
SENATE BILL 5933

State of Washington

55th Legislature

1997 Regular Session

By Senator Swecker

Read first time 02/20/97. Referred to Committee on Agriculture & Environment.

1 AN ACT Relating to dangerous dogs; and amending RCW 16.08.070,
2 16.08.080, 16.08.090, and 16.08.100.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 16.08.070 and 1987 c 94 s 1 are each amended to read
5 as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout RCW 16.08.070 through 16.08.100.

8 (1) "~~((Potentially))~~ Dangerous dog" means any dog that according to
9 the records of the local sheriff's office when unprovoked: (a)
10 ~~((Inflicts))~~ Has inflicted bites on a human or a domestic animal either
11 on public or private property, or (b) ~~((chases))~~ has chased or
12 ~~((approaches))~~ approached in a menacing fashion or apparent attitude of
13 attack a person ~~((upon))~~ who is on the streets, sidewalks, or any
14 public grounds ~~((in a menacing fashion or apparent attitude of attack,~~
15 ~~or any dog with a known propensity, tendency, or disposition to attack~~
16 ~~unprovoked, to cause injury, or to cause injury or otherwise to~~
17 ~~threaten the safety of humans or domestic animals.~~

18 (2) "~~Dangerous dog~~" means any dog that ~~according to the records of~~
19 ~~the appropriate authority,~~ (a) ~~has inflicted severe injury on a human~~

1 being without provocation on public or private property, (b) has killed
2 a domestic animal without provocation while off the owner's property,
3 or (c) has been previously found to be potentially dangerous, the owner
4 having received notice of such and the dog again aggressively bites,
5 attacks, or endangers the safety of humans or domestic animals.

6 (3) "~~Severe injury~~" means any physical injury that results in
7 broken bones or disfiguring lacerations requiring multiple sutures or
8 cosmetic surgery)).

9 ((4)) (2) "Proper enclosure ((of a dangerous dog))" means, while
10 on the owner's property, a dangerous dog shall be (a) securely confined
11 indoors, (b) in a securely enclosed fence that is at least five feet
12 high and is equipped with a self-closing and self-latching gate
13 designed to prevent the animal from escaping, or (c) in a securely
14 enclosed and locked pen or structure, suitable to prevent the entry of
15 young children and designed to prevent the animal from escaping. Such
16 pen or structure shall have secure sides and a secure top, and shall
17 also provide protection from the elements for the dog.

18 ((5)) (3) "Animal control authority" means an entity acting alone
19 or in concert with other local governmental units for enforcement of
20 the animal control laws of the city, county, and state and the shelter
21 and welfare of animals.

22 ((6)) (4) "Animal control officer" means any individual employed,
23 contracted with, or appointed by the animal control authority for the
24 purpose of aiding in the enforcement of this chapter or any other law
25 or ordinance relating to the licensure of animals, control of animals,
26 or seizure and impoundment of animals, and includes any state or local
27 law enforcement officer or other employee whose duties in whole or in
28 part include assignments that involve the seizure and impoundment of
29 any animal.

30 ((7)) (5) "Owner" means any person, firm, corporation,
31 organization, or department possessing, harboring, keeping, having an
32 interest in, or having control or custody of an animal.

33 **Sec. 2.** RCW 16.08.080 and 1989 c 26 s 3 are each amended to read
34 as follows:

35 (1) It is unlawful for an owner to have a dangerous dog in the
36 state without a certificate of registration issued under this section.
37 This section and RCW 16.08.090 and 16.08.100 shall not apply to police
38 dogs as defined in RCW 4.24.410.

1 (2) The ~~((animal control authority of the city or))~~ office of the
2 county sheriff in the county in which an owner has a dangerous dog
3 shall issue a certificate of registration to the owner of such animal
4 if the owner presents to the ~~((animal control unit))~~ sheriff's office
5 sufficient evidence of:

6 (a) A proper enclosure to confine a dangerous dog and the posting
7 of the premises with a clearly visible warning sign that there is a
8 dangerous dog on the property. In addition, the owner shall
9 conspicuously display a sign with a warning symbol that informs
10 children of the presence of a dangerous dog;

11 (b) A surety bond issued by a surety insurer qualified under
12 chapter 48.28 RCW in a form acceptable to the ~~((animal control~~
13 ~~authority))~~ office of the county sheriff in the sum of at least fifty
14 thousand dollars, payable to any person injured by the vicious dog; or

15 (c) A policy of liability insurance, such as homeowner's insurance,
16 issued by an insurer qualified under Title 48 RCW in the amount of at
17 least fifty thousand dollars, insuring the owner for any personal
18 injuries inflicted by the dangerous dog.

19 ~~(3)((a) If an owner has the dangerous dog in an incorporated area~~
20 ~~that is serviced by both a city and a county animal control authority,~~
21 ~~the owner shall obtain a certificate of registration from the city~~
22 ~~authority;~~

23 ~~(b) If an owner has the dangerous dog in an incorporated or~~
24 ~~unincorporated area served only by a county animal control authority,~~
25 ~~the owner shall obtain a certificate of registration from the county~~
26 ~~authority;~~

27 ~~(c) If an owner has the dangerous dog in an incorporated or~~
28 ~~unincorporated area that is not served by an animal control authority,~~
29 ~~the owner shall obtain a certificate of registration from the office of~~
30 ~~the local sheriff.~~

31 ~~(4) Cities and))~~ Counties may charge an annual fee, in addition to
32 regular dog licensing fees, to register dangerous dogs.

33 **Sec. 3.** RCW 16.08.090 and 1987 c 94 s 3 are each amended to read
34 as follows:

35 (1) It is unlawful for an owner of a dangerous dog to permit the
36 dog to be outside the proper enclosure unless the dog is muzzled and
37 restrained by a substantial chain or leash and under physical restraint
38 of a responsible person. The muzzle shall be made in a manner that

1 will not cause injury to the dog or interfere with its vision or
2 respiration but shall prevent it from biting any person or animal.

3 (2) (~~Potentially dangerous dogs shall be regulated only by local,~~
4 ~~municipal, and county ordinances. Nothing in this section limits~~
5 ~~restrictions local jurisdictions may place on owners of potentially~~
6 ~~dangerous dogs.~~

7 (3)) Dogs shall not be declared dangerous if the threat, injury,
8 or damage was sustained by a person who, at the time, was committing a
9 wilful trespass or other tort upon the premises occupied by the owner
10 of the dog, or was tormenting, abusing, or assaulting the dog or has,
11 in the past, been observed or reported to have tormented, abused, or
12 assaulted the dog or was committing or attempting to commit a crime.

13 **Sec. 4.** RCW 16.08.100 and 1987 c 94 s 4 are each amended to read
14 as follows:

15 (1) Any dangerous dog shall be immediately confiscated by the
16 office of the county sheriff or an animal control authority if the:
17 (a) Dog is not validly registered under RCW 16.08.080; (b) owner does
18 not secure the liability insurance coverage required under RCW
19 16.08.080; (c) dog is not maintained in the proper enclosure; (d) dog
20 is outside of the dwelling of the owner, or outside of the proper
21 enclosure and not under physical restraint of the responsible person.
22 In addition, the owner shall be guilty of a gross misdemeanor
23 punishable in accordance with RCW 9A.20.021.

24 (2) If a dangerous dog of an owner with a prior conviction under
25 this chapter attacks or bites a person or another domestic animal, the
26 dog's owner is guilty of a class C felony, punishable in accordance
27 with RCW 9A.20.021. In addition, the dangerous dog shall be
28 immediately confiscated by an animal control authority, placed in
29 quarantine for the proper length of time, and thereafter destroyed in
30 an expeditious and humane manner.

31 (3) The owner of any dog that aggressively attacks and causes
32 severe injury or death of any human, whether or not the dog has
33 previously been declared (~~potentially dangerous or~~) dangerous, shall
34 be guilty of a class C felony punishable in accordance with RCW
35 9A.20.021. In addition, the dog shall be immediately confiscated by an
36 animal control authority, placed in quarantine for the proper length of
37 time, and thereafter destroyed in an expeditious and humane manner.

1 (4) Any person entering a dog in a dog fight is guilty of a class
2 C felony punishable in accordance with RCW 9A.20.021.

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