

SENATE BILL REPORT

SB 5533

AS REPORTED BY COMMITTEE ON AGRICULTURE, MARCH 3, 1993

Brief Description: Changing provisions relating to dangerous animals.

SPONSORS: Senators M. Rasmussen, Roach, Amondson, Barr and Winsley

SENATE COMMITTEE ON AGRICULTURE

Majority Report: That Substitute Senate Bill No. 5533 be substituted therefor, and the substitute bill do pass.

Signed by Senators M. Rasmussen, Chairman; Loveland, Vice Chairman; Bauer, and Snyder.

Staff: Katie Healy (786-7784)

Hearing Dates: February 8, 1993; March 3, 1993

BACKGROUND:

Any person sustaining damages from another's animals which trespass upon fenced land or while running at large may keep the animals until the owner of the animal pays the damages and costs, or until security is given for the damages.

The owner or keeper of any dog is liable to the owner of any animal killed or injured by the dog. The dog owner shall pay for the amount of damages sustained and costs of collection. Collection shall be through civil action.

Dogs who chase, bite, injure or kill livestock, including poultry, may be killed. Any owner of a dog notified that the dog is doing the prohibited activities must leash and/or confine the dog. Otherwise, if such a dog is found running at large, it may be killed. Owners of marauding dogs found killing any domestic animals must kill the marauding dogs within 48 hours after being notified. The sheriff or deputy sheriff must kill any dog found running at large without a metal identification tag.

The owner of any dog which shall bite any person who is in or on a public place or lawfully in a private place is liable for damages. However, if the bitten person has provoked the animal to attack, the owner has a complete defense to an action for damages.

"Potentially dangerous dog" and "dangerous dog" are defined. An owner with a dangerous dog must obtain a certificate of registration, properly confine the dog, obtain a surety bond and a policy of liability insurance. Dangerous dogs must be properly confined, and when outside confinement, must be properly muzzled and restrained. A dog is not declared

dangerous if the damage sustained by a person occurred when the person was committing a wilful trespass or other tort on the dog owner's property, or if the person was tormenting, abusing, or assaulting the dog, or has done so in the past.

The county commissioners by ordinance establish regulations to be enforced within a dog control zone, including provision for the control of unlicensed dogs and establishment of license fees. The county sheriff and/or other agencies designated by the county are responsible for enforcement in the dog control zone, including collection of license fees.

SUMMARY:

The term "dog" is changed throughout to read "canid or canid-hybrid." A city, county, town or municipality is prohibited from passing any laws or ordinances preventing the rightful ownership of animals or their full use and enjoyment.

"Stalking" domestic animals is included in the list of prohibited activities for which a canid or canid-hybrid may be killed. Open grazing land is added to the areas in which a canid or canid-hybrid may be killed if found doing any of the prohibited activities.

Evidence of a canid or canid-hybrid's particular breed is not admissible for attempt to show that the owner of the animal had knowledge of a trait or propensity of the animal that would be likely to cause such injury, or for any purpose.

A new section is added so that an animal control officer investigating a potentially dangerous or dangerous canid or canid-hybrid may have the chief animal control officer petition the appropriate municipal or district court for a hearing to determine whether the animal should be declared potentially dangerous or dangerous. A city or county may establish an administrative hearing procedure to hear and dispose of petitions filed. The owner of the animal is given notice of the hearing. The court may find that the animal is dangerous or potentially dangerous. The owner of the animal is notified in writing of the decision. If the animal is declared dangerous or potentially dangerous, the owner shall comply with the provisions requiring a certificate of registration, bonding, proper confinement of the animal, and liability insurance. If the animal poses any immediate threat to public safety, the animal may be seized and impounded before the hearing.

The state preempts the entire field of the regulation of potentially dangerous or dangerous canids or canid-hybrids. Local governments may not adopt an ordinance regulating such animals based solely on the specific breed of the canid or canid-hybrid.

The Department of Agriculture takes over enforcement of animal control zones, changed from dog control zones. The local government cannot adopt any regulations restricting the breeding of dogs and cats within a dog control zone. The

department imposes upon the agencies enforcing the ordinances and regulations of the county within a dog control zone the cost to the department of adopting and enforcing regulations necessary for the various agencies to carry out their functions.

The section requiring the destruction of marauding dogs within 48 hours is repealed.

EFFECT OF PROPOSED SUBSTITUTE:

The entire body of the original bill was stricken and replaced with one section. It is a gross misdemeanor to buy, sell, transfer, release, export, import, or breed any wolf-dog hybrid, or to breed a wolf to a dog to produce a wolf-dog hybrid.

Appropriation: none

Revenue: none

Fiscal Note: requested February 7, 1993

TESTIMONY FOR:

The freedom of owning dogs is being inhibited by breed specific ordinances. Cities should not classify dogs on the basis of a particular breed. Dogs should be judged by deed, not breed. There is a fiscal point of view as to how much did it cost cities to pass local ordinances when using taxpayer money. The major cities in the state do not have breed specific regulations. There is not a desire to prohibit dangerous dog legislation locally, but the breed specific regulations.

TESTIMONY AGAINST:

Changing the definition from dog to canid or canid-hybrids includes wolves, which should be specifically excluded. To shoot a wolf is a federal crime. The term canid includes wolf-dog hybrids, so using canid-hybrid is redundant. Local government is strongly opposed to preemption. Fifteen cities or towns impose breed specific ordinances. The City of Yakima ordinance was upheld by the state Supreme Court. Local government should be able to address local needs, because each city has its own concerns and circumstances. Cities and towns should be responsive to their citizens' desires. Irresponsible dog owners should be held accountable for their dogs' actions, so prohibiting evidence of the dog's breed would not work. Some people use and train their dogs as attack animals. Prosecutors need to use the dog's breed as evidence to prove if a person's intent was malicious.

TESTIFIED: PRO: John Benedict, Sportsman's Rights; Al Woodbridge, WA State Rifle Assn.; Cathy Helsdon, Sue Atwood, Shirley Landa, NAIA; Oscar Straight; Patricia Straight; Sally Bishop; Klaus Meyn, NW Field Trial Council; Susan Paris, Americans for Medical Progress; Cherie Graves, Responsible Dog Owners of the

Western States; Jack Crutchfield, Pet Industry; Kursten Ross;
CON: Larry Mathews, United We Stand; Tim Greyhavens, PAWS;
Shelley Calissendorff; Nancy McKenney, HS & SPCA of
Seattle/King County; Kurt Sharar, WA State Assn. of Counties;
Jack Laufer, Wolf Haven; Jim Justin, AWC; Kay Farrell, PAWS-
EARS