

# HOUSE BILL REPORT

## ESHB 2043

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**As Passed House:**

February 12, 2004

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

**Brief Description:** Changing provisions relating to dangerous dogs.

**Sponsors:** By House Committee on Judiciary (originally sponsored by Representatives Kirby, Campbell and Carrell).

**Brief History:**

**Committee Activity:**

Judiciary: 3/3/03 [DPS].

**Floor Activity:**

Passed House: 3/12/03, 95-0.

**Floor Activity:**

Passed House: 2/12/04, 88-6.

**Brief Summary of Engrossed Substitute Bill**

- Provides that a dog's breed is not a determining factor when declaring a dog potentially dangerous or dangerous.
- Provides that a dog may not be considered potentially dangerous based on infliction of injury to a person committing a tort on the owner's premises, tormenting the dog, or committing a crime.
- Reduces required amount of the surety bond and liability insurance for owners of dangerous dogs from \$250,000 to \$100,000.
- Clarifies that wolf-dog hybrids are included in the definition of "dog."

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Lantz, Chair; Moeller, Vice Chair; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell, Flannigan, Kirby, Lovick and Newhouse.

**Staff:** Aaron Anderson (786-7119), Edie Adams (786-7180).

**Background:**

Dogs that meet certain behavior standards can be declared "potentially dangerous" or "dangerous" by an animal control authority.

A potentially dangerous dog is one that, when unprovoked: 1) bites a human or domestic animal; 2) chases a person in public or approaches a person in public in a menacing fashion; or 3) has a known propensity to attack, cause injury, or threaten the safety of humans or domestic animals. Potentially dangerous dogs are regulated only on the local level.

A dangerous dog is one that: 1) inflicts severe injury on a human without provocation; 2) kills a domestic animal while off the owner's property; or 3) is already declared a potentially dangerous dog due to injury to a human, and again bites, attacks, or endangers the safety of humans. A dog cannot be declared dangerous for inflicting an injury to a person who was committing a tort on the owner's premises, tormenting the dog, or committing a crime.

The owner of a dangerous dog must register the dog and meet several requirements, including a proper enclosure, a surety bond of at least \$250,000 payable to any person injured by the dog, and liability insurance of at least \$250,000. Dangerous dogs cannot be taken outside of the dog's enclosure unless the dog is muzzled and restrained.

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**Summary of Engrossed Substitute Bill:**

The breed of a dog cannot be used as a factor to declare a dog potentially dangerous or dangerous.

A dog cannot be declared potentially dangerous if a dog threatens or injures a person who at the time was: 1) committing a tort upon the premises of the dog's owner; 2) tormenting, abusing, or assaulting the dog, or has done so in the past; or 3) committing or attempting to commit a crime.

Owners of dangerous dogs must obtain a surety bond and liability insurance of at least \$100,000.

Wolf-dog hybrids are considered "dogs" for the purposes of the dangerous dog chapter.

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**Appropriation:** None.**Fiscal Note:** Not requested.

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

**Testimony For:** (Substitute bill) The bill protects public safety, dogs, and dog owners. The bill judges a potentially dangerous animal on behavior, improving current law by clarifying that breed profiling is unfair; it focuses on deeds, not breeds. Ten states prohibit breed-specific legislation. Some of the most dangerous dogs are individual dogs not on any list of dangerous breeds; many dog bites and attacks are from mixed-breed dogs. Classification of certain breeds as dangerous is an arbitrary line, and scientific evidence does not support such stereotyping. Each breed has good dogs. Some breeds of dog that are stereotyped as dangerous are good for work as assistance dogs. The provision disallowing classification of a dog as potentially dangerous when a dog is provoked or mistreated is more fair and rational than the current state of the law. Wolf-dog hybrids belong in the dangerous dog statute, not in any dangerous wild animal legislation.

**Testimony Against:** None.

**Testified:** Representative Kirby, prime sponsor; Representative Campbell; Jeff Helsdon, Seattle Kennel Club; Jeanne Hampl, The Assistance Dog Club of Puget Sound; Glen Bui, Washington Animal Federation; Tamar Puckett, Progressive Animal Welfare Society; Holly Fraser, Northwest American Pit Bull Terrier Club; and Suzanne Danielle.