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SENATE BILL 498

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Nancy E. Rodriguez

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 as a guide dog for persons with a hearing, sight or other physical disability or impairment.

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C. It is unlawful for:

(1) a person to interfere with or injure an assistance dog; or

(2) a dog owner to allow an unrestrained dog to interfere with or injure an assistance dog.

D. 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 who violates the provisions of this section a second time is guilty of a fourth degree felony and upon conviction shall be punished pursuant to the provisions of Section 31-18-15 NMSA 1978.

E. If a person interferes with or injures an assistance dog or allows an unrestrained dog to interfere with or injure an assistance dog and, as a result, the assistance dog is incapable of providing service to the owner, the person shall be liable for civil damages to the owner in an amount equal to the cost of the assistance dog and its training expenses.

F. Nothing in this section shall be construed to preclude any other remedies otherwise available pursuant to common law or the NMSA 1978.

1 FORTY- FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3 SB 498/a

4
5
6 February 27, 1999

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9 Mr. President:

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11 Your JUDICIARY COMMITTEE, to whom has been referred

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13 SENATE BILL 498

14
15 has had it under consideration and reports same with
16 recommendation that it DO PASS, amended as follows:

- 17
18
19 1. On page 1, line 23, strike "as a guide dog".
20
21 2. On page 2, strike lines 1 through 19 in their entirety

22 and insert in lieu thereof the following:

23
24 "C. It is unlawful for any person, with no legal
25 justification, to:

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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(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."

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3 FORTY- FOURTH LEGI SLATURE
4 FIRST SESSI ON, 1999

5
6 SJC/SB 498

Page 5

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9 3. On page 2, after line 22, insert a new subsection to
10 read:

11 "G. As used in this section, "Assistance animal "
12 includes an animal recognized as a service animal pursuant to
13 the Americans with Disabilities Act of 1990. ".
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SJC/SB 498

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Adopted _____

(Chi ef Clerk)

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Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: None

Excused: Aragon, Sanchez, Tsosie

Absent: None

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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 March 11, 1999
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8 Mr. Speaker:
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10 Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to
11 whom has been referred
12

13 SENATE BILL 498, as amended
14

15 has had it under consideration and reports same with
16 recommendation that it DO PASS.

17 Respectfully submitted,
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21 _____
22 James G. Taylor, Chairman
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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3 HGUAC/SB 498a

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4 Adopted _____ Not Adopted _____
5 (Chief Clerk) (Chief Clerk)

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7 Date _____

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9 The roll call vote was 7 For 0 Against

10 Yes: 7

11 Excused: None

12 Absent: None

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