

Section 750.50a

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THE MICHIGAN PENAL CODE (EXCERPT) Act 328 of 1931

750.50a Service animal; prohibited conduct by individual; violation as misdemeanor; rebuttable presumption that conduct initiated or continued maliciously; conviction or sentence under other applicable law; definitions.

Sec. 50a.

(1) An individual shall not do either of the following:

(a) Willfully and maliciously assault, beat, harass, injure, or attempt to assault, beat, harass, or injure a service animal that he or she knows or has reason to believe is a service animal used by a person with a disability.

(b) Willfully and maliciously impede or interfere with, or attempt to impede or interfere with, duties performed by a service animal that he or she knows or has reason to believe is a service animal used by a person with a disability.

(2) An individual who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

(3) In a prosecution for a violation of subsection (1), evidence that the defendant initiated or continued conduct directed toward a service animal described in subsection (1) after being requested to avoid or discontinue that conduct or similar conduct by a person with a disability being served or assisted by the service animal shall give rise to a rebuttable presumption that the conduct was initiated or continued maliciously.

(4) A conviction and imposition of a sentence under this section does not prevent a conviction and imposition of a sentence under any other applicable provision of law.

(5) As used in this section:

(a) "Harass" means to engage in any conduct directed toward a service animal described in subsection (1) that is likely to impede or interfere with the service animal's performance of its duties or that places the person with a disability being served or assisted by the service animal in danger of injury.

(b) "Injure" means to cause any physical injury to a service animal described in subsection (1).

(c) "Maliciously" means any of the following:

(i) With intent to assault, beat, harass, or injure a service animal described in subsection (1).

(ii) With intent to impede or interfere with duties performed by a service animal described in subsection (1).

(iii) With intent to disturb, endanger, or cause emotional distress to a person with a disability being served or assisted by a service animal described in subsection (1).

(iv) With knowledge that the individual's conduct will or is likely to harass or injure a service animal described in subsection (1).

(v) With knowledge that the individual's conduct will or is likely to impede or interfere with duties performed by a service animal described in subsection (1).

(vi) With knowledge that the individual's conduct will or is likely to disturb, endanger, or cause emotional distress to a person with a disability being served or assisted by a service animal described in subsection (1).

(d) "Person with a disability" means a person who has a disability as defined in section 12102 of the Americans with disabilities act of 1990, 42 USC 12102, and 28 CFR 36.104.

(e) As used in subdivision (d), "person with a disability" includes a veteran who has been diagnosed with 1 or more of the following:

(i) Post-traumatic stress disorder.

(ii) Traumatic brain injury.

(iii) Other service-related disabilities.

(f) "Service animal" means all of the following:

(i) That term as defined in 28 CFR 36.104.

(ii) A miniature horse that has been individually trained to do work or perform tasks as described in 28 CFR 36.104 for the benefit of a person with a disability.

(g) "Veteran" means any of the following:

(i) A person who performed military service in the armed forces for a period of more than 90 days and separated from the armed forces in a manner other than a dishonorable discharge.

(ii) A person discharged or released from military service because of a service-related disability.

(iii) A member of a reserve branch of the armed forces at the time he or she was ordered to military service during a period of war, or in a campaign or expedition for which a campaign badge is authorized, and was released from military service in a manner other than a dishonorable discharge.

History: Add. 1994, Act 42, Eff. June 1, 1994 ;-- Am. 2015, Act 144, Eff. Jan. 18, 2016

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