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HOUSE BILL 1956

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State of Washington

56th Legislature

1999 Regular Session

By Representatives Regala, Clements, Constantine, Eickmeyer and Conway

Read first time 02/11/1999. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to dangerous dogs; and amending RCW 16.08.070 and  
2 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 when unprovoked:

9 (a) Inflicts bites on a human or a domestic animal either on public or  
10 private property, or (b) chases or approaches a person upon the  
11 streets, sidewalks, or any public grounds in a menacing fashion or  
12 apparent attitude of attack, or any dog with a known propensity,  
13 tendency, or disposition to attack unprovoked, to cause injury, or to  
14 cause injury or otherwise to threaten the safety of humans or domestic  
15 animals.

16 (2) "Dangerous dog" means any dog that (~~according to the records~~  
17 ~~of the appropriate authority, (a) has inflicted~~) (a) inflicts severe  
18 injury on a human being without provocation on public or private  
19 property, or (b) (~~has killed~~) kills a domestic animal without

1 provocation while off the owner's property, or (c) has been previously  
2 found to be potentially dangerous, the owner having received notice of  
3 such and the dog again aggressively bites, attacks, or endangers the  
4 safety of humans or domestic animals.

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

8 (4) "Proper enclosure of a dangerous dog" means, while on the  
9 owner's property, a dangerous dog shall be securely confined indoors or  
10 in a securely enclosed and locked pen or structure, suitable to prevent  
11 the entry of young children and designed to prevent the animal from  
12 escaping. Such pen or structure shall have secure sides and a secure  
13 top, and shall also provide protection from the elements for the dog.

14 (5) "Animal control authority" means an entity acting alone or in  
15 concert with other local governmental units for enforcement of the  
16 animal control laws of the city, county, and state and the shelter and  
17 welfare of animals.

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

26 (7) "Owner" means any person, firm, corporation, organization, or  
27 department possessing, harboring, keeping, having an interest in, or  
28 having control or custody of an animal.

29 **Sec. 2.** RCW 16.08.100 and 1987 c 94 s 4 are each amended to read  
30 as follows:

31 (1) Any dangerous dog shall be immediately confiscated by an animal  
32 control authority if the: (a) Dog is not validly registered under RCW  
33 16.08.080; or (b) owner does not secure the liability insurance  
34 coverage required under RCW 16.08.080; or (c) dog is not maintained in  
35 the proper enclosure; or (d) dog is outside ((ef)) the dwelling of the  
36 owner, or outside ((ef)) the proper enclosure and not under the  
37 physical restraint of the responsible person. In addition, the owner

1 shall be guilty of a gross misdemeanor punishable in accordance with  
2 RCW 9A.20.021.

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

10 (3) The owner of any dog that aggressively attacks and causes  
11 severe injury or death of any human, whether or not the dog has  
12 previously been declared potentially dangerous or dangerous, shall be  
13 guilty of a class C felony punishable in accordance with RCW 9A.20.021.  
14 In such a prosecution, the state has the burden of showing that the  
15 owner of the dog either knew or should have known that the dog was  
16 potentially dangerous. In addition, the dog shall be immediately  
17 confiscated by an animal control authority, placed in quarantine for  
18 the proper length of time, and thereafter destroyed in an expeditious  
19 and humane manner.

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

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