

HOUSE BILL REPORT

ESHB 1151

As Reported by House Committee On:
Judiciary

Title: An act relating to the keeping of dangerous wild animals.

Brief Description: Regulating the keeping of dangerous wild animals.

Sponsors: Representatives Lovick, Lantz, Jarrett, Miloscia, Delvin, Moeller, Wallace, Simpson and Upthegrove.

Brief History:

Committee Activity:

Judiciary: 1/16/04, 2/5/04 [DP2S].

Brief Summary of Second Substitute Bill

- Prohibits possession of potentially dangerous wild animals such as large cats, wolves, bears, monkeys, primates, venomous snakes and crocodiles, unless the wild animal is owned prior to the effective date of the act.
- Allows currently possessed potentially dangerous wild animals to be kept until July 1, 2009, unless the local animal control authority authorizes an extension.
- Establishes a civil penalty for violations of the act.
- Exempts certain entities from the act, including: zoos; aquariums; wildlife sanctuaries; research, medical, and educational institutions; circuses; and rodeos.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 6 members: Representatives Lantz, Chair; Moeller, Vice Chair; Campbell; Flannigan; Kirby and Lovick.

Minority Report: Do not pass. Signed by 3 members: Representatives Carrell, Ranking Minority Member; McMahan, Asst Ranking Minority Member and Newhouse..

Staff: Edie Adams (786-7180).

Background:

Ownership of dangerous animals is restricted in Washington by the Department of Fish and Wildlife, which has authority to regulate ownership of wildlife. Fish and Wildlife rules currently outlaw ownership of certain "deleterious exotic wildlife" that threaten native animals, and also regulate ownership of certain wild animals naturally found in the state.

Animal control is regulated on the city and county level in Washington. Some cities and counties currently ban the ownership of certain classes of animals. These include King and Pierce counties, as well as the cities of Spokane, Bellevue, and Everett. For example, King County bans ownership of venomous snakes, nonhuman primates, bears, nondomesticated felines (cats) and canines (wolves and coyotes), and crocodiles. Persons possessing such animals prior to the act's effective date in 1994 were allowed to receive licenses from the county, provided they met certain requirements.

In areas where there is no animal control authority, the local sheriff's office enforces local animal control ordinances, if any exist.

Summary of Second Substitute Bill:

The possession of potentially dangerous wild animals is prohibited. "Potentially dangerous wild animal" is defined, and includes: large cats, wolves, bears, primates, venomous snakes, and crocodiles.

A person who possesses a potentially dangerous wild animal prior to the effective date of the act may keep the animal until July 1, 2009. The possessor may request permission from the local animal control authority to maintain possession of the animal after July 1, 2009, and the animal control authority may grant this permission for a time period and under conditions determined by the animal control authority.

It is a civil penalty for a person to acquire a potentially dangerous wild animal after the effective date of the act, or to possess a potentially dangerous wild animal after July 1, 2009, in violation of the act. A violation is subject to a civil penalty of between \$200 to \$2,000 for each animal and each day of the violation.

An animal control authority may confiscate a potentially dangerous wild animal that is being kept in violation of the act. The possessor is responsible for the costs of caring for the animal during the confiscation. If the animal is not able to be returned to the possessor, the animal control authority may relocate the animal to a facility such as a zoo or wildlife sanctuary, or it may euthanize the animal if it is unable to relocate the animal.

Local jurisdictions may adopt ordinances that are stricter than the act, but are not required to adopt ordinances to be in compliance with the act.

Certain entities are exempt from the provisions of the act. These entities include: zoos and aquariums; animal protection organizations; veterinary hospitals; wildlife sanctuaries; licensed or accredited research, medical, or educational institutions; circuses and rodeos; persons temporarily transporting animals through the state; individuals possessing monkeys specially trained to assist humans; and educational displays at fairs.

Second Substitute Bill Compared to Engrossed Substitute Bill:

The original bill had a two-tier system for classifying an animal as either a potentially dangerous or dangerous wild animal, and contained a procedure for local jurisdictions to declare an animal to be either potentially dangerous or dangerous.

The original bill required local animal control authorities to establish a permitting system for currently possessed animals. In addition, the original bill imposed numerous duties and obligations on owners of currently possessed animals, including requirements relating to animal care standards, inspections, and liability insurance. The original bill created misdemeanor, gross misdemeanor, and criminal offenses for violations of the various requirements of the act.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Second Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (Prior proposed substitute) Possession of exotic wild animals is a threat to public safety, and it is cruel to the animals to keep them in unnatural environments. Washington is one of only 16 states that do not regulate dangerous wild animals. There have been three very high profile incidents recently where an exotic animal has mauled or killed a person and numerous other cases where exotic animals have injured people or escaped and presented the potential for harming people. No one is really safe. Exotic animals remain wild and it only takes an instant for an animal to react on its basic instincts. Exotic animals can often pose a substantial safety concern because of the risk of disease. Many people who get an exotic animal when the animal is young quickly realize that they can not handle the animal as it grows larger and gets more aggressive. Many owners of exotic animals do not have any training on the proper care and requirements for exotic animals.

There are some local jurisdictions that have enacted exotic animal regulations, but

Washington needs a uniform law with stronger protections. Substantial changes have been made to make this a better bill, including changes to reduce the costs on local governments and potential liability concerns. It now only requires registration instead of licensing so local governments will not have to adopt ordinances.

Testimony Against: (Prior proposed substitute) This bill will result in substantial costs to local governments and is not necessary from a safety standpoint. The bill says it is about public safety, but the risk from exotic animals is negligible. Of the injuries that do occur from exotic animals, well over half of them occur at zoos, but they only possess 2 percent of these animals. Owners have the responsibility to educate themselves about the proper care for these animals, and this can be done at no cost to the state. This bill creates concern about where it is headed and what the next step is. The bill will actually make the lack of reporting of injuries worse than it currently is.

The bill is too costly for local governments. It requires a city or county to have a registration system, even if there are no dangerous wild animals in the jurisdiction. Two-thirds of the cities and counties already have some sort of regulation covering dangerous wild animals. It should be left as a local option. If the Legislature thinks this is a significant state-wide issue, then it should be regulated by state agencies. County sheriffs' offices do not want to have to take on the responsibility of this bill. Law enforcement already has too much work and not enough resources. The Department of Fish and Wildlife is a more appropriate entity to handle these regulations.

Persons Testifying: (In support) Jennifer Hillman, Progressive Animal Welfare Society; Nicole Paquette, Animal Protection Institute; Gary Geddes, Northwest Trek; Mike and Debbie Wyche; Gordon Walgren, Humane Society; Dr. Stuart Metz; Carla Robertson; Kay Farrell; and Ellen Leach, Behavioral Resources.

(With concerns) Bruce Bjork, Washington Department of Fish and Wildlife; and Sophia Byrd, Association of Counties.

(Opposed) Justin and Laura Krueger, Puget Sound Reptiles; Phil Rodenberg, Pacific Northwest Herpetology Society; John Lussmyer, Alliance for the Conservation of Exotic Felines; John McCroskey, Lewis County Sheriff; Bill Mahoney, Cowlitz County Sheriff's Office; Tony Wells, Citizens for Washington Wildlife; and Tammy Fellin, Association of Washington Cities.

Persons Signed In To Testify But Not Testifying: None.