

SENATE BILL REPORT

SB 5027

As Reported By Senate Committee On:
Judiciary, February 3, 1999

Title: An act relating to dangerous dogs.

Brief Description: Providing for control of dangerous dogs.

Sponsors: Senators Goings and Swecker.

Brief History:

Committee Activity: Judiciary: 1/25/99, 2/3/99 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5027 be substituted therefor, and the substitute bill do pass.

Signed by Senators Heavey, Chair; Kline, Vice Chair; Goings, Hargrove, Haugen, McCaslin and Roach.

Staff: Lidia Mori (786-7755)

Background: A Division 1 Court of Appeals case in October 1996 analyzed the conflict between a city ordinance prohibiting ownership of a vicious animal and a state statute requiring the owner of a dangerous dog to obtain a certificate of registration. An owner of a dangerous dog would not be able to comply with the state statute to obtain a certificate of registration because the city would never find a dog to be dangerous. The concurring opinion in the case concluded ... the City's scheme cannot be harmonized with the Legislature's scheme.— In order to remedy this conflict, it is suggested that local jurisdictions be granted the authority in statute to enact additional restrictions upon owners of dangerous dogs or bar the ownership of such dogs.

Concern exists that the statute governing dangerous dogs does not set out a notice and appeal process for determinations of dangerous dog status.

Summary of Substitute Bill: The definition of dangerous dog includes any dog that inflicts severe injury on a human being without provocation or has been previously found to be potentially dangerous because of injury inflicted on a human. The owner of a dangerous dog must obtain a surety bond or liability insurance in the amount of \$250,000. While an appeal of the animal control authority's determination that a dog is dangerous is pending and the dog must be confined and controlled, the owner must pay the costs of confinement and control if the determination is upheld. When an animal control authority must confiscate a dangerous dog because the owner has failed to meet the requirements pertaining to confining or registering the dog, the owner must be given notice of the deficiency and informed that the dog will be destroyed in 20 days if the deficiency is not corrected. The owner must pay the costs of confinement while the dog is confiscated. The owner of a dog that causes severe

injury or death of a human is guilty of a class C felony whether or not the dog has previously been declared potentially dangerous or dangerous. The state has the burden of proof of showing that the owner either knew or should have known that the dog was potentially dangerous as defined in law.

Substitute Bill Compared to Original Bill: The requirement in the original bill that a local law enforcement officer perform some of the duties now performed by an animal control authority is removed. The definition of dangerous dog includes any dog that inflicts severe injury on a human without provocation or has been previously found to be potentially dangerous because of injury inflicted on a human. The definition of a dangerous dog in the original bill included a dog that according to the records of an appropriate authority has inflicted severe injury on a human without provocation or has been previously found to be potentially dangerous. The owner of a dangerous dog must obtain a surety bond in the amount of \$250,000 rather than \$1 million as prescribed by the original bill. The substitute bill requires notice to be given to the owner of a dangerous dog when that dog is confiscated by animal control due to failure to keep the dog properly confined or registered. The notice must inform the owner of the deficiency and that the dog will be destroyed in 20 days if the deficiency is not corrected. In order for a owner of a dangerous dog to be guilty of a class C felony, the substitute bill requires the state to prove that a owner either knew or should have known that his or her dog was potentially dangerous when that dog causes severe injury or death of a human.

Appropriation: None.

Fiscal Note: Requested on January 19, 1999.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: There is strong opposition to law enforcement replacing animal control authorities in any of their current duties. The insurance policy and the surety bond that an owner of a dangerous dog must obtain should be in the same amount. This bill is needed to address the very serious consequences of dangerous dogs that are not controlled.

Testimony Against: None.

Testified: Senator Goings, prime sponsor (pro); Senator Swecker, sponsor (pro); Jean Christopherson (pro); Kathy Gerke, Assoc. of Washington Cities (pro); Mel McDonald, City of Seattle (pro).