

HOUSE BILL REPORT

HB 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: 1/31/03, 2/25/03 [DPS].

Brief Summary of Substitute Bill

- Creates a two-tier system for the regulation of wild animal ownership; certain wild animals are considered "potentially dangerous wild animals," and behavior such as an attack on a human moves such animals to the level of "dangerous wild animal."
- Prohibits possession of potentially dangerous wild animals such as large cats, bears, monkeys, and venomous snakes. Local governments may add to this list.
- Creates exceptions for certain entities, including: zoos; aquariums; wildlife sanctuaries; research, medical, and educational institutions; circuses; rodeos; and persons possessing animals prior to the effective date of the act who acquire a permit by June 30, 2004.
- Requires local animal control authorities to establish a permitting process for people who currently own potentially dangerous wild animals.
- Creates misdemeanor, gross misdemeanor, and felony crimes for violations of the act.

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:

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 threatens native animals, and 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 no animal control authority exists, the local sheriff's office enforces local animal control ordinances, if any exist.

Summary of Substitute Bill:

Possession of "potentially dangerous wild animals" is prohibited, unless a person already owns a listed animal and obtains a permit. A detailed definition of "potentially dangerous wild animal" is created, including large cats, wolves, bears, venomous snakes, and crocodiles. Animal control authorities are given authority to declare other individual animals in their jurisdictions to be potentially dangerous, based on dangerous behavior. Local governments are given authority to add other types of animals to the list of potentially dangerous animals if the type of animal presents a substantial threat to humans. If a potentially dangerous wild animal bites, attacks, or endangers a human, it is then classified as a "dangerous wild animal."

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

A person possessing a potentially dangerous wild animal prior to the effective date of the

act may apply for a permit from an animal control authority. Detailed requirements for permits are established, including safeguards for control and recovery of the animal and liability insurance. The possessor is liable for all costs of recovery should the animal escape, unless the escape is due to the criminal act of another person. Permits must be obtained by June 30, 2004, and must be renewed annually. Animal control authorities must create a permit program by December 31, 2003.

Various duties are imposed on permit holders, including the posting of warning signs on the property, complying with animal care standards, and allowing an annual inspection of the property where the animal is kept.

If an animal control authority has probable cause to believe that a dangerous or potentially dangerous animal is being kept in violation of the act, the animal control authority may confiscate the animal. The possessor is liable for reasonable costs of the confiscation, and must post a bond or cash in a sufficient amount to guarantee payment. The possessor is not liable for such costs if it is determined that the possessor was in compliance with the act at the time of confiscation. If the possessor does not correct the conditions leading to confiscation, the animal control authority may relocate the animal, or, as a last resort, may euthanize the animal.

A violation of the act is punishable as either a misdemeanor, gross misdemeanor, or felony, depending on the type of violation. For example, misdemeanors created by the act include possession of a dangerous wild animal without a permit, failure to post warning signs, failure to allow access to the premises where the animal is kept, and failure to report the escape of a wild animal.

Examples of gross misdemeanors created by the act include owning a dangerous or potentially dangerous wild animal without complying with the new chapter, failure to comply with animal care standards, neglecting or mistreating an animal, failure to maintain the required level of liability insurance, and intentional release of a dangerous wild animal.

The felony crimes created by the act are possession of a dangerous wild animal that physically attacks or bites a person or domestic animal, and possession of a wild animal that physically attacks or causes severe injury to a human, when the possessor knew or should have known that the animal had the characteristics of a dangerous wild animal.

Substitute Bill Compared to Original Bill:

Regulation of wild animals is changed to a two-tier system, with listed animals falling under "potentially dangerous wild animals" and moving animals to the second tier, "dangerous wild animals," only if the animal attacks a human. The substitute bill adds felony provisions related to possession of an animal that attacks a human. Several animals are removed from the list of prohibited animals. The ability of local

governments to add animals to the list of potentially dangerous animals is limited to animals that present a substantial threat of physical harm to humans.

The fee for a possession permit is reduced to \$50. Spay and neuter requirements are removed, as well as breeding prohibitions. The identification microchip implanting requirement is removed. The substitute bill specifies that euthanization of an animal is to be the last resort of an animal control authority, and clarifies that the act does not apply to animals already regulated by state law.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Twelve states already ban dangerous wild animals, and seven have partial bans. This bill is needed for public safety and welfare, as well as for the welfare of animals outside their natural habitat. The animals in the bill are the most dangerous ones to the public. This bill provides consistency across the state, instead of the current patchwork. This issue is not being dealt with on a local level. Some animals are a risk to human health, both from bites and attacks, and from disease, such as salmonella and herpes B. Many attacks by these animals go unreported because people don't want to lose their animals. When wild animals are kept as pets, they are more dangerous than in the wild because their behavior is unpredictable. Most people don't have the resources to properly raise these animals. Wolves are not good pets. This bill won't affect most reptile owners. The reptile industry has not regulated itself. Keeping wild animals can be a safety and property value concern for neighbors. These animals are also a problem for the public officials that have to catch them when they escape.

Testimony Against: Wolf-dogs are domestic animals, and you can't tell if they are a dog or a wolf. The dangerous dog law could cover both. There are already enough animal cruelty laws. This bill is about animal rights, not public safety. There are more problems with animals in zoos than in private ownership. These animals can be good pets if the owners are responsible. A training program for owners would be a better solution; there is a program in Florida that does this. The falconry apprenticeship and licensing program is another model of a better approach. Domestic cats and dogs also prevent a safety risk to humans. More people get salmonella from chickens than from reptiles. This bill doesn't target only the most dangerous reptiles. The bill shouldn't require endangered species to be spayed or neutered. The insurance requirement is cost-prohibitive.

Testified: (In support) Representative Lovick, prime sponsor; Jennifer Hillman, Dr.

John Huckabee, and Kip Parker, Progressive Animal Welfare Society; Jack Lanfer, Wolfhaven; Nancy Lanning, Kindred Spirits Animal Sanctuary; Gordon Walgren, Washington State Federation of Animal Care/Control Agencies; Nicole Paquette, Animal Protection Institute; Dr. Robert Stagman; Sue Anderson; Dick Riddle; and Lynette Shelburne.

(Opposed) Frank Bodenmiller, Alliance for the Conservation of Exotic Felines and Phoenix Exotic Wildlife Association, Inc.; Dave Coleburn, Phoenix Exotic Wildlife Association, Inc.; Justin Kruegen, Puget Sound Reptiles; Douglas Dix, Deer Fern Farms Consulting; Gloria Gilbert, Rainbow Pets; David Hall, Pacific Northwest Herpetological Society; Dr. Bruce Morgan, Alternative Livestock Association; Dian Lea; Jon Phillips; Karen Huber; Chante Riley; Peter Harvett; Tracy Hershaw; and Don Halsell.