

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

As Engrossed: H2/2/99

# A Bill

Act 571 of 1999  
HOUSE BILL 1256

5 By: Representative Madison  
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## For An Act To Be Entitled

9 "AN ACT TO PROVIDE CRIMINAL PENALTIES AND RESTITUTION  
10 FOR KILLING OR INJURING SERVICE ANIMALS OR SEARCH AND  
11 RESCUE DOGS; AND FOR OTHER PURPOSES."

## Subtitle

13 "TO PROVIDE CRIMINAL PENALTIES AND  
14 RESTITUTION FOR KILLING OR INJURING  
15 SERVICE ANIMALS OR SEARCH AND RESCUE  
16 DOGS."  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code 5-54-126 is amended to read as follows:

23 "5-54-126. Killing or injuring animals used by law enforcement or search  
24 and rescue dogs.

25 (a) (1) Any person who, without just cause, purposely kills or injures  
26 any animal owned by or used by a law enforcement agency or any search and  
27 rescue dog shall be guilty of a Class D felony.

28 (2) 'Search and rescue dog' means any dog: (i) in training for or  
29 trained for the purpose of search and rescue, (ii) owned by an independent  
30 handler or member of a search and rescue team, and (iii) used in conjunction  
31 with local law enforcement or emergency services organizations, for the  
32 purpose of locating missing persons or evidence of arson.

33 (b) Any person guilty of violating subsection (a) of this section shall  
34 also be required to make restitution to the law enforcement agency or owner so  
35 aggrieved."  
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SECTION 2. Arkansas Code 20-14-304 is amended to read as follows:

"20-14-304. Right to be accompanied by service animal; Penalty and restitution for killing or injuring a service animal or search and rescue dog.

(a) Every visually handicapped, hearing impaired, or other physically disabled person shall have the right to be accompanied by a service animal especially trained to do work or perform tasks for the benefit of an individual with a disability in or upon any and all public ways, public places, and other public accommodations and housing accommodations prescribed in § 20-14-303 and shall not be required to pay any extra fee or charge for the service animal.

(b) However, any visually handicapped, hearing impaired, or other physically disabled person accompanied by a service animal in any public way, public place, public accommodation, or housing accommodation shall be liable for any damage caused to the premises or facilities by the animal.

(c) For purposes of this section, 'search and rescue dog' means any dog: (1) in training for or trained for the purpose of search and rescue, (2) owned by an independent handler or member of a search and rescue team, and (3) used in conjunction with local law enforcement or emergency services organizations, for the purpose of locating missing persons or evidence of arson.

(d) Any person who, without just cause, purposely kills or injures any service animal described in this section or any search and rescue dog is guilty of a Class D felony.

(e) Any person who kills or injures any service animal described in this section or any search and rescue dog shall make restitution to the owner of the animal."

SECTION 3. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

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SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.

*/s/ Madison*

APPROVED: 3/15/1999