**SENATE BILL No. 298**

April 28, 2015, Introduced by Senators KNEZEK, JONES, BIEDA, HOOD, O'BRIEN, HERTEL, BRANDENBURG, SCHUITMAKER, HOPGOOD, SCHMIDT, EMMONS, KNOLLENBERG, PROOS, ANANICH, NOFS, HORN, YOUNG, WARREN, HILDENBRAND, ZORN, ROCCA, MARLEAU, ROBERTSON, BOOHER and GREGORY and referred to the Committee on Veterans, Military Affairs and Homeland Security.

     A bill to amend 1931 PA 328, entitled

"The Michigan penal code,"

by amending sections 50a and 502c (MCL 750.50a and 750.502c),

section 50a as added by 1994 PA 42 and section 502c as amended by

1998 PA 38.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

     Sec. 50a. (1) An individual shall not do either of the

following:

     (a) Willfully and maliciously assault, beat, harass, injure,

or attempt to assault, beat, harass**,** or injure **an animal** that

he or she knows or has reason to believe is a service **animal** for a

**person with a disability.**

     (b) Willfully and maliciously impede or interfere with, or

attempt to impede or interfere with**,** duties performed by **an**

**animal** that he or she knows or has reason to believe is a service

**animal** for a **person with a disability.**

     (2) An individual who violates subsection (1) is guilty of a

misdemeanor punishable by imprisonment for not more than 90 days or

a fine of not more than $500.00, or both.

     (3) In a prosecution for a violation of subsection (1),

evidence that the defendant initiated or continued conduct directed

toward **an animal** described in subsection (1) after being

requested to avoid or discontinue that conduct or similar conduct

by a **person with a disability** being served or assisted by the

**animal** shall give rise to a rebuttable presumption that the

conduct was initiated or continued maliciously.

     (4) A conviction and imposition of a sentence under this

section does not prevent a conviction and imposition of a sentence

under any other applicable provision of law.

     (5) As used in this section:

1. "Harass" means to engage in any conduct directed

toward **an animal described**

**in subsection (1)** that is likely to impede or interfere with the

**animal's** performance of its duties or that places the **person**

**with a disability** being served or assisted by the **animal** in

danger of injury.

**(b)** "Injure" means to cause any physical injury to

**an animal** described in subsection (1).

**(c)** "Maliciously" means any of the following:

     (*i*) With intent to assault, beat, harass**,** or injure **an**

**animal** described in subsection (1).

     (*ii*) With intent to impede or interfere with duties performed

by **an animal** described in subsection (1).

     (*iii*) With intent to disturb, endanger, or cause emotional

distress to a **person with a disability** being served or assisted by

**an animal** described in subsection (1).

     (*iv*) With knowledge that the individual's conduct willor is

likely to harass or injure **an animal** described in subsection

(1).

     (*v*) With knowledge that the individual's conduct willor is

likely to impede or interfere with duties performed by **an**

**animal** described in subsection (1).

     (*vi*) With knowledge that the individual's conduct willor is

likely to disturb, endanger, or cause emotional distress to a

**person with a disability** being served or assisted by **an**

**animal** described in subsection (1).

**(d) "Person with a disability" means a person who satisfies**

**all of the following conditions:**

**(*i*) Has a physical or mental impairment that substantially**

**limits 1 or more major life activities.**

**(*ii*) Has a history or record of an impairment described in**

**subparagraph (*i*).**

**(*iii*) Is perceived by other persons as having an impairment**

**described in subparagraph (*i*).**

**(e) As used in subdivision (d), "person with a disability"**

**includes a veteran who has been diagnosed with 1 or more of the**

**following:**

**(*i*) Post-traumatic stress disorder.**

**(*ii*) Traumatic brain injury.**

**(*iii*) Other service-related disabilities.**

**(f) "Service animal" means a dog or a miniature horse that is**

**on a leash, harness, or other tether and under the control of its**

**handler that has been individually trained to do work or perform**

**tasks for the benefit of a person with a disability, including a**

**physical, sensory, psychiatric, intellectual, or other mental**

**disability.**

**(g) "Veteran" means any of the following:**

**(*i*) A person who performed military service in the armed**

**forces for a period of more than 90 days and separated from the**

**armed forces in a manner other than a dishonorable discharge.**

**(*ii*) A person discharged or released from military service**

**because of a service-related disability.**

**(*iii*) A member of a reserve branch of the armed forces at the**

**time he or she was ordered to military service during a period of**

**war, or in a campaign or expedition for which a campaign badge is**

**authorized, and was released from military service in a manner**

**other than a dishonorable discharge.**

     Sec. 502c. (1) A person who is an owner, lessee, proprietor,

manager, superintendent, agent, or employee of any place of public

or private housing, accommodation, amusement, or recreation,

including but not limited to any inn, hotel, motel, apartment

building, trailer park, restaurant, barbershop, billiard parlor,

store, public conveyance on land or water, theater, motion picture

house, public or private educational institution, or elevator, who

refuses to permit a person with **a disability** to enter

or use the place when the place is available because the person

with **a disability** is being led or accompanied by a service **animal**

is guilty

of a misdemeanor**.**

     (2) A person who is an owner, lessee, proprietor, manager,

superintendent, agent, or employee of any place of public or

private housing, accommodation, amusement, or recreation,

including, but not limited to, the places listed in subsection (1),

who refuses to permit a trainer of **a** service **animal** to enter or use

the place when the

place is available because the trainer is being led or accompanied

by a service **animal** is

guilty of a misdemeanor**.**

     (3) As used in this section:

**(a)** "Person with **a disability"** means a

person who **satisfies all of the following conditions:**

**(*i*) Has a physical or mental impairment that substantially**

**limits 1 or more major life activities.**

**(*ii*) Has a history or record of an impairment described in**

**subparagraph (*i*).**

**(*iii*) Is perceived by other persons as having an impairment**

**described in subparagraph (*i*).**

**(b) As used in subdivision (a), "person with a disability"**

**includes a veteran who has been diagnosed with 1 or more of the**

**following:**

**(*i*) Post-traumatic stress disorder.**

**(*ii*) Traumatic brain injury.**

**(*iii*) Other service-related disabilities.**

**(c) "Service animal" means a dog or a miniature horse that is**

**on a leash, harness, or other tether and under the control of its**

**handler that has been individually trained to do work or perform**

**tasks for the benefit of a person with a disability, including a**

**physical, sensory, psychiatric, intellectual, or other mental**

**disability.**

**(d) "Veteran" means any of the following:**

**(*i*) A person who performed military service in the armed**

**forces for a period of more than 90 days and separated from the**

**armed forces in a manner other than a dishonorable discharge.**

**(*ii*) A person discharged or released from military service**

**because of a service-related disability.**

**(*iii*) A member of a reserve branch of the armed forces at the**

**time he or she was ordered to military service during a period of**

**war, or in a campaign or expedition for which a campaign badge is**

**authorized, and was released from military service in a manner**

**other than a dishonorable discharge.**