

Testimony of The Seeing Eye 02-15-21.pdf

Uploaded by: Allman, Melissa

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Testimony of The Seeing Eye, Inc.
Before the
Judicial Proceedings Committee of the Maryland Senate
Regarding Senate Bill 607 Criminal Law- Harm to Service Animals -- Support
February 15, 2021

My name is Melissa Allman and I am the Advocacy & Government Relations Specialist at The Seeing Eye, Inc. in Morristown, New Jersey. I appreciate the opportunity to submit written testimony for the hearing record on an issue that is of paramount importance when it comes to the safety of people who are blind and visually impaired working with guide dogs throughout Maryland.

The Seeing Eye was established in 1929 and is the world's oldest guide dog school. We are a charitable, nonprofit organization and our mission is to enhance the independence, dignity and self-confidence of people who are blind and visually impaired through the use of specially bred and trained Seeing Eye® dogs. Currently across North America, there are in active service more than 1700 partnerships between our blind and visually impaired graduates and their Seeing Eye dogs.

The Seeing Eye is a staunch advocate for state laws that criminalize harm to service animals and their handlers and provide remedies for victims of such harm. We have been instrumental in supporting efforts to create or strengthen several such laws in our home state of New Jersey as well as in other states.

Interference and attacks on guide dog teams can leave blind and visually impaired handlers stranded in dangerous situations and sometimes instantly end partnerships that foster daily independence and dignity. The Seeing Eye therefore applauds the efforts of the Maryland legislators who have shown their commitment to this issue by introducing SB607 and its companion bill HB234 and we support the bills.

SB607 and its companion bill are closely modeled on New Jersey's service animal protection statute, codified as 2C:29-3.2, and commonly known as Dusty's Law. IN 2010, a New Jersey volunteer puppy raiser for The Seeing Eye and Dusty, the German shepherd puppy he was raising, were viciously attacked by an uncontrolled loose dog in their neighborhood. Both the puppy raiser and Dusty were severely injured and Dusty was unable to undergo training to become a working guide.

In 2011, The Seeing Eye conducted a survey of guide dog handlers in the United States and Canada to gather information about their experiences with attacks and interference from aggressive dogs. Eighty-three percent of U.S. survey respondents reported they had experienced some type of aggressive interference by a dog and 44% had experienced a physical attack on

their guide dog. Fifty-eight percent even had their dog attacked more than once. Most of the encounters happened on a public sidewalk or right of way. More recent data collected by The Seeing Eye indicates that aggressive interference is still a serious threat to guide dog teams across North America. Strong legislation to protect service animal handlers in every state, and enforcement of that legislation, is what it will take to combat this problem.

The Seeing Eye used the 2011 survey results to raise public awareness and to educate legislators about the serious risks posed to guide dog teams by attack and interference. Volunteers and friends of The seeing Eye tirelessly lobbied for legislation to protect service animals and their handlers. As a result, Dusty's Law was passed in 2014. If Maryland passes SB607, it could become the forty-eighth state to enact a service animal protection law and join New Jersey in having one of the strongest such laws in the nation.

We appreciate the opportunity to submit this testimony for the public record and, respectfully, we strongly urge passage of this essential legislation to promote guide dog teams working safely and without interference throughout Maryland. Please do not hesitate to contact The Seeing Eye if you have any questions about this testimony.

Respectfully,

Melissa R. Allman
Senior Specialist, Advocacy and Government Relations
The Seeing Eye, Inc.
1 Seeing Eye Way
Morristown, NJ 07960
(973) 539-4425 ext. 1724
mallman@seeingeeye.org

SB607_fav_HSUS.pdf

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Position: FAV



THE HUMANE SOCIETY OF THE UNITED STATES

February 17, 2021

Judicial Proceedings Committee

SB607

Criminal Law - Harm to Service Animals

FAVORABLE

The Humane Society of the United States, on behalf of our members and supporters in Maryland, urge a favorable report on SB607, “Criminal Law – Harm to Service Animals.” This bill would strengthen the penalties for causing harm to service animals, creating more robust protections for these amazing animals.

A service animal is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. To succeed the service animal must have the right temperament and extensive training. These animals are valuable not just for the time and cost invested in their training, but because of their dedication, loyalty, and temperament that enables them to succeed in a highly demanding role.

Individuals with disabilities may use service animals for a variety of reasons, but ultimately the role of these animals is to enable their owners to navigate all the situations they may encounter throughout a day, to remain focused on their handler and attentive to his or her needs, and to react proactively to a dangerous situation. When a service animal is injured, particularly if that injury comes from intentional harm, it can render the animal incapable of performing its job due to fear or nervousness that render the animal unable to remain focused on its handler. This causes an unfair stress on the animal and puts the handler in a dangerous situation.

By the nature of their jobs, service animals are required to be exposed to a wide variety of public encounters. They serve their handlers loyally and deserve protection should they be harmed in the performance of their duties. For these reasons, HSUS urges a favorable report on SB607.

*For more information contact Jennifer Bevan-Dangel, Maryland State Director
jbevandangel@humanesociety.org | C 202-963-8446*

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Uploaded by: Fullerton, Kimberly

Position: FAV

MARYLAND STATE BAR ASSOCIATION

ANIMAL LAW SECTION

February 15, 2021

Senator William C. Smith, Jr., *Chair*
Senator Michael A. Jackson
Senate Judicial Proceedings Committee
Miller Senate Office Building, 2 East Wing
11 Bladen St., Annapolis, MD 21401 – 1991

RE: Maryland State Bar Association Animal Law Section
Written Testimony in Support of SB 607

Dear Senator Smith, Senator Jackson, and Committee Members:

The Maryland State Bar Association Animal Law Section (the “Section”) supports SB 607, which prohibits a person from intentionally or recklessly killing, injuring, or interfering with a service animal directly, or through an animal, and establishes penalties for the violation of the Act.

I. MARYLAND FALLS BEHIND 44 STATES BY FAILING TO PROTECT SERVICE ANIMALS FROM INTERFERENCE

It is a grim reality that most service dogs and their users will experience interference of some kind from another dog, and that many interferences will further escalate into an attack. According to a study cited by the Connecticut Law Review, 89% of respondents reported that they had experienced interference from another dog, 42% had experienced an attack, and 6% of the guide dogs were forced to retire as a result of the attack.¹

Forty-four states have realized the importance and vulnerability of service animals and have passed laws protecting them from criminal interference, theft, and assault.² Only Maryland, Alabama, Alaska, Iowa, Montana and West Virginia have not passed such laws.³ The Section is hopeful that Maryland will join the forty-four other states that have already addressed this need, beginning with a favorable report from this Committee.

II. INTERFERENCE WITH SERVICE ANIMALS ENDANGERS THE LIVES OF HUMANS

Interfering or harming service animals while they are working can endanger the life of their human user. Service animals perform a myriad of duties which are essential to the safety of their users. For example, guide dogs help blind and visually impaired individuals navigate, hearing

¹ Sandra D. Dawson, *Protecting a Special Class of Animals: An Examination of and Recommendation for Enacting Dog Guide Protection Statutes*, 37 Conn. L. Rev. 569, 574 (Winter, 2004).

² Rebecca F. Wisch, *Table of Service Animal Laws*, Michigan State University College of Law Animal Legal & Historical Center, 2019. <https://www.animallaw.info/article/detailed-discussion-assistance-animal-laws#id-13>

³ *Id.*

dogs help alert deaf and hard-of-hearing individuals, and medical alert dogs alert users to changes in their physiology related to conditions such as diabetes and seizures. Given the magnitude of the responsibility carried by service animals, it is not hard to imagine that even a momentary interference could spell disaster for their users.

The Section thanks the Committee members for their attention to this issue and urges a favorable report of SB 607.

Respectfully Submitted,

/s/

Kimberly Fullerton

Immediate Past Chair

Maryland State Bar Association Animal Law Section

CC: Richard A. Montgomery, III
Director of Legislative and Government Relations
Maryland State Bar Association

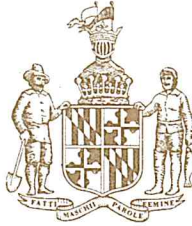
Jackson607.pdf

Uploaded by: Jackson, Michael

Position: FAV

MICHAEL A. JACKSON
Legislative District 27
Calvert, Charles and
Prince George's Counties

Judicial Proceedings Committee



Annapolis Office
Miller Senate Office Building
11 Bladen Street, Suite 3 West
Annapolis, Maryland 21401
410-841-3700 · 301-858-3700
800-492-7122 Ext. 3700
Michael.Jackson@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

TESTIMONY - SENATE BILL 607
CRIMINAL LAW – HARM TO SERVICE ANIMALS
JUDICIAL PROCEEDINGS COMMITTEE
FEBRUARY 17, 2020

Chairman Smith, Vice Chairman Waldstreicher, and Fellow Committee Members:

Thousands of Marylanders with physical and emotional challenges rely on service animals to perform everyday tasks and to function in society. These animals provide a variety of methods of assistance to those with visual, auditory, and emotional impairments. These methods of assistance cannot be easily retrained and when an individual with such challenges loses the services of their support animal, they often lose their ability to efficiently navigate everyday life.

Senate Bill 607 is a straightforward piece of legislation that seeks to make clear the value of service animals and to strengthen the penalties for those who intentionally (or recklessly) kill or injure them. If enacted, this bill would make a violation of this type a misdemeanor punishable by up to five years in prison and/or a maximum \$5,000 fine. Additionally, it would require those guilty of an offense to pay full restitution for the veterinary expenses or replacement of the service animal.

The average upfront cost for a service animal typically ranges from \$15,000 to \$30,000 (and more in some cases depending on the type of services that the animal provides). Due to the amount of training that these animals receive, and the unique capabilities that they provide, their value is clearly different than that of a household pet and uniquely worthy of the strengthened protections that this legislation would create. Strengthening these protections will simply recognize the critical role that service animals play in the lives of many individuals facing challenges.

For the reasons listed above, I ask for a favorable report of Senate Bill 607.

Criminal Law – Harm to Service Animals - SB 607.pd

Uploaded by: Radov, Lisa

Position: FAV



MARYLAND VOTES FOR ANIMALS

PO Box 10411
BALTIMORE, MD 21209

February 17, 2021

To: Senate Judicial Proceedings Committee
From: Lisa Radov, President and Chairman, Maryland Votes for Animals, Inc.
Re: Criminal Law – Harm to Service Animals – SB 607 -Support

Chairman Smith, Vice Chairman Waldstreicher, members of the Judicial Proceedings Committee, thank you for the opportunity to share this testimony with you today. My name is Lisa Radov. As the President and Chairman of Maryland Votes for Animals, I respectfully ask that the Senate Judicial Proceedings Committee support Criminal Law – Harm to Service Animals – SB 607 -Support

This bill would strengthen penalties for causing harm to service animals. Service animals are different than animals who are adopted as pets. Pets are adopted for companionship. While they may be beloved members of the family, they are not residing with the family in order to provide a vital service to a family member with disabilities.

The Americans With Disabilities Act defines Service Animals "...as dogs and miniature horses that are individually trained to do work or perform tasks for people with disabilities." These animals undergo vigorous training in order to perform their duties. While their owners often develop strong bonds with the animal, service animals are there to help. They perform vital tasks and lifesaving duties including guiding the blind, aiding the deaf, alerting and protecting a person from increased harm during a seizure, reminding a person to take medication, and more.

Our treasurer's adult daughter is able to live on her own thanks to her big, black seeing eye Labrador who takes her everywhere in Baltimore City, including her Braille classes. If this dog were to be injured or killed, she would most likely be unable to live independently and would have to move home with her parents. In short, penalties for harming these service animals, often on whom their owners very survival depends, must be increased to reflect the seriousness of the integral role that they serve for their owners and to society.

I would like to thank Senator Jackson sponsorship of SB 607 and request a favorable report.

Let Kindness Reign, Vote Humane

WWW.VOTEANIMALS.ORG

February 15, 2021

MD Judiciary - Testimony SB 607.pdf

Uploaded by: Elalamy, Sara

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 607
Criminal Law – Harm to Service Animals
DATE: January 20, 2021
(2/17)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 607. This bill amends the Criminal Law Article to state that a person may not intentionally or recklessly kill or injure a service animal or allow an animal that the person owns or over which the person has immediate control to kill or injure a service animal. As a condition of sentencing, the court shall order a defendant convicted of violating this section to pay, in addition to fines and costs, full restitution for all damages arising out of the offense.

The Judiciary traditionally opposes legislation that includes mandatory provisions. The Judiciary believes it is important for judges to weigh the facts and circumstances for each individual case when imposing a sentence. Provisions that place restrictions on the judge prevent the judge from considering factors unique to the case. Recognizing that lawmakers are responsible for enacting penalties for crimes, judges are mindful of various mitigating factors in crafting a sentence that most appropriately fits the individual defendant and the crime.

In addition, the bill states that a person may not “intentionally or recklessly” commit the prohibited acts described in the bill, but that appears to be in conflict with Criminal Law, § 10-602 which states: “It is the intent of the General Assembly that each animal in the State be protected from intentional cruelty[.]” (Emphasis added.) This bill would create § 10-626, which would fall within the same statutory subtitle as § 10-602, but the bill covers acts committed “recklessly” in addition to intentional acts that are the focus of § 10-602. Additional clarity or consistency on the level of mens rea required for a violation of the acts described in the bill may allow for more uniform application of the bill.

cc. Hon. Michael Jackson
Judicial Council
Legislative Committee
Kelley O’Connor