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HOUSE BILL 238

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

INTRODUCED BY

Patsy Trujillo Knauer

AN ACT

RELATING TO HUMAN RIGHTS; AMENDING A SECTION OF THE WHITE CANE LAW TO PROHIBIT INTERFERENCE WITH OR ATTACKS ON GUIDE DOGS.

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

Section 1. Section 28-7-5 NMSA 1978 (being Laws 1967, Chapter 232, Section 5) is amended to read:

"28-7-5. INTERFERENCE WITH RIGHTS OF [ ~~BLIND~~ ] THE DISABLED - - PENALTY. - - [ Any ]

A. A person [ ~~or persons~~ ], firm, corporation or the agent of any person [ ~~or persons~~ ], firm or corporation [ ~~who denies or interferes~~ ] shall not deny or interfere with admittance to or enjoyment of the public facilities enumerated [ ~~herein~~ ] in Section 28-7-3 NMSA 1978 or otherwise [ ~~interferes~~ ] interfere with the rights of a totally or partially blind or otherwise disabled person [ ~~enumerated herein shall be~~ ].

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B. No person shall interfere with or injure or permit a dog to interfere with or injure a guide dog.

C. A person who interferes with the rights of a disabled person or injures or permits an injury to a guide dog is guilty of a misdemeanor and shall be punished pursuant to the provisions of Section 31-19-1 NMSA 1978. "

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1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
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6 February 3, 1999  
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8 Mr. Speaker:  
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10 Your JUDICIARY COMMITTEE, to whom has been referred  
11

12 HOUSE BILL 238  
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14 has had it under consideration and reports same with  
15 recommendation that it DO PASS.  
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17 Respectfully submitted,  
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20 \_\_\_\_\_  
21 R. David Pederson, Chairman  
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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

3238

Page 4

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Luna, Sanchez

Absent: None

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HOUSE FLOOR SUBSTITUTE FOR  
HOUSE BILL 238

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

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.

C. It is unlawful for:

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

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

3 D. A person who violates the provisions of this  
4 section is guilty of a misdemeanor and upon conviction shall  
5 be punished pursuant to Section 31-19-1 NMSA 1978. A person  
6 who violates the provisions of this section a second time is  
7 guilty of a fourth degree felony and upon conviction shall be  
8 punished pursuant to the provisions of Section 31-18-15 NMSA  
9 1978.

10 E. If a person is convicted of interference with  
11 or injury to an assistance dog or of allowing an unrestrained  
12 dog to interfere with or injure an assistance dog, the court  
13 shall order the person to pay restitution by paying the  
14 animal's veterinary bills or, if permanently disabled from  
15 service, the cost of replacing the animal, including the cost  
16 of its training.

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

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