

**CS FOR HOUSE BILL NO. 170(HES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 4/2/97

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES BRICE, Croft, Ryan

SENATORS Wilken, Leman, Taylor

**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 pre-training and  
3 training period."

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

5 \* Section 1. AS 11.76.130 is amended to read:

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

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

14 (2) a physically or mentally challenged [DISABLED] person from

1 being accompanied or assisted by a certified service animal, without an extra charge  
 2 for the service animal, in a common carrier, place of public accommodation, or other  
 3 place to which the general public is invited [,] except as provided in (b) of this section.

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

8 (c) In this section,

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

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

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

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

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

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

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

1 (d) In this section,

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

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

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