

(f) of Section 13955 shall be limited to compensation to provide mental health counseling and shall not limit the eligibility of a victim for an award that he or she may be otherwise entitled to receive under this part. A derivative victim shall not be eligible for compensation under this provision.

(b) The total award to or on behalf of each victim or derivative victim may not exceed thirty-five thousand dollars ($35,000), except that this award may be increased to an amount not exceeding seventy thousand dollars ($70,000) if federal funds for that increase are available.

SEC. 3.

Section 600.2 of the Penal Code is amended to read:

600.2.

[AMENDMENT HERE] (a) It is a crime for any person to permit any dog which that is owned, harbored, or controlled by him or her to cause injury to to, or the death of of, any guide, signal, or service dog, as defined by Section 54.1 of the CivilCode, while the guide, signal, or service dog is in discharge of its duties. Code.

(b) A violation of this section is an infraction punishable by a fine not to exceed two hundred fifty dollars ($250) if the injury or death to any guide, signal, or service dog is caused by the person’s failure to exercise ordinary care in the control of his or her dog.

[AMENDMENT HERE] (c) A violation of this section is a misdemeanor if the injury or death to any guide, signal, or service dog is caused by the person’s reckless disregard in the exercise of control over his or her dog, under circumstances that constitute such a departure from the conduct of a reasonable person as to be incompatible with a proper regard for the safety and life of any guide, signal, or service dog. A violation of this subdivision shall be punishable by imprisonment in a county jail not exceeding one year, or by a fine of not less than two thousand five hundred dollars ($2,500) nor more than five thousand dollars ($5,000), or both. by both that fine and imprisonment. The court shall consider the costs ordered pursuant to subdivision (d) when determining the amount of any fines.

[AMENDMENT HERE] (d) In any case in which a defendant A defendant who is convicted of a violation of this section, the defendantsection shall be ordered to make restitution to the person with a disability who has custody or ownership of the guide, signal, or service dog for any veterinary bills and replacement costs of the dog if it is disabled or killed,medical or medical-related expenses of, and loss of wages or income incurred by, the person with a disability as a direct result of a violation of this section, or other reasonable costs deemed appropriate by the court. The costs ordered pursuant to this subdivision shall be paid prior to any fines. The person with the disability may apply for compensation by the California Victim Compensation Board pursuant to Chapter 5 (commencing with Section

13950) of Part 4 of Division 3 of Title 2 of the Government Code, in an amount not to exceed ten thousand dollars ($10,000).

[AMENDMENT HERE] (e) For the purpose of this section, a “guide, signal, or service dog” also includes a dog enrolled in a training school or program, located in this state, for guide, signal, or service dogs.

SEC. 4.

Section 600.5 of the Penal Code is amended to read:

600.5.

[AMENDMENT HERE] (a) Any person who intentionally causes injury to to, or the death of of, any guide, signal, or service dog, as defined by Section 54.1 of the Civil Code, while the dog is in discharge of its duties, is guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding ten thousand dollars ($10,000), or by both a fine and imprisonment. The court shall consider the costs ordered pursuant to subdivision (b) when determining the amount of any fines.

[AMENDMENT HERE] (b) In any case in which a defendant A defendant who is convicted of a violation of this section, the defendantsection shall be ordered to make restitution to the person with a disability who has custody or ownership of the dog for any veterinary bills and replacement costs of the dog if it is disabled or killed, medical or medical-related expenses of, and loss of wages or income incurred by, the person with a disability as a direct result of a violation of this section, or other reasonable costs deemed appropriate by the court.

The costs ordered pursuant to this subdivision shall be paid prior to any fines. The person with the disability may apply for compensation by the California Victim Compensation Board pursuant to Chapter 5 (commencing with Section 13950) of Part 4 of Division 3 of Title 2 of the Government Code, in an amount not to exceed ten thousand dollars ($10,000).

[AMENDMENT HERE] (c) For the purpose of this section, a “guide, signal, or service dog” also includes a dog enrolled in a training school or program, located in this state, for guide, signal, or service dogs.

SEC. 5.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

From: Margie Donovan [<mailto:margie.donovan1@outlook.com>]

Sent: Thursday, January 18, 2018 4:45 PM

To: Hernandez, Amanda

Subject: RE: Office of Assemblyman Tom Lackey | Update on Service and Guide Dog Legislation

Greetings Amanda,

Can you please send me a copy of the bill? I can’t read scanned images. If you convert it to a PDF txt file, it still secures the document, but it is also readable by computer screen readers.

Best,

Margie

From: Hernandez, Amanda [<mailto:Amanda.Hernandez@asm.ca.gov>]

Sent: Tuesday, January 16, 2018 10:17 AM

To: Margie Donovan

Subject: RE: Office of Assemblyman Tom Lackey | Update on Service and Guide Dog Legislation

Good Morning, Margie:

Assemblyman Lackey introduced this bill last Friday. It is Assembly Bill 1865. Senator Wiener signed on as co-author before Mr. Lackey introduced. Mr. Lackey is still looking for co-authors, so please feel free to keep us in the loop as you contact other offices. Thank you for forwarding your contact with Assemblyman Quirk’s office.

As for other co-sponsors, you could reach out to Molly Burke. She is a young woman who advocates for disability rights. She is Canadian, but recently moved to Los Angeles. Here is her website link:

<https://www.mollyburkeofficial.com/>.

The following is a list of the Assembly Members and the Member’s phone number on the Assembly Public Safety Committee:

Assembly Member Reginald Byron Jones-Sawyer, Sr.

Phone 916 - 319-2059

Assembly Member Wendy Carrillo

Phone 916 - 319-2051

Assembly Member Lorena S. Gonzalez Fletcher Phone 916 - 319-2080 Assembly Member Kevin Kiley Phone 916 - 319-2006 Assembly Member Bill Quirk Phone 916 - 319-2020 Assembly Member Miguel Santiago Phone 916 - 319-2053

The following is a list of the Senators and the Senator’s phone number on the Senate Public Safety Committee:

Senator Nancy Skinner

Phone 916 - 651-4009

Senator Joel Anderson

Phone 916 -651 -4038

Senator Steven Bradford

Phone 916 - 651-4035

Senator Hannah-Beth Jackson

Phone 916 - 651-4019

Senator Holly J. Mitchell

Phone 916 - 651-4030

Senator Jeff Stone

Phone 916 -651 -4028

Senator Scott D. Wiener

Phone 916 - 651-4011

Please let me know if you have any questions.

Warm Regards,

Amanda Hernandez

From: Margie Donovan [<mailto:margie.donovan1@outlook.com>]

Sent: Sunday, January 14, 2018 7:16 PM

To: Hernandez, Amanda

Subject: RE: Office of Assemblyman Tom Lackey | Update on Service and Guide Dog Legislation

Greetings, he

N

You have a chance, would you please email me the Public Safety Committee members? I had a full list when I was meeting with representatives, but it appears as if some have dropped from the list.

Thanks much!]

Margie

P.S.I am working on a co-sponsor.

I

rom: Hernandez, Amanda [<mailto:Amanda.Hernandez@asm.ca.gov>]

Sent: Wednesday, January 03, 2018 1:23 PM

To: [margie.donovan1@outlook.com<mailto:margie.donovan1@outlook.com](mailto:margie.donovan1@outlook.com%3cmailto:margie.donovan1@outlook.com)>

Cc: Arcidiacono, Elisa

Subject: Office of Assemblyman Tom Lackey | Update on Service and Guide Dog Legislation

Good Afternoon, Margie:

I hope your new year is off to a great start. I want to update you on the status of the Service and Guide Dog Legislation.

I have contacted the California Victim’s Compensation Board and they provided me with their statistics regarding service dog attacks and reimbursement. The legislation that enabled Cal V C B to reimburse victims for expenses related to veterinary or replacement of an injured or killed service dog during a qualifying crime was enacted on January 1, 2015; thus, they only have two years of statistics to provide. Since that time, Cal V C B has received one veterinary bill for an injured service dog. The expense was $113.50 and received on October 16, 2107. Unfortunately, the expense was not allowable because the crime occurred prior to January 1, 2015, the statute’s effective date.

This information will help us as we move through the process.

Our office will be introducing the bill language you originally sent over so we can start moving forward with this legislation. We will be able to make amendments to the language later in order to clarify the intentions of the bill further.

Please let me know if you have any questions.

Warm Regards,

Amanda Hernandez | Assembly Fellow

Assemblyman Tom Lackey 36th District

State Capitol, Room 2174

916.319.2036

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SHANNON L. DILLON

## My In-Home Training Experience with Fidelco Guide Dog Foundation

By Shannon Dillon

In 2006, I received my first guide dog from Fidelco Guide Dog Foundation which is located in Connecticut. I chose the school because it provided dogs and in-home training. That was really important to me because I could not afford to take time off from work, and pay for my cats to go to a kennel for a month. At the time, all schools licensed to do business in California required first-time guide dog trainees to attend school for four weeks. Kennels for each cat would have cost $30 per cat per day. I had two cats. On top of that, I would have to take a month off from work with no pay. I just made enough money to cover my rent; without working I couldn’t pay the rent. So I needed in-home training. When I told the large guide dog school near me about my problems attending a residential program, they told me there was no other option; first-time guide dog trainees must attend the school for a month. Then I found out about Fidelco Guide Dog Foundation.

Fidelco’s program included an 18-day training course in-home. Before my trainer and dog were schedule to arrive, I received a box including a couple of different collars, dishes, grooming tools, and material including training material I needed to listen to. The training material included how to manage different dog problems like diarrhea, cleaning ears, information about grooming, and a whole instruction on hand gestures and movements when working with the dog. I was supposed to practice the hand gestures and movements before I dog arrived. I practiced what to do when stepping up to a curb, turning left, turning right, approaching the top of stairs, etc.

Then my trainer and dog arrived. I met Yalie and had her with me fulltime from day one. On the first day, my trainer brought my dog to me and showed me how to relieve her. Our goal was to begin bonding. I learned to comb and brush her and to feed her. My assignment for the first day was to walk around the house, feed her cheese, and take her outside to relieve her. She was leashed to me so she was moving around with me at all times. I had to keep her leashed to me all the time for the first week.

The second day, we started to walk around outside together. There was a plaza near my home where I did all my shopping. I was so familiar with it that sometimes when I had too many groceries to carry, I could carry them with both hands and not use my cane for the most part. I walked Yalie up and down my block and then around the plaza. By the third day I was walking farther and farther from home, marveling at how fast we could go. Yalie would totally jog with me. It was awesome.

By the fourth day, my instructor said, “now take Yalie and walk her somewhere you have never been before.” Well, there were a lot of places in my neighborhood I hadn’t walked before, just a few blocks up or a few blocks over. So I walked this big, huge square of streets I had never in my life walked on, with my instructor following behind me somewhere. We walked by this lady’s house and she was feeding a bunch of stray cats outside on her driveway. My trainer said the old lady gave her a really dirty look because we walked right through the cats who were flocking around to be fed. But Yalie was great and didn’t respond to the cat food or the cats.

In the following days, we went to the mall in San Francisco, a huge mall that I dread going to because it is loud, it echoes, and there is a hall of elevators you have to use to get around, and you can’t hear the elevator bells because the mall is so loud. It was a perfect test for how useful a dog could be to find an open elevator door. We walked along the Embarcadero and went passed many dogs and people. We crossed the triangles on the north side of Market Street in San Francisco. For those who do not know, in San Francisco on the North side of Market Street, two streets combine and run into market at each intersection, creating lots of triangles on the north side of Market. On the south side of Market Street, there are normal intersections with one street crossing Market. But when you cross a street on the north side you really have to pay attention to traffic to figure out which street you are crossing, and to stay on Market, you have to cross two streets at every intersection. It was a great way to learn how much easier it could be to use a guide dog to get across an otherwise intimidating intersection. I took Yalie on BART and on a bus. We walked around Fishermen’s Wharf. We did traffic checks during which my trainer would act like she was going to hit us with the car. She started feeling like Yalie recognized the car because Yalie would start watching for the car and anticipating what my trainer was going to do, so my trainer got a different car to practice the traffic checks with.

I also talked with a friend who had had many guide dogs. We talked a lot on the phone while I was home bonding with Yalie. She was a great source of support, especially when I couldn’t get Yalie to poop. I kept thinking I was missing it and my trainer said it would take time before Yalie trusted me enough to poop with me. I think it took four days. I learned how to feel for the posture to identify when my dog was going to poop. I learned to aim my foot at where Yalie had squatted so I could scoop it up and throw it away.

Over all, I loved my training. In-home training was wonderful for me. I had a disagreement with Fidelco over something unrelated and withdrew my application for a successor dog from the school. Although I attended a class in a residential program for my second dog, because I had already gotten through the application process and they had a match for me, I am grateful for the in-home training I received in 2006, without which I could not have had a guide dog.

I’m so glad guide dog users in California including support from Guide Dogs for the Blind, National Federation of the Blind of California and California Council of the Blind successfully abolished the California State Board of Guide Dogs for the Blind so that consumers can receive in-home follow-up and training from their chosen school.

## Tug a Tug a Chew Chew

*A Tug Toy Recommendation from CAGDU Member, Debbie Worstman*

Tug toy that we bought at a Guide dog Puppy Fun day at GDB about three years ago. It is in the shape of a figure 8 so the dog does not have as much of a chance to get your hands instead of the toy when he or she goes fort. It is very durable and is made by GoughNuts. They have a life time guarantee on their toys IF the dog chews through them, and if a person can see the color red instead of the original color of a toy they will replace it.

We have had our tug toy for three years and it is still in good condition.

Hoagy loves it and he is a powerful tugger

(Available through Amazon.com for $27.95)

## Dog Treat Recipe of the Month

*Curtesy of CAGDU President, Tina Thomas*

Easy No Bake Pumpkin Peanut Butter Dog Treats.

1 cup pumpkin puree (not pie filling)

¼ cup peanut butter

2-1/2 cups rolled oats

¼ cup water.

  Combine all ingredients in a large bowl.  Form into 1-inch balls and roll through additional oats.  Place on rimmed sheet and put in fridge until firm,

## Bill Continued

An act to amend Sections 13955 and 13957 of the Government Code, and to amend Sections 600.2 and 600.5 of the Penal Code, relating to guide, signal, and service dogs, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1865, as introduced, Lackey. Guide, signal, and service dogs:

injury or death.

Under existing law, it is an infraction or a misdemeanor for any person to permit any dog that is owned, harbored, or controlled by him or her to cause injury to, or the death of, any guide, signal, or service dog, as defined, while the guide, signal, or service dog is in discharge of its duties. Existing law makes any person who intentionally causes injury to, or the death of, any guide, signal, or service dog, as defined, while the dog is in discharge of its duties, guilty of a misdemeanor. Under existing law, if a defendant is convicted of either of these crimes, the defendant is required to make restitution to the person with a disability who has custody or ownership of the dog for any veterinary bills and replacement costs of the dog if it is disabled or killed, or other reasonable costs deemed appropriate by the court. Existing law provides for the compensation of victims of certain crimes by the California Victim Compensation Board from the Restitution Fund, a continuously appropriated fund, for specified losses suffered as a result of those crimes. Existing law authorizes the person with a disability in either of the above crimes to apply for compensation by the board for veterinary bills and replacement costs if the dog is disabled or killed, or other reasonable costs, as specified, in an amount not to exceed $10,000.

This bill would delete, from both crimes, the requirement that the guide, signal, or service dog be in discharge of its duties when the injury or death occurs and would make these crimes applicable to the injury or death of dogs that are enrolled in a training school or program for guide, signal, or service dogs, as specified. The bill would require the defendant, convicted of either crime, to also make restitution to the person for medical or medical-related expenses, or for loss of wages or income, incurred by the person as a direct result of the crime. The bill would authorize the disabled person to apply for compensation from the California Victim Compensation Board and would authorize the board to pay compensation for medical and medical-related expenses, and loss of wages or income incurred by the person with a disability as a direct result of a violation of those criminal provisions, in an amount not to exceed $10,000.

By expanding the authorization for the use of moneys in the continuously appropriated Restitution Fund, this bill would make an appropriation.

Because this bill would expand the scope and penalties of existing crimes, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: 2/3 Appropriation: yes Fiscal Committee: yes Local Program: yes

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SECTION 1.

Section 13955 of the Government Code is amended to read:

13955.

Except as provided in Section 13956, a person shall be eligible for compensation when all of the following requirements are met:

(a) The person for whom compensation is being sought is any of the following:

(1) A victim.

(2) A derivative victim.

(3) (A) A person who is entitled to reimbursement for funeral, burial, or crime scene cleanup expenses pursuant to paragraph (9) or (10) of subdivision (a) of Section 13957.

(B) This paragraph applies without respect to any felon status of the victim.

(b) Either of the following conditions is met:

(1) The crime occurred in California. This paragraph shall apply only during those time periods during which the board determines that federal funds are available to the state for the compensation of victims of crime.

(2) Whether or not the crime occurred in California, the victim was any of the following:

(A) A resident of California.

(B) A member of the military stationed in California.

(C) A family member living with a member of the military stationed in California.

(c) If compensation is being sought for a derivative victim, the derivative victim is a resident of California, or any other state, who is any of the following:

(1) At the time of the crime was the parent, grandparent, sibling, spouse, child, or grandchild of the victim.

(2) At the time of the crime was living in the household of the victim.

(3) At the time of the crime was a person who had previously lived in the household of the victim for a period of not less than two years in a relationship substantially similar to a relationship listed in paragraph (1).

(4) Is another family member of the victim, including, but not limited to, the victim’s fiancé or fiancée, and who witnessed the crime.

(5) Is the primary caretaker of a minor victim, but was not the primary caretaker at the time of the crime.

(d) The application is timely pursuant to Section 13953.

(e) (1) Except as provided in paragraph (2), the injury or death was a direct result of a crime.

(2) Notwithstanding paragraph (1), no act involving the operation of a motor vehicle, aircraft, or water vehicle that results in injury or death constitutes a crime for the purposes of this chapter, except when the injury or death from such an act was any of the following:

(A) Intentionally inflicted through the use of a motor vehicle, aircraft, or water vehicle.

(B) Caused by a driver who fails to stop at the scene of an accident in violation of Section 20001 of the Vehicle Code.

(C) Caused by a person who is under the influence of any alcoholic beverage or drug.

(D) Caused by a driver of a motor vehicle in the immediate act of fleeing the scene of a crime in which he or she knowingly and willingly participated.

(E) Caused by a person who commits vehicular manslaughter in violation of subdivision (b) of Section 191.5, subdivision (c) of Section 192, or Section 192.5 of the Penal Code.

(F) Caused by any party where a peace officer is operating a motor vehicle in an effort to apprehend a suspect, and the suspect is evading, fleeing, or otherwise attempting to elude the peace officer.

(f) As a direct result of the crime, the victim or derivative victim sustained one or more of the following:

(1) Physical injury. The board may presume a child who has been the witness of a crime of domestic violence has sustained physical injury.

A child who resides in a home where a crime or crimes of domestic violence have occurred may be presumed by the board to have sustained physical injury, regardless of whether the child has witnessed the crime.

(2) Emotional injury and a threat of physical injury.

(3) Emotional injury, where the crime was a violation of any of the following provisions:

(A) Section 236.1, 261, 262, 271, 273a, 273d, 285, 286, 288, 288a, 288.5, 289, or 653.2, or subdivision (b) or (c) of Section 311.4, of the Penal Code.

(B) Section 270 of the Penal Code, where the emotional injury was a result of conduct other than a failure to pay child support, and criminal charges were filed.

(C) Section 261.5 of the Penal Code, and criminal charges were filed.

(D) Section 278 or 278.5 of the Penal Code, and criminal charges were filed. For purposes of this paragraph, the child, and not the nonoffending parent or other caretaker, shall be deemed the victim.

[AMENDMENT HERE] (4) Injury to, or the death of, a guide, signal, or service dog, as defined in Section 54.1 of the Civil Code, and medical or medical-related expenses of, and loss of wages or income incurred by the disabled person as a result of a violation of Section 600.2 or

600.5 of the Penal Code.

(5) Emotional injury to a victim who is a minor incurred as a direct result of the nonconsensual distribution of pictures or video of sexual conduct in which the minor appears.

(g) The injury or death has resulted or may result in pecuniary loss within the scope of compensation pursuant to Sections 13957 to 13957.7, inclusive.

SEC. 2.

Section 13957 of the Government Code is amended to read:

13957.

(a) The board may grant for pecuniary loss, when the board determines it will best aid the person seeking compensation, as follows:

(1) Subject to the limitations set forth in Section 13957.2, reimburse the amount of medical or medical-related expenses incurred by the victim for services that were provided by a licensed medical provider, including, but not limited to, eyeglasses, hearing aids, dentures, or any prosthetic device taken, lost, or destroyed during the commission of the crime, or the use of which became necessary as a direct result of the crime.

(2) Subject to the limitations set forth in Section 13957.2, reimburse the amount of outpatient psychiatric, psychological, or other mental health counseling-related expenses incurred by the victim or derivative victim, including peer counseling services provided by a rape crisis center as defined by Section 13837 of the Penal Code, and including family psychiatric, psychological, or mental health counseling for the successful treatment of the victim provided to family members of the victim in the presence of the victim, whether or not the family member relationship existed at the time of the crime, that became necessary as a direct result of the crime, subject to the following conditions:

(A) The following persons may be reimbursed for the expense of their outpatient mental health counseling in an amount not to exceed ten thousand dollars ($10,000):

(i) A victim.

(ii) A derivative victim who is the surviving parent, grandparent, sibling, child, grandchild, spouse, fiancé, or fiancée of a victim of a crime that directly resulted in the death of the victim.

(iii) A derivative victim, as described in paragraphs (1) to (4), inclusive, of subdivision (c) of Section 13955, who is the primary caretaker of a minor victim whose claim is not denied or reduced pursuant to Section 13956 in a total amount not to exceed ten thousand dollars ($10,000) for not more than two derivative victims.

(B) The following persons may be reimbursed for the expense of their outpatient mental health counseling in an amount not to exceed five thousand dollars ($5,000):

(i) A derivative victim not eligible for reimbursement pursuant to subparagraph (A), provided that mental health counseling of a derivative victim described in paragraph (5) of subdivision (c) of Section 13955, shall be reimbursed only if that counseling is necessary for the treatment of the victim.

(ii) A minor who suffers emotional injury as a direct result of witnessing a violent crime and who is not eligible for reimbursement of the costs of outpatient mental health counseling under any other provision of this chapter. To be eligible for reimbursement under this clause, the minor must have been in close proximity to the victim when he or she witnessed the crime.

(C) The board may reimburse a victim or derivative victim for outpatient mental health counseling in excess of that authorized by subparagraph (A) or (B) or for inpatient psychiatric, psychological, or other mental health counseling if the claim is based on dire or exceptional circumstances that require more extensive treatment, as approved by the board.

(D) Expenses for psychiatric, psychological, or other mental health counseling-related services may be reimbursed only if the services were provided by either of the following individuals:

(i) A person who would have been authorized to provide those services pursuant to former Article 1 (commencing with Section 13959) as it read on January 1, 2002.

(ii) A person who is licensed in California to provide those services, or who is properly supervised by a person who is licensed in California to provide those services, subject to the board’s approval and subject to the limitations and restrictions the board may impose.

(3) Subject to the limitations set forth in Section 13957.5, authorize compensation equal to the loss of income or loss of support, or both, that a victim or derivative victim incurs as a direct result of the victim’s or derivative victim’s injury or the victim’s death. If the victim or derivative victim requests that the board give priority to reimbursement of loss of income or support, the board may not pay medical expenses, or mental health counseling expenses, except upon the request of the victim or derivative victim or after determining that payment of these expenses will not decrease the funds available for payment of loss of income or support.

(4) Authorize a cash payment to or on behalf of the victim for job retraining or similar employment-oriented services.

(5) Reimburse the expense of installing or increasing residential security, not to exceed one thousand dollars ($1,000). Installing or increasing residential security may include, but need not be limited to, both of the following:

(A) Home security device or system.

(B) Replacing or increasing the number of locks.

(6) Reimburse the expense of renovating or retrofitting a victim’s residence, or the expense of modifying or purchasing a vehicle, to make the residence or the vehicle accessible or operational by a victim upon verification that the expense is medically necessary for a victim who is permanently disabled as a direct result of the crime, whether the disability is partial or total.

(7) (A) Authorize a cash payment or reimbursement not to exceed two thousand dollars ($2,000) to a victim for expenses incurred in relocating, if the expenses are determined by law enforcement to be necessary for the personal safety of the victim or by a mental health treatment provider to be necessary for the emotional well-being of the victim.

(B) The cash payment or reimbursement made under this paragraph shall only be awarded to one claimant per crime giving rise to the relocation. The board may authorize more than one relocation per crime if necessary for the personal safety or emotional well-being of the claimant. However, the total cash payment or reimbursement for all relocations due to the same crime shall not exceed two thousand dollars ($2,000). For purposes of this paragraph a claimant is the crime victim, or, if the victim is deceased, a person who resided with the deceased at the time of the crime.

(C) The board may, under compelling circumstances, award a second cash payment or reimbursement to a victim for another crime if both of the following conditions are met:

(i) The crime occurs more than three years from the date of the crime giving rise to the initial relocation cash payment or reimbursement.

(ii) The crime does not involve the same offender.

(D) When a relocation payment or reimbursement is provided to a victim of sexual assault or domestic violence and the identity of the offender is known to the victim, the victim shall agree not to inform the offender of the location of the victim’s new residence and not to allow the offender on the premises at any time, or shall agree to seek a restraining order against the offender. A victim may be required to repay the relocation payment or reimbursement to the board if he or she violates the terms set forth in this paragraph.

(E) Notwithstanding subparagraphs (A) and (B), the board may increase the cash payment or reimbursement for expenses incurred in relocating to an amount greater than two thousand dollars ($2,000), if the board finds this amount is appropriate due to the unusual, dire, or exceptional circumstances of a particular claim.

(F) If a security deposit is required for relocation, the board shall be named as the recipient and receive the funds upon expiration of the victim’s rental agreement.

(8) When a victim dies as a result of a crime, the board may reimburse any individual who voluntarily, and without anticipation of personal gain, pays or assumes the obligation to pay any of the following

expenses:

(A) The medical expenses incurred as a direct result of the crime in an amount not to exceed the rates or limitations established by the board.

(B) The funeral and burial expenses incurred as a direct result of the crime, not to exceed seven thousand five hundred dollars ($7,500). The board shall not create or comply with a regulation or policy that mandates a lower maximum potential amount of an award pursuant to this subparagraph for less than seven thousand five hundred dollars ($7,500).

(9) When the crime occurs in a residence or inside a vehicle, the board may reimburse any individual who voluntarily, and without anticipation of personal gain, pays or assumes the obligation to pay the reasonable costs to clean the scene of the crime in an amount not to exceed one thousand dollars ($1,000). Services reimbursed pursuant to this subdivision shall be performed by persons registered with the State Department of Public Health as trauma scene waste practitioners in accordance with Chapter 9.5 (commencing with Section 118321) of Part 14 of Division 104 of the Health and Safety Code.

[AMENDMENT HERE] (10) When the crime is a violation of Section 600.2 or 600.5 of the Penal Code, the board may reimburse the expense of veterinary services, replacement costs, medical or medical-related expenses of, and loss of wages or income incurred by, the disabled person, or other reasonable expenses, as ordered by the court pursuant to Section 600.2 or 600.5 of the Penal Code, in an amount not to exceed ten thousand dollars ($10,000).

(11) An award of compensation pursuant to paragraph (5) of subdivision

(f) of Section 13955 shall be limited to compensation to provide mental health counseling and shall not limit the eligibility of a victim for an award that he or she may be otherwise entitled to receive under this part. A derivative victim shall not be eligible for compensation under this provision.

(b) The total award to or on behalf of each victim or derivative victim may not exceed thirty-five thousand dollars ($35,000), except that this award may be increased to an amount not exceeding seventy thousand dollars ($70,000) if federal funds for that increase are available.

SEC. 3.

Section 600.2 of the Penal Code is amended to read:

600.2.

[AMENDMENT HERE] (a) It is a crime for any person to permit any dog which that is owned, harbored, or controlled by him or her to cause injury to, or the death of, any guide, signal, or service dog, as defined by Section 54.1 of the Civil Code, while the guide, signal, or service dog is in discharge of its duties. Code.

(b) A violation of this section is an infraction punishable by a fine not to exceed two hundred fifty dollars ($250) if the injury or death to any guide, signal, or service dog is caused by the person’s failure to exercise ordinary care in the control of his or her dog.

[AMENDMENT HERE] (c) A violation of this section is a misdemeanor if the injury or death to any guide, signal, or service dog is caused by the person’s reckless disregard in the exercise of control over his or her dog, under circumstances that constitute such a departure from the conduct of a reasonable person as to be incompatible with a proper regard for the safety and life of any guide, signal, or service dog. A violation of this subdivision shall be punishable by imprisonment in a county jail not exceeding one year, or by a fine of not less than two thousand five hundred dollars ($2,500) nor more than five thousand dollars ($5,000), or both. By both that fine and imprisonment. The court shall consider the costs ordered pursuant to subdivision (d) when determining the amount of any fines.

[AMENDMENT HERE] (d) In any case in which a defendant A defendant who is convicted of a violation of this section, the defendant section shall be ordered to make restitution to the person with a disability who has custody or ownership of the guide, signal, or service dog for any veterinary bills and replacement costs of the dog if it is disabled or killed, medical or medical-related expenses of, and loss of wages or income incurred by, the person with a disability as a direct result of a violation of this section, or other reasonable costs deemed appropriate by the court. The costs ordered pursuant to this subdivision shall be paid prior to any fines. The person with the disability may apply for compensation by the California Victim Compensation Board pursuant to Chapter 5 (commencing with Section

13950) of Part 4 of Division 3 of Title 2 of the Government Code, in an amount not to exceed ten thousand dollars ($10,000).

[AMENDMENT HERE] (e) For the purpose of this section, a “guide, signal, or service dog” also includes a dog enrolled in a training school or program, located in this state, for guide, signal, or service dogs.

SEC. 4.

Section 600.5 of the Penal Code is amended to read:

600.5.

[AMENDMENT HERE] (a) Any person who intentionally causes injury to, or the death of, any guide, signal, or service dog, as defined by Section 54.1 of the Civil Code, while the dog is in discharge of its duties, is guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding ten thousand dollars ($10,000), or by both a fine and imprisonment. The court shall consider the costs ordered pursuant to subdivision (b) when determining the amount of any fines.

[AMENDMENT HERE] (b) In any case in which a defendant A defendant who is convicted of a violation of this section, the defendant section shall be ordered to make restitution to the person with a disability who has custody or ownership of the dog for any veterinary bills and replacement costs of the dog if it is disabled or killed, medical or medical-related expenses of, and loss of wages or income incurred by, the person with a disability as a direct result of a violation of this section, or other reasonable costs deemed appropriate by the court.

The costs ordered pursuant to this subdivision shall be paid prior to any fines. The person with the disability may apply for compensation by the California Victim Compensation Board pursuant to Chapter 5 (commencing with Section 13950) of Part 4 of Division 3 of Title 2 of the Government Code, in an amount not to exceed ten thousand dollars ($10,000).

[AMENDMENT HERE] (c) For the purpose of this section, a “guide, signal, or service dog” also includes a dog enrolled in a training school or program, located in this state, for guide, signal, or service dogs.

SEC. 5.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Assemblyman Lackey introduced this bill Friday, January 12. It is Assembly Bill 1865. Senator Wiener signed on as co-author before Mr. Lackey introduced it. Mr. Lackey is still looking for co-authors,

The following is a list of the Assembly Members and the Member’s phone number on the Assembly Public Safety Committee:

Assembly Member Reginald Byron Jones-Sawyer, Sr.

Phone 916 - 319-2059

Assembly Member Wendy Carrillo

Phone 916 - 319-2051

Assembly Member Lorena S. Gonzalez Fletcher Phone 916 - 319-2080 Assembly Member Kevin Kiley Phone 916 - 319-2006 Assembly Member Bill Quirk Phone 916 - 319-2020 Assembly Member Miguel Santiago Phone 916 - 319-2053

The following is a list of the Senators and the Senator’s phone number on the Senate Public Safety Committee:

Senator Nancy Skinner

Phone 916 - 651-4009

Senator Joel Anderson

Phone 916 -651 -4038

Senator Steven Bradford

Phone 916 - 651-4035

Senator Hannah-Beth Jackson

Phone 916 - 651-4019

Senator Holly J. Mitchell

Phone 916 - 651-4030

Senator Jeff Stone

Phone 916 -651 -4028

Senator Scott D. Wiener

Phone 916 - 651-4011

From: Margie Donovan [<mailto:margie.donovan1@outlook.com>]

Sent: Sunday, January 14, 2018 7:16 PM

To: Hernandez, Amanda

Subject: RE: Office of Assemblyman Tom Lackey | Update on Service and Guide Dog Legislation

Greetings, he

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You have a chance, would you please email me the Public Safety Committee members? I had a full list when I was meeting with representatives, but it appears as if some have dropped from the list.

Thanks much!]

Margie

P.S.I am working on a co-sponsor.

I

rom: Hernandez, Amanda [<mailto:Amanda.Hernandez@asm.ca.gov>]

Sent: Wednesday, January 03, 2018 1:23 PM

To: [margie.donovan1@outlook.com<mailto:margie.donovan1@outlook.com](mailto:margie.donovan1@outlook.com%3cmailto:margie.donovan1@outlook.com)>

Cc: Arcidiacono, Elisa

Subject: Office of Assemblyman Tom Lackey | Update on Service and Guide Dog Legislation

Good Afternoon, Margie:

I hope your new year is off to a great start. I want to update you on the status of the Service and Guide Dog Legislation.

I have contacted the California Victim’s Compensation Board and they provided me with their statistics regarding service dog attacks and reimbursement. The legislation that enabled Cal V C B to reimburse victims for expenses related to veterinary or replacement of an injured or killed service dog during a qualifying crime was enacted on January 1, 2015; thus, they only have two years of statistics to provide. Since that time, Cal V C B has received one veterinary bill for an injured service dog. The expense was $113.50 and received on October 16, 2107. Unfortunately, the expense was not allowable because the crime occurred prior to January 1, 2015, the statute’s effective date.

This information will help us as we move through the process.

We can start moving forward with this legislation. We will be able to make amendments to the language later in order to clarify the intentions of the bill further.

Please let me know if you have any questions.

Warm Regards,

Amanda Hernandez | Assembly Fellow