

HOUSE BILL REPORT

SHB 2090

As Passed House:

February 6, 2004

Title: An act relating to search and rescue dogs.

Brief Description: Prohibiting interference with search and rescue dogs.

Sponsors: By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Clements, Sump and Orcutt).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 3/4/03, 3/5/03 [DPS].

Floor Activity:

Passed House: 3/13/03, 96-0.

Floor Activity:

Passed House: 2/6/04, 97-0.

Brief Summary of Substitute Bill

- Subjects a person to criminal penalties and restitution to the victim if found guilty of interfering, injuring, or causing the death of a search and rescue dog.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Lovick and Pearson.

Staff: Yvonne Walker (786-7841).

Background:

Many city and county governments operate search and rescue units and there are also local volunteer units located throughout the state. These units are responsible for searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural,

technological, or human caused disaster; including instances involving searches for downed aircraft when ground personnel are used. Many of these units use search and rescue dogs to help in their search and rescue missions.

Criminal Penalties. A misdemeanor offense is punishable by a maximum term of 90 days in jail, a \$1,000 fine, or both. A gross misdemeanor offense is punishable by a maximum term of one year in jail, a \$5,000 fine, or both. The maximum sentence for unranked felonies is one year of confinement, along with possible community service, legal financial obligations, community supervision, and a fine.

Summary of Substitute Bill:

A new statute is created to govern search and rescue dogs. A person found guilty of interfering, injuring, or causing the death of a search and rescue dog can be subject to both criminal penalties as well as restitution to the victim.

Interfering with the use of a Search & Rescue Dog. It is a misdemeanor offense for any person who: (1) after receiving a warning about his or her behavior, continues with reckless disregard to interfere with the use of a search and rescue dog by obstructing, intimidating or jeopardizing the safety of the dog or his or her user; or (2) with reckless disregard, allows his or her dog to interfere with the use of a search and rescue dog by obstructing, intimidating, or otherwise jeopardizing the safety of the dog or his her user. The penalties in both cases increase to gross misdemeanor offenses for second or subsequent offenses.

Injuring a Search & Rescue Dog. It is a gross misdemeanor offense for any person who: (1) with reckless disregard, injures, disables, or causes the death of a search and rescue dog; or (2) with reckless disregard, allows his or her dog to injure, disable, or cause the death of a search and rescue dog. It is an unranked class C felony to intentionally injure, disable, or cause the death of a search and rescue dog.

Theft of a Search & Rescue Dog. It is a seriousness level II, class B felony theft offense for any person that wrongfully obtains or exerts authorized control over a search and rescue dog with the intent to deprive the dog user of his or her dog. The presumptive sentence range for a level II offender with no prior criminal history is zero to 90 days in jail.

Restitution. When a person is convicted of any of the above listed crimes, the person must make full restitution for all damages, including incidental and consequential expenses incurred by the search and rescue dog and his or her user, which arose out of, or was related to the criminal offense. Restitution includes, but is not limited to the following: (1) the value of the replacement of an incapacitated or a deceased search and rescue dog; (2) the training of a replacement dog or the retraining of the affected dog and

all related veterinary and care expenses; and (3) medical expenses of the search and rescue dog user, training of the dog user, and compensation for wages or earned income lost by the dog user.

The criminal penalties and the restitution do not preclude civil remedies available for these violations.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Search and rescue dogs are highly trained and they have to maintain that threshold of training in case of any emergency such as a earthquake. There have been problems with people interfering and trying to injure a number of search and rescue dogs in Yakima county.

Search and rescue dogs deserve protection under the law, however their functions are different from dog guides or service dogs and should not be under the same statute as Laya's Law. The substitute bill addresses those concerns and still creates a threshold of protection for search and rescue dogs.

Testimony Against: None.

Testified: (In support) Representative Clements, prime sponsor;

(In support of substitute) Jeanne Hampl, Assistance Dog Club of Puget Sound and Gary Burdett, Washington Council of the Blind and Vice President of Guide Dog Users.