

Senate, April 1, 1998. The Committee on Environment reported through SEN. DAILY, 33rd DIST., Chairman of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THEFT OF, OR ATTACKS ON, GUIDE DOGS AND ASSISTANCE ANIMALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 (NEW) (a) In addition to and not in lieu of
2 any other penalty provided by state law, a blind,
3 deaf or mobility impaired person who uses a guide
4 dog licensed under section 22-345 of the general
5 statutes, or an assistance animal, or the owner of
6 any such dog or assistance animal, may bring an
7 action for economic or noneconomic damages against
8 any person who steals or, without provocation,
9 attacks the dog or assistance animal. Such person
10 or owner may also bring an action for such damages
11 against the owner of any animal that, without
12 provocation, attacks such a dog or assistance
13 animal. The action authorized by this subsection
14 may be brought by such person or owner
15 notwithstanding whether the dog or assistance
16 animal was in the custody of another person when
17 the theft or attack occurred.

18 (b) If the theft of or unprovoked attack on a
19 dog or assistance animal described in subsection
20 (a) of this section results in (1) the death of
21 the dog or animal, (2) the dog or animal not being
22 returned or, (3) injuries sustained in the theft

23 or attack which prevent the dog or animal from
24 returning to service as a guide dog or assistance
25 animal, the measure of economic damages shall
26 include, but need not be limited to, the
27 replacement value of an equally trained dog or
28 assistance animal, without regard for the age or
29 the experience of the animal. In addition, such
30 person or owner may recover any other costs and
31 expenses, incurred as a result of the theft or
32 injury to the dog or assistance animal including,
33 but not limited to, costs of temporary replacement
34 assistance services, whether provided by another
35 dog or assistance animal or a person, and attorney
36 fees.

37 (c) If the theft of, or unprovoked attack on,
38 a dog or assistance animal described in subsection
39 (a) of this section results in injuries from which
40 the dog or assistance animal recovers and returns
41 to service, or if the dog or assistance animal is
42 stolen but is recovered and returns to service,
43 the measure of economic damages incurred by the
44 physically impaired person or owner as a result of
45 the theft of or injury to the dog or assistance
46 animal shall include, but need not be limited to,
47 the veterinary medical expenses, costs of
48 temporary replacement assistance services, whether
49 provided by another dog or animal, or a person,
50 and any other costs and expenses, including
51 attorney fees.

52 (d) No action may be brought under this
53 section if such person, owner or the person having
54 custody or supervision of the dog or assistance
55 animal was committing a criminal or civil trespass
56 at the time of the theft of or attack on the dog
57 or assistance animal.

58 ENV COMMITTEE VOTE: YEA 23 NAY 0 JFS

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER sSB 438

STATE IMPACT	Potential Future Impact, see explanation below
MUNICIPAL IMPACT	None
STATE AGENCY(S)	Judicial Department

EXPLANATION OF ESTIMATES:

STATE IMPACT: The bill could result in a long-term cost impact to the Judicial Department to the extent that additional litigation would occur. The degree to which the courts may see an increase in cases is not known at this time but is not anticipated to be significant. There are about 300 guide dogs and a couple of trained monkeys that assist the blind in Connecticut.

Although new cases are typically added into the court's caseload backlog without incurring new costs, over time caseload increases lead to the need for more funding for court staff. It should be noted that sHB 5021, (the revised Appropriations Act for FY 1998-99, as favorably reported by the Appropriations Committee) includes \$870,000 in partial-year funding for the addition of five judges, associated staff, expenses and sheriffs to more properly address civil case backlogs. This funding is the first phase of an anticipated three year phase-in of 15 more judges for this effort at a cumulative cost of \$7.8 million at the end of three years.

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OLR BILL ANALYSIS

sSB 438

AN ACT CONCERNING THEFT OF, OR ATTACKS ON, GUIDE DOGS AND ASSISTANCE ANIMALS

SUMMARY: This bill allows anyone who uses an assistance animal or a blind, deaf, or mobility impaired person who uses a guide dog to bring an action for damages against (1) anyone who steals or without provocation attacks the animal or (2) anyone whose animal attacks the assistance animal without provocation, with one exception. They may bring an action even if the guide dog or assistance animal was in the custody of someone else when the theft or attack occurred. The bill provides no cause of action if the owner or custodian of the guide dog or assistance animal was trespassing at the time of the theft or attack.

If the theft or attack results in the animal's death, the animal is not returned, or it sustains injuries that prevent it from returning to service, the damages must include the replacement value of an equally trained animal without taking into account the age or experience of the previously owned animal. The damages may include the cost of temporary replacement assistance whether provided by an animal or a person, and attorney fees.

If the animal (1) recovers from injuries sustained in the theft or attack and returns to service or (2) is recovered and returns to service, the damages must include veterinary expenses, the cost of temporary replacement assistance whether given by an animal or a person, and attorney fees.

EFFECTIVE DATE: October 1, 1998

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute
Yea 23 Nay 0