SENATE BILL REPORT SB 5092

As of January 26, 2001

Title: An act relating to dangerous dogs.

Brief Description: Modifying dangerous dog provisions.

Sponsors: Senators Kastama, Winsley, Regala and Rossi.

Brief History:

Committee Activity: Judiciary: 1/29/01.

SENATE COMMITTEE ON JUDICIARY

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 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. Notice and appeal procedures are created for situations when an animal control authority seeks to declare a dog to be dangerous. If a city or county has a notification and appeal process already in place, they may continue to utilize its process. A local authority is not required to allow dangerous dogs within its jurisdiction.

Unless a city or county has a more restrictive code requirement, the animal control authority must issue a certificate of registration to the owner of a dangerous dog if the owner complies with all the requirements for ownership and control of a dangerous dog. The requirements

include a proper enclosure and securement of a surety bond or liability insurance in the amount of \$250,000. If an animal control authority must confiscate a dangerous dog because the owner has failed to meet the requirements pertaining to ownership of a dangerous dog, notice of the deficiency and that the dog will be destroyed in 20 days if the deficiency is not corrected must be served on the owner. 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.

Appropriation: None.

Fiscal Note: Not requested.

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