

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1907

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 12, 2013

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 1907.

As amended and reported by the committee, Senate Bill No. 1907, to be known as “Dusty’s Law,” establishes criminal penalties for killing, injuring, or interfering with a service animal or guide dog. As introduced, the bill’s provisions only applied to guide dogs.

Under the provisions of the bill, it is a crime of the fourth degree for a person to recklessly kill a service animal or guide dog, or to recklessly permit a dog that he or she owns or has immediate control over, to kill a service animal or guide dog. Fourth degree crimes are punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.

A person who recklessly injures a service animal or guide dog, or recklessly permits a dog that he or she owns or has immediate control over, to injure a service animal or guide dog would be a disorderly person under the bill. Disorderly persons offenses are punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both.

A person who recklessly interferes with the use of a service animal or guide dog, or who recklessly permits a dog that he or she owns or over which he or she has immediate control to interfere with a guide dog, by obstructing, intimidating, or otherwise jeopardizing the safety of that service animal or guide dog or its handler, is guilty of a petty disorderly persons offense. Petty disorderly persons offenses are punishable by a term of imprisonment of up to 30 days, a fine of up to \$500, or both.

The bill also requires a person who recklessly kills, injures, or interferes with a service animal or guide dog to pay restitution. Restitution under the bill includes, but is not limited to, the value of the service animal or guide dog; replacement and training or retraining expenses for the service animal or guide dog and the handler; veterinary and other medical and boarding expenses for the service animal or guide dog; medical expenses for the handler; and lost wages or income incurred by the handler during any period that the handler is without the services of the service animal or guide dog.

A person acts “recklessly” with respect to a material element of an offense under this State’s criminal code when he or she consciously disregards a substantial and unjustifiable risk that the material element exists or will result from his or her conduct. The risk must be of such a nature and degree that, considering the nature and purpose of the person's conduct and the circumstances known to the person, its disregard involves a gross deviation from the standard of conduct that a reasonable person would observe in the person’s situation.

As amended, the bill defines a “guide dog” as a dog or dog in training which has been or is being raised or trained to provide assistance to a blind or deaf person, including but not limited to a dog that has been or is being raised or trained by a volunteer puppy raiser or staff member of an organization generally recognized as being involved in the rehabilitation of the blind or deaf and reputable and competent to provide dogs with specialized training. The amended bill defines a “service animal” as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. This is the definition of a service animal under the federal Americans with Disabilities Act.

As amended and reported by the committee, Senate Bill No. 1907 is identical to Assembly Committee Substitute for Assembly Bill No. 4105, also reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee amended the bill to broaden the bill’s provisions to include service animals. The committee also made the definition of a guide dog more general for prosecutorial purposes. Technical amendments also were made.