

“FIGO’S LAW” – SB 155 (2003)

O.C.G.A. 16-11-107.

Interfering with, harming of, or aggravated harming of a public safety animal or search and rescue animal.

(a) As used in this Code section, the term:

(1) “Public safety animal” means any animal that is specially trained and may be used to assist a public safety officer, as such term is defined in Code Section 16-5-19, in the performance of the officer’s official duties.

(2) “Search and rescue animal” means any animal that is specially trained and may be used to assist in a search and rescue operation or to search for human remains.

(b)

(1) A person commits the offense of interfering with a public safety animal or search and rescue animal when he or she knows or should have known that an animal is a public safety animal or search and rescue animal and intentionally commits, conspires, or attempts to commit an act that:

(A) Frightens, agitates, harasses, or tampers with the animal; or

(B) Delays, obstructs, or hinders the animal in the performance of its duty as a public safety animal or search and rescue animal.

(2) Any person convicted of a violation of this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment not to exceed 12 months, a fine not to exceed \$1,000.00, or both.

(c)

(1) A person commits the offense of harming a public safety animal or search and rescue animal when he or she knows or should have known that an animal is a public safety animal or search and rescue animal and intentionally commits, conspires, or attempts to commit an act that causes or is likely to cause physical harm, pain, or suffering to a public safety animal or search and rescue animal.

(2) Any person convicted of a violation of this subsection shall be guilty of a misdemeanor of a high and aggravated nature and, upon conviction thereof, shall be punished by imprisonment for not less than six nor more than 12 months, a fine not to exceed \$5,000.00, or both.

(d)

(1) A person commits the offense of aggravated harming of a public safety animal or search and rescue animal when he or she knows or should have known that an animal is a public safety

animal or search and rescue animal and when he or she intentionally commits, conspires, or attempts to commit an act that:

(A) Causes the death of the animal; or

(B) Injures the animal in a manner that materially affects its ability to perform as a public safety animal or search and rescue animal.

(2) Any person convicted of a violation of this subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than two nor more than ten years, a fine not to exceed \$50,000.00, or both, and the first two years of such sentence shall not be suspended, probated, deferred, or withheld by a sentencing court; provided, however, that in the court's discretion, the court may depart from such mandatory minimum sentence when the prosecuting attorney and defendant have agreed to a sentence that is below such mandatory minimum.

(e) In addition to any other penalty provided for under this Code section, the court shall order the defendant to make restitution pursuant to Article 1 of Chapter 14 of Title 17 to the owner of a public safety animal or search and rescue animal for the costs of the veterinary expenses incurred in the treatment of such animal and the costs of any restorative training necessary to enable the animal to resume its duties. Notwithstanding Code Section 17-14-2 to the contrary, restitution when a public safety animal or search and rescue animal dies or is no longer able to engage in performance of its duties as a result of a violation of this Code section shall additionally include the amount of the actual replacement value of the public safety animal or search and rescue animal, which shall include the value of an animal to replace the public safety animal or search and rescue animal and all costs associated with training such animal and its handler or handlers.

(f) Nothing in this Code section shall prohibit the killing or euthanasia of **a public safety animal** or search and rescue animal for humane purposes.

(g) Nothing in this Code section shall prohibit the defense of a person against a public safety animal or search and rescue animal that attacks such person without or in spite of commands given by its handler.