

HOUSE BILL NO. 170

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE BRICE

Introduced: 3/5/97

Referred: Health, Education and Social Services, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to interference with the rights of physically and mentally
2 challenged persons; and relating to service animals during their training period."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 11.76.130 is amended to read:

5 Sec. 11.76.130. Interference with rights of physically or mentally
6 challenged [DISABLED] person. (a) A person commits the crime of interference
7 with the rights of a physically or mentally challenged [DISABLED] person if the
8 person intentionally prevents or restricts

9 (1) a physically or mentally challenged [DISABLED] person from
10 having full and free pedestrian use of a street, highway, sidewalk, walkway, or other
11 thoroughfare [,] to the same extent that any other person has a right to pedestrian use;
12 or

13 (2) a physically challenged [DISABLED] person from being
14 accompanied or assisted by a certified service animal, without an extra charge for the

1 service animal, in a common carrier, place of public accommodation, or other place
2 to which the general public is invited, except as provided in (b) of this section.

3 (b) A physically **challenged** [DISABLED] person who is accompanied or
4 assisted by a certified service animal in a common carrier, place of public
5 accommodation, or other place to which the general public is invited [,] is liable for
6 property damage done by the animal.

7 (c) In this section,

8 (1) "certified service animal" means an animal trained to assist a
9 physically **challenged** [DISABLED] person and certified by a school or training
10 facility for service animals as having completed such training;

11 (2) "physically or mentally **challenged** [DISABLED]" **means**
12 **physically or mentally disabled, as defined** [HAS THE MEANING GIVEN] in
13 AS 18.80.300.

14 (d) Interference with the rights of a **physically or mentally challenged**
15 [DISABLED] person is a class B misdemeanor.

16 * **Sec. 2.** AS 11.76 is amended by adding a new section to read:

17 **Sec. 11.76.133. Interference with the training of a service animal.** (a) A
18 person commits the crime of interference with the training of a service animal if the
19 person intentionally prevents or restricts a person who is authorized to train service
20 animals from being accompanied by an animal that is in training to be a service
21 animal, or assesses an extra charge because of the animal, in a common carrier, place
22 of public accommodation, or other place to which the general public is invited, except
23 as provided in (b) and (c) of this section.

24 (b) A trainer who is accompanied by an animal in training to be a service
25 animal in a common carrier, place of public accommodation, or other place to which
26 the general public is invited is liable for property damage done by the animal.

27 (c) It is an affirmative defense to a prosecution under this section that the
28 person accompanied by the animal in training to be a service animal did not, when
29 requested by the defendant, give reasonable evidence of being a person authorized to
30 train service animals.

31 (d) In this section,

1 (1) "authorized" means employed by a school, agency, or other facility
2 that trains service animals;

3 (2) "in training to be a service animal" means being in the training
4 period as required under a program administered through a school, agency, or other
5 training facility for service animals whose goal is to certify the animal as being able
6 to assist physically challenged persons.

7 (e) Interference with the training of a service animal is a class B misdemeanor.