

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

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 2/5/98

Referred: Judiciary

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 identified as being in training
 22 to be a service animal, or assesses an extra charge because of the animal, in a public
 23 facility, except 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 public facility is liable for property damage done by the animal.

26 (c) It is an affirmative defense to a prosecution under this section that

27 (1) the person accompanied by the animal in training to be a service
 28 animal did not, when requested by the defendant, give reasonable evidence of being
 29 a person authorized to train service animals; or

30 (2) the defendant prevented entry into the facility or caused the trainer
 31 and the animal to leave or be removed from the facility based on unruly or disruptive

1 conduct of the animal that created

2 (A) a substantial risk of imminent physical injury to a person
3 other than the trainer; or

4 (B) an atmosphere that made regular activities by other persons
5 in the facility substantially more difficult than usual.

6 (d) In this section,

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

9 (2) "identified as being in training" means wearing a device or
10 exhibiting an insignia approved by a school, agency, or other facility that trains service
11 animals that identifies the animal as being in training to be a service animal;

12 (3) "in training to be a service animal" means being in the pre-training
13 or training period as required under a program administered through a school, agency,
14 or other training facility for service animals whose goal is to certify the animal as
15 being able to assist physically or mentally challenged persons;

16 (4) "public facility" means a capital improvement owned, operated, or
17 occupied by, or a mode of transportation owned or operated by, the state, a public
18 corporation of the state, the University of Alaska, a political subdivision of the state,
19 or a regional educational attendance area.

20 (e) Interference with the training of a service animal is a violation.