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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH  
SESSION

HOUSE FILE No. **141**

January 20, 2011

Authored by Cornish, Kieffer, Scalze, Atkins and Gauthier

The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance

February 2, 2011

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Judiciary Policy and Finance

February 9, 2011

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

1.1 A bill for an act  
1.2 relating to public safety; increasing penalties for injuring public safety dogs;  
1.3 amending Minnesota Statutes 2010, section 609.596.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2010, section 609.596, is amended to read:

1.6 **609.596 KILLING OR HARMING PUBLIC SAFETY DOG.**

1.7 Subdivision 1. **Felony; mandatory restitution.** (a) It is a felony for any person  
1.8 to intentionally and without justification cause the death of or great bodily harm to a  
1.9 police dog, a search and rescue dog, or an arson dog when the dog is involved in law  
1.10 enforcement, fire, or correctional investigation or apprehension, search and rescue duties,  
1.11 or the dog is in the custody of or under the control of a peace officer, a trained handler, or  
1.12 an employee of a correctional facility. A person convicted under this subdivision may  
1.13 be sentenced to imprisonment for not more than two years or to payment of a fine of not  
1.14 more than \$5,000, or both. ~~In lieu of a fine, the court may order the defendant to pay~~  
1.15 ~~restitution to the owner to replace the police dog, search and rescue dog, or arson dog, in~~  
1.16 ~~an amount not to exceed \$5,000.~~

1.17 (b) The court shall order a person convicted of violating this subdivision to pay  
1.18 restitution, up to \$25,000, for the costs and expenses resulting from the crime. Costs and  
1.19 expenses include, but are not limited to, the purchase and training of a replacement dog  
1.20 and veterinary services for the injured dog. If the court finds that the convicted person is  
1.21 indigent, the court may reduce the amount of restitution to a reasonable level or order it  
1.22 paid in installments.

1.23 Subd. 2. **Gross misdemeanor; mandatory restitution.** (a) It is a gross  
1.24 misdemeanor for any person to intentionally and without justification cause ~~substantial~~

2.1 ~~or great~~ demonstrable bodily harm to a police dog, search and rescue dog, or an arson  
2.2 dog when the dog is involved in law enforcement, fire, or correctional investigation or  
2.3 apprehension, search and rescue duties, or the dog is in the custody of or under the control  
2.4 of a peace officer, a trained handler, or an employee of a correctional facility.

2.5 (b) The court shall order a person convicted of violating this subdivision to pay  
2.6 restitution, up to \$10,000, for the costs and expenses resulting from the crime. Costs and  
2.7 expenses include, but are not limited to, the purchase and training of a replacement dog  
2.8 and veterinary services for the injured dog. If the court finds that the convicted person is  
2.9 indigent, the court may reduce the amount of restitution to a reasonable level or order it  
2.10 paid in installments.

2.11 Subd. 2a. **Misdemeanor.** It is a misdemeanor for any person to intentionally and  
2.12 without justification assault a police dog, search and rescue dog, or an arson dog when the  
2.13 dog is involved in law enforcement, fire, or correctional investigation or apprehension,  
2.14 search and rescue duties, or the dog is in the custody of or under the control of a peace  
2.15 officer, a trained handler, or an employee of a correctional facility.

2.16 Subd. 3. **Definitions.** As used in this section:

2.17 (1) "arson dog" means a dog that has been certified as an arson dog by a state fire  
2.18 or police agency or by an independent testing laboratory;

2.19 (2) "correctional facility" has the meaning given in section 241.021, subdivision 1,  
2.20 paragraph (f);

2.21 (3) "peace officer" has the meaning given in section 626.84, subdivision 1, paragraph  
2.22 (c); and

2.23 (4) "search and rescue dog" means a dog that is trained to locate lost or missing  
2.24 persons, victims of natural or other disasters, and human bodies.