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HOUSE BILL 2136

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Kenney, Dunn, O'Brien, Benson, Lantz, Dickerson and McIntire

Read first time 02/16/2001. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to dog guides and service animals; amending RCW  
2 70.84.070 and 9.08.070; adding a new section to chapter 70.84 RCW; and  
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.84 RCW  
6 to read as follows:

7 (1) Any person who, with no legal justification, intentionally or  
8 negligently interferes or allows his or her pet to interfere with the  
9 use of a dog guide or service animal by obstructing, harassing,  
10 threatening, intimidating, distracting, or otherwise jeopardizing the  
11 safety of the dog guide or service animal user, or his or her dog guide  
12 or service animal, is guilty of a gross misdemeanor punishable  
13 according to chapter 9A.20 RCW.

14 (2) Any person who negligently injures or causes the death of a dog  
15 guide or service animal, or negligently allows his or her pet to injure  
16 or cause the death of a dog guide or service animal, is guilty of a  
17 gross misdemeanor punishable according to chapter 9A.20 RCW.

1 (3) Any person, who with no legal justification, intentionally  
2 injures or causes the death of a dog guide or service animal, is guilty  
3 of a class B felony, punishable according to chapter 9A.20 RCW.

4 (4) Any person who wrongfully obtains or exerts unauthorized  
5 control over the dog guide or service animal with intent to deprive the  
6 dog guide or service animal user of the dog guide or service animal is  
7 guilty of a class B felony punishable according to chapter 9A.20 RCW.

8 (5) In any case in which the defendant is convicted of a violation  
9 of this section, the defendant shall be ordered to make restitution for  
10 veterinary expenses and replacement costs, including retraining, of the  
11 dog guide or service animal to the party or parties who are responsible  
12 for such costs, and restitution for any income lost by the dog guide or  
13 service animal user if the dog guide or service animal is no longer  
14 able to safely or dependably perform its duties.

15 (6) Nothing in this section is intended to affect any civil  
16 remedies available for violations of this section.

17 **Sec. 2.** RCW 70.84.070 and 1985 c 90 s 5 are each amended to read  
18 as follows:

19 Any person or persons, firm or corporation, or the agent of any  
20 person or persons, firm or corporation, who denies or interferes with  
21 admittance to or enjoyment of the public facilities enumerated in RCW  
22 70.84.010, or otherwise interferes with the rights of a totally or  
23 partially blind, hearing impaired, or otherwise physically disabled  
24 person as set forth in RCW 70.84.010 shall be guilty of a misdemeanor  
25 except as otherwise provided in this chapter.

26 **Sec. 3.** RCW 9.08.070 and 1989 c 359 s 2 are each amended to read  
27 as follows:

28 (1) Any person who, with intent to deprive or defraud the owner  
29 thereof, does any of the following shall be guilty of a gross  
30 misdemeanor and shall be punished as prescribed under RCW 9A.20.021(2)  
31 and by a mandatory fine of not less than five hundred dollars per pet  
32 animal except as provided by (d) of this subsection:

33 (a) Takes, leads away, confines, secretes or converts any pet  
34 animal, except in cases in which the value of the pet animal exceeds  
35 two hundred fifty dollars;

1 (b) Conceals the identity of any pet animal or its owner by  
2 obscuring, altering, or removing from the pet animal any collar, tag,  
3 license, tattoo, or other identifying device or mark.

4 (c) Willfully or recklessly kills or injures any pet animal, unless  
5 excused by law.

6 (d) Nothing in this subsection or subsection (2) of this section  
7 shall prohibit a person from also being convicted of separate offenses  
8 under RCW 9A.56.030, 9A.56.040, or 9A.56.050 for theft (~~or under~~);  
9 RCW 9A.56.150, 9A.56.160, or 9A.56.170 for possession of stolen  
10 property; or section 1 of this act relating to dog guides and service  
11 animals.

12 (2)(a) It is unlawful for any person to receive with intent to sell  
13 to a research institution in the state of Washington, or sell or  
14 otherwise directly transfer to a research institution in the state of  
15 Washington, a pet animal that the person knows or has reason to know  
16 has been stolen or fraudulently obtained. This subsection does not  
17 apply to U.S.D.A. licensed dealers.

18 (b) The first conviction under (a) of this subsection is a gross  
19 misdemeanor and is punishable as prescribed under RCW 9A.20.021(2) and  
20 by a mandatory fine of not less than five hundred dollars per pet  
21 animal. A second or subsequent conviction under (a) of this subsection  
22 is a class C felony and is punishable as prescribed under RCW  
23 9A.20.021(1)(c) and by a mandatory fine of not less than one thousand  
24 dollars per pet animal.

25 (3)(a) It is unlawful for any person, who knows or has reason to  
26 know that a pet animal has been stolen or fraudulently obtained, to  
27 sell or otherwise transfer the pet animal to another who the person  
28 knows or has reason to know has previously sold a stolen or  
29 fraudulently obtained pet animal to a research institution in the state  
30 of Washington.

31 (b) A conviction under (a) of this subsection is a class C felony  
32 and shall be punishable as prescribed under RCW 9A.20.021(1)(c) and by  
33 a mandatory fine of not less than one thousand dollars per pet animal.

34 (4)(a) It is unlawful for a U.S.D.A. licensed dealer to receive  
35 with intent to sell, or sell or transfer directly or through a third  
36 party, to a research institution in the state of Washington, a pet  
37 animal that the dealer knows or has reason to know has been stolen or  
38 fraudulently obtained.

1 (b) A conviction under (a) of this subsection is a class C felony  
2 and shall be punishable as prescribed under RCW 9A.20.021(1)(c) and by  
3 a mandatory fine of not less than one thousand dollars per pet animal.

4 (5) The sale, receipt, or transfer of each individual pet animal in  
5 violation of subsections (1), (2), (3), and (4) of this section  
6 constitutes a separate offense.

7 (6) The provisions of subsections (1), (2), (3), and (4) of this  
8 section shall not apply to the lawful acts of any employee, agent, or  
9 director of any humane society, animal control agency, or animal  
10 shelter operated by or on behalf of any government agency, operating  
11 under law.

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