AN ACT

RELATING TO PUBLIC SAFETY; PROHIBITING INTERFERENCE WITH OR INJURY TO ASSISTANCE DOGS; PROVIDING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

- Section 1. FINDINGS AND PURPOSE--INTERFERENCE WITH ASSISTANCE DOG PROHIBITED--CRIMINAL AND CIVIL PENALTIES.--
- A. The legislature finds that unrestrained dogs constitute a danger to assistance dogs and public safety. The purpose of this section is to protect persons with disabilities and assistance dogs from attack by unrestrained dogs.
- B. As used in this section, "assistance dog" means a dog that has been or is being trained for persons with a hearing, sight or other physical disability or impairment.
- C. It is unlawful for any person, with no legal justification, to:
- (1) intentionally interfere with the use of a service dog by harassing or obstructing the service dog user or the service dog; or
- (2) intentionally fail or refuse to control his animal, and the animal interferes with or obstructs the service dog user or the service dog.
- D. The provisions of this section shall not apply to animals on private property not open to the public.
- E. A person who violates the provisions of this section is guilty of a misdemeanor and upon conviction shall be punished pursuant to Section 31-19-1 NMSA 1978. A person convicted under this section may be ordered to pay

restitution, including the cost of veterinary bills and replacement and training costs of the service animal, if required as a result of the violation.

- F. Nothing in this section shall be construed to preclude any other remedies otherwise available pursuant to common law or the NMSA 1978.
- G. As used in this section, "Assistance animal" includes an animal recognized as a service animal pursuant to the Americans with Disabilities Act of 1990.