

# SENATE BILL REPORT

## SB 5028

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As of January 20, 1999

**Title:** An act relating to dangerous dogs.

**Brief Description:** Providing restrictions for owners of dangerous dogs.

**Sponsors:** Senators Swecker, Goings and Rossi.

**Brief History:**

**Committee Activity:** Judiciary: 1/25/99.

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### SENATE COMMITTEE ON JUDICIARY

**Staff:** Lidia Mori (786-7755)

**Background:** A Division One 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 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 Bill:** The city or county animal control authority that seeks to declare a dog to be dangerous must give notice to the owner of the dog in person or by regular and certified mail. The notice must specify the statutory basis for the proposed action, the reasons the authority considers the dog dangerous, requirements pertinent to registration and control of the dog, an explanation of the owner's rights, and the procedure for appealing the dangerous dog finding. Within 20 days of delivering or mailing the notice, the authority must make a final determination. The owner may request a meeting within that 20-day period to present reasons why the dog should not be declared dangerous. The final determination of the authority must be in written form and contain the statutory basis for the action, the facts supporting the final determination, and the signature of the person who made the determination.

If the local jurisdiction has not provided for an administrative appeal of the final determination, the owner may appeal a municipal authority's determination to municipal court or a county animal control's or county sheriff's determination to the district court. If the local jurisdiction has provided for an administrative appeal, the owner must follow the appeal process of the local jurisdiction. The appeal must be made within 20 days of the

owner receiving the final determination and, while the appeal is pending, the authority may order that the dog be confined or controlled. The owner must pay the costs of confinement and control.

The animal control authority of the city or county in which an owner has a dangerous dog may issue a certificate of registration to the owner of the dog.

Local authorities may place additional restrictions upon owners of dangerous dogs and a local authority is not required to allow dangerous dogs within its jurisdiction.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

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