

21.19(b) MALICIOUSLY [TOUCHING] [STRIKING] [CAUSING BODILY HARM] TO A [POLICE] [FIRE] [SEARCH AND RESCUE] [CANINE] [HORSE]

§ 843.19(3), Fla. Stat.

To prove the crime of Maliciously [Touching] [Striking] [Causing Bodily Harm] to a [Police] [Fire] [Search and Rescue] [Canine] [Horse], the State must prove the following three elements beyond a reasonable doubt:

1. (Defendant) **actually and intentionally maliciously** [touched] [struck] [caused bodily harm] to a [canine] [horse].
2. The [canine] [horse] was a [police] [fire] [search and rescue] [canine] [horse].
3. (Defendant) **knew the** [canine] [horse] was a [police] [fire] [search and rescue] [canine] [horse].

Definitions.

R.N. v. State, 257 So. 3d 507 (Fla. 4th DCA 2018).

“Maliciously” means with ill will, hatred, spite, or an evil intent.

Give as applicable.

§ 843.19(1), Fla. Stat.

“Police canine” means any canine that is owned, or the service of which is employed, by a law enforcement agency or a correctional agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.

“Fire canine” means any canine that is owned, or the service of which is employed, by a fire department, a special fire district, or the State Fire Marshal for the principal purpose of aiding in the detection of flammable materials or the investigation of fires.

A “search and rescue canine” is a canine that is owned, or the service of which is employed by a fire department, a law enforcement agency, a correctional agency, a special fire district, or the State Fire Marshal for the principal purpose of aiding in the detection of missing persons, including, but not limited to, persons who are lost, who are trapped under debris as the result of a natural, manmade, or technological disaster, or who are drowning victims.

“Police horse” means any horse, that is owned, or the service of which is employed, by a law enforcement agency or a correctional agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.

Lesser Included Offenses

MALICIOUSLY [TOUCHING] [STRIKING] [CAUSING BODILY HARM] TO A [POLICE] [FIRE] [SEARCH AND RESCUE] [CANINE] [HORSE] — 843.19(3)

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Harass Police/Fire/SAR Canine/Horse	843.019(4)	21.19(c)
	Attempt	777.04(1)	5.1

Comments

For the crime of Battery on a Police Canine, the State is required to prove the defendant intended to commit a battery on the canine. For example, if a defendant intentionally strikes a law enforcement vehicle that contains a police canine (with sufficient force that the canine is jostled), the State must prove the defendant knew that a police canine was inside the vehicle. *See Yarn v. State*, 106 So. 3d 39 (Fla. 2d DCA 2013). In those types of cases, a special instruction will be necessary.

This instruction was adopted in 2020.