
ENGROSSED SUBSTITUTE HOUSE BILL 1151

State of Washington 58th Legislature 2004 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Lovick, Lantz, Jarrett, Miloscia, Delvin, Moeller, Wallace, G. Simpson and Upthegrove)

READ FIRST TIME 02/06/04.

1 AN ACT Relating to the keeping of dangerous wild animals; adding a
2 new chapter to Title 16 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** It is the intent of the state of Washington
5 to protect the public against the serious health and safety risks that
6 dangerous wild animals pose to the community.

7 NEW SECTION. **Sec. 2.** (1) "Animal control authority" means an
8 entity acting alone or in concert with other local governmental units
9 for enforcement of the animal control laws of the city, county, and
10 state and the shelter and welfare of animals.

11 (2) "Potentially dangerous wild animal" means:

12 (a) One of the following types of animals, whether bred in the wild
13 or in captivity, and any or all hybrids, defined as follows:

14 (i) Class mammalia

15 (A) Order carnivora

16 (I) Family felidae, only lions, tigers, cougars, panthers, jaguars,
17 cheetahs, and leopards;

1 (II) Family canidae, such as foxes, jackals, and wolves, except
2 domestic dogs and wolf-dog hybrids;
3 (III) Family ursidae, all bears;
4 (IV) Family hyaenidae, such as hyenas;
5 (B) Order perissodactyla, only rhinoceroses;
6 (C) Order primates, such as lemurs, monkeys, chimpanzees, and
7 gorillas;
8 (D) Order proboscidae, such as elephants;
9 (ii) Class reptilia
10 (A) Order squamata
11 (I) Family varanidae, only water monitors and crocodile monitors;
12 (II) All venomous species, such as boomslangs, African twig snakes,
13 coral snakes, cobras, mambas, keelback snakes, copperheads,
14 cottonmouths, and rattlesnakes;
15 (B) Order crocodilia, such as crocodiles, alligators, caimans, and
16 gavials; or
17 (b) Any animal declared by a local jurisdiction to be a potentially
18 dangerous wild animal under sections 5 and 14 of this act.
19 (3) "Dangerous wild animal" means a potentially dangerous wild
20 animal that aggressively bites, attacks, or substantially endangers the
21 imminent physical well-being of humans.
22 (4) "Person" means any individual, partnership, corporation,
23 organization, trade or professional association, firm, limited
24 liability company, joint venture, association, trust, estate, or any
25 other legal entity, and any officer, member, shareholder, director,
26 employee, agent, or representative thereof.
27 (5) "Possessor" means any person who owns, possesses, keeps,
28 harbors, brings into the state, or has custody or control of a
29 dangerous or potentially dangerous wild animal.
30 (6) "Severe injury" means any physical injury that results in
31 broken bones, disfiguring lacerations requiring multiple sutures or
32 cosmetic surgery, loss of limb, or any bite requiring antivenom serums.
33 (7) "Wildlife sanctuary" means a nonprofit organization as
34 described in RCW 84.36.800, that operates a place of refuge where
35 abused, neglected, unwanted, impounded, abandoned, orphaned, or
36 displaced animals are provided care for their lifetime or released back
37 to their natural habitat and, with respect to any animal owned by the
38 organization, does not:

- 1 (a) Conduct any activity that is not inherent to the animal's
2 nature, natural conduct, or the animal in its natural habitat;
3 (b) Use the animal for any type of entertainment; or
4 (c) Sell, trade, or barter the animal or the animal's body parts.

5 NEW SECTION. **Sec. 3.** (1) The provisions of this chapter do not
6 apply to:

7 (a) Institutions authorized by the department of fish and wildlife
8 to hold, possess, and propagate deleterious exotic wildlife pursuant to
9 RCW 77.12.047, such as zoos and aquariums;

10 (b) Duly incorporated nonprofit animal protection organizations,
11 such as humane societies and shelters, housing an animal at the written
12 request of the animal control authority or acting under the authority
13 of this chapter;

14 (c) Animal control officers, law enforcement agents, or county
15 sheriffs acting under the authority of this chapter;

16 (d) Licensed veterinary hospitals or clinics;

17 (e) A holder of a valid wildlife rehabilitation permit issued by
18 the department of fish and wildlife;

19 (f) Any wildlife sanctuary;

20 (g) Any licensed or accredited research or medical institution;

21 (h) Any licensed or accredited educational institution;

22 (i) Any lawfully operated circus or rodeo;

23 (j) An individual who is in possession of a monkey that has been
24 obtained through and trained by a licensed and accredited nonprofit
25 organization dedicated to improving the quality of lives for
26 quadriplegic individuals;

27 (k) A person temporarily transporting and displaying a dangerous or
28 potentially dangerous wild animal through the state if the transit time
29 is not more than twenty-one days and the animal is at all times
30 maintained within a confinement sufficient to prevent the animal from
31 escaping; and

32 (1) Domesticated animals subject to this title or animals subject
33 to Title 77 RCW.

34 (2) This chapter does not require a city or county that does not
35 have an animal control authority to create that office.

1 NEW SECTION. **Sec. 4.** (1) A person may not own, possess, keep,
2 harbor, bring into the state, or have custody or control of a dangerous
3 or potentially dangerous wild animal unless that person holds a
4 personal possession permit for that animal issued by an animal control
5 authority. A person may obtain a personal possession permit for a
6 dangerous or potentially dangerous wild animal only if (a) or (b) of
7 this subsection is met:

8 (a)(i) The person was in legal possession of the wild animal prior
9 to the effective date of this act and is the legal possessor of the
10 wild animal; and

11 (ii) The person applies for and is granted a personal possession
12 permit for each dangerous or potentially dangerous wild animal in the
13 person's possession by June 30, 2004; or

14 (b) The person is in possession of a wild animal declared dangerous
15 or potentially dangerous under section 5 or 14 of this act.

16 (2) Persons who meet the requirements set forth in subsection (1)
17 of this section shall annually obtain a personal possession permit.
18 Renewal permits shall not be denied except on a showing of good cause.

19 (3) An applicant shall file an application to receive a personal
20 possession permit with the animal control authority on forms provided
21 by the animal control authority. The application must include the
22 following:

23 (a) A written statement that sets forth or includes the following
24 information:

25 (i) The name, address, telephone number, and date of birth of the
26 applicant;

27 (ii) A description of each dangerous or potentially dangerous wild
28 animal the applicant possesses, including the scientific name, name,
29 gender, age, color, weight, and any distinguishing marks or coloration
30 that would aid in the identification of the animal;

31 (iii) A photograph of the animal;

32 (iv) The address or location where the animal is to be kept,
33 including directions to the location if no address exists;

34 (v) The name, address, and phone number of the veterinarian
35 providing veterinary care to the animal; and

36 (vi) A photograph of the facility where the animal will be housed;

37 (b) A certification that:

38 (i) The applicant is eighteen years of age or older;

1 (ii) The applicant has not been convicted of or found responsible
2 for violating a local or state law prohibiting cruelty, neglect, or
3 mistreatment of an animal or has not within the past ten years been
4 convicted of a felony or been convicted for possession, sale, or use of
5 illegal narcotics;

6 (iii) The facility and the conditions in which the animal will be
7 kept are in compliance with this chapter;

8 (iv) The applicant has obtained the requisite liability insurance
9 coverage for the animal as set forth in section 8 of this act; and

10 (v) The applicant has regularly provided veterinary care to the
11 animal when needed and will provide such care in the future; and

12 (c) A plan for the quick and safe recapture of the animal if the
13 animal escapes.

14 (4) The animal control authority may establish and charge
15 reasonable fees for application, issuance, and renewal of a personal
16 possession permit in order to recover the costs associated with the
17 administration and enforcement of this chapter. The fee charged to an
18 applicant may not exceed fifty dollars for each animal. The fees
19 collected under this section may be used only to administer and enforce
20 this chapter.

21 (5) A permit may not be granted unless the animal control authority
22 finds that all of the requirements in subsections (3) and (4) of this
23 section have been met.

24 (6) The personal possession permit shall set forth the information
25 required under subsection (3)(a) of this section, with the exception of
26 the photograph required under subsection (3)(a)(iii) of this section,
27 and any other relevant information the animal control authority may
28 deem necessary.

29 (7) The animal control authority shall keep records of persons who
30 are carrying valid permits. A permit holder shall notify the animal
31 control authority of any changes of the stated information on the
32 permit, which includes the death and disposition of the animal.

33 (8) Not later than December 31, 2003, each animal control authority
34 shall create a personal possession permit program as established by
35 this section.

36 NEW SECTION. **Sec. 5.** (1)(a) An animal control authority may

1 declare an individual potentially dangerous wild animal within its
2 jurisdiction to be a dangerous wild animal for the purposes of this
3 chapter.

4 (b) An animal control authority may declare an individual wild
5 animal, not covered under section 2(2)(a) of this act, to be a
6 potentially dangerous wild animal for the purposes of this chapter.
7 The wild animal so declared must have substantially endangered the
8 imminent physical well-being of a human.

9 (2) The animal control authority shall serve notice of the
10 declaration upon the animal possessor in person or by certified mail,
11 return receipt requested. The notice must state: The statutory basis
12 for the declaration; the reasons the authority considers the animal to
13 be dangerous or potentially dangerous; a statement that the animal is
14 subject to the registration process and controls required by this
15 chapter; and an explanation of the possessor's rights and of the
16 applicable procedure for appealing the declaration.

17 (3) If the local jurisdiction has provided for an administrative
18 appeal of such declarations, the possessor shall follow the appeal
19 procedure set forth by that jurisdiction. If the local jurisdiction
20 has not provided for an administrative appeal, the possessor may appeal
21 a municipal authority's declaration that the animal is dangerous or
22 potentially dangerous to the municipal court, or other court of
23 competent jurisdiction, and may appeal an animal control authority's
24 declaration that the animal is dangerous or potentially dangerous to
25 the district court. The possessor must make such appeal within twenty
26 days of receiving the declaration.

27 NEW SECTION. **Sec. 6.** For each dangerous or potentially dangerous
28 wild animal, the possessor shall comply with the American zoo and
29 aquarium association's minimum husbandry guidelines of 1997 for care
30 and maintenance of that animal.

31 NEW SECTION. **Sec. 7.** (1) Except as necessary to meet the
32 requirements of section 6 of this act, a dangerous or potentially
33 dangerous wild animal must not be tethered, leashed, or chained
34 outdoors, or allowed to run at large.

35 (2) A dangerous or potentially dangerous wild animal must not be

1 mistreated, neglected, abandoned, or deprived of necessary food, water,
2 and sustenance, as defined under chapter 16.52 RCW.

3 (3) A person transporting a dangerous or potentially dangerous wild
4 animal in a vehicle shall keep the animal securely caged in the vehicle
5 at all times.

6 (4) The possessor shall contact the animal control authority if the
7 possessor can no longer care for the dangerous or potentially dangerous
8 wild animal.

9 NEW SECTION. **Sec. 8.** (1) A possessor of a dangerous or
10 potentially dangerous wild animal shall maintain liability insurance
11 coverage in an amount of not less than two hundred fifty thousand
12 dollars for each occurrence for liability damages for destruction of or
13 substantial damage to property and death or bodily injury to a person
14 caused by the animal. The possessor shall provide a copy of the policy
15 for liability insurance to the animal control authority on an annual
16 basis.

17 (2) The possessor of a dangerous or potentially dangerous wild
18 animal shall post and display, at each entrance onto the premises where
19 such an animal is kept, a conspicuous sign, clearly legible and easily
20 readable by the public, warning that there is a dangerous or
21 potentially dangerous wild animal on the premises. In addition, the
22 possessor shall conspicuously display a sign with a warning symbol that
23 informs children of the presence of a dangerous or potentially
24 dangerous wild animal. The animal control authority shall prescribe
25 the content and size of the sign.

26 (3)(a) No person may intentionally release a dangerous or
27 potentially dangerous wild animal.

28 (b) If any dangerous or potentially dangerous wild animal escapes,
29 either intentionally or unintentionally, the possessor of the animal
30 shall immediately contact the animal control authority or a law
31 enforcement officer of the city or county where the possessor resides
32 to report the escape or release.

33 (4) If a dangerous or potentially dangerous wild animal escapes or
34 is intentionally released, the possessor is liable for all reasonable
35 expenses associated with efforts to recapture the animal, unless the
36 escape is due to the criminal act of another person. If the dangerous

1 or potentially dangerous wild animal cannot be recaptured safely by the
2 animal control authority or if proper and safe housing cannot be found,
3 the animal control authority may immediately euthanize the animal.

4 NEW SECTION. **Sec. 9.** Unless prior approval has been received from
5 the animal control authority, a possessor shall not bring a dangerous
6 or potentially dangerous wild animal to any public venue, commercial
7 establishment, or retail establishment unless the possessor is bringing
8 the animal to a licensed veterinarian or a veterinarian clinic.

9 NEW SECTION. **Sec. 10.** The animal control authority, its staff,
10 its agents, local law enforcement agents, and county sheriffs are
11 authorized and empowered to enforce the provisions of this chapter.

12 NEW SECTION. **Sec. 11.** The possessor of a dangerous or potentially
13 dangerous wild animal, when provided with reasonable notice, shall
14 allow the animal control authority, its staff, and its agents to enter
15 the premises where the animal is kept once per year to ensure
16 compliance with this chapter. No notice is required if the animal
17 control authority has probable cause to believe that the animal is
18 being kept in violation of this chapter.

19 NEW SECTION. **Sec. 12.** (1) If the animal control authority finds
20 that an applicant for an original or renewal of a personal possession
21 permit does not meet the requirements set forth in this chapter, the
22 animal control authority shall deny the applicant a personal possession
23 permit and give the applicant written notice within ten days of the
24 denial and the reasons for the denial.

25 (2) If the animal control authority finds that a person has not
26 complied with this chapter, the animal control authority may suspend or
27 revoke the personal possession permit and give the possessor written
28 notice of the suspension or revocation and the reasons for the
29 suspension or revocation.

30 (3) A person who is denied a personal possession permit or denied
31 a renewal of a personal possession permit, or who has had a permit
32 suspended or revoked, may appeal the decision to a district or
33 municipal court for the jurisdiction in which the animal is located no

1 later than the twentieth day after receiving notice that the permit is
2 denied, suspended, or revoked.

3 NEW SECTION. **Sec. 13.** (1) The animal control authority may
4 immediately confiscate any dangerous or potentially dangerous wild
5 animal if the animal control authority has probable cause to believe
6 that the animal is being kept in violation of this chapter. The
7 possessor is liable for reasonable costs of placement and care for the
8 animal from the time of confiscation until the time of return to the
9 possessor or until the time the animal has been relocated to a facility
10 approved by the animal control authority, such as a wildlife sanctuary,
11 zoo, aquarium, or person holding a current personal possession permit.

12 (2) The animal control authority shall serve notice upon the
13 possessor in person or by regular and certified mail, return receipt
14 requested, specifying the reason for the confiscation of the animal,
15 and that the possessor is responsible for payment of reasonable costs
16 for caring and providing for the animal.

17 (3) The possessor shall post a security bond or cash with the
18 animal control authority in an amount sufficient to guarantee payment
19 of all reasonable expenses expected to be incurred in caring and
20 providing for the animal, including but not limited to the estimated
21 cost of feeding, medical care, and housing for at least thirty days.
22 The animal control authority shall determine the amount of the security
23 bond or cash based on the current rate to feed, provide medical care,
24 and house the animal. The security bond or cash does not prevent the
25 animal control authority from relocating or euthanizing the animal at
26 the end of the thirty days as provided in subsection (5) of this
27 section.

28 (4) A dangerous or potentially dangerous wild animal may be
29 returned to the possessor only if the possessor has a valid personal
30 possession permit, has corrected the conditions resulting in the
31 confiscation, and has paid the reasonable cost of placement and care of
32 the animal while under the care and control of the animal control
33 authority.

34 (5) If, after thirty days, the possessor of a confiscated animal
35 cannot be located, or if a confiscated animal remains unclaimed or may
36 not be returned to the possessor because of a failure to comply with
37 subsection (4) of this section, the animal control authority may

1 release the animal to a facility such as a wildlife sanctuary, zoo, or
2 aquarium, or may allow the animal to be adopted by a person holding a
3 current personal possession permit. If the animal control authority is
4 unable to relocate the animal within a reasonable period of time, it
5 may euthanize the animal.

6 (6) An animal control authority may euthanize a wild animal under
7 this section only if all other reasonable placement options, including
8 relocation to a zoo, aquarium, wildlife sanctuary, or valid permit
9 holder, are unavailable.

10 (7) If the possessor of a confiscated animal is found to have been
11 in compliance with this chapter at the time of confiscation, the
12 possessor is not liable for costs associated with caring and providing
13 for the animal during confiscation.

14 NEW SECTION. **Sec. 14.** (1) A city or county may adopt an ordinance
15 governing dangerous or potentially dangerous wild animals that is more
16 restrictive than this chapter. Such ordinances may include adding
17 animals to the definition of potentially dangerous wild animals,
18 creating additional caging standards, and creating stricter care and
19 treatment provisions. However, a city or county may not add a
20 particular type of animal to the definition of potentially dangerous
21 wild animal unless the type of animal presents a substantial threat of
22 physical harm to humans.

23 (2) This act does not require a local authority to allow a
24 dangerous or potentially dangerous wild animal within its jurisdiction.

25 NEW SECTION. **Sec. 15.** (1) A violation of section 4(2), 6, 8 (2)
26 or (3)(b), or 11 of this act is a misdemeanor punishable under RCW
27 9A.20.021.

28 (2) A violation of section 4 (1) or (7), 7, 8 (1) or (3)(a), 9, or
29 13(3) of this act is a gross misdemeanor punishable under RCW
30 9A.20.021.

31 NEW SECTION. **Sec. 16.** (1) A person who has a prior conviction
32 under this chapter and who possesses a dangerous wild animal that
33 physically attacks or bites a person or a domestic animal is guilty of
34 a class C felony punishable under RCW 9A.20.021.

1 (2) A person who possesses any wild animal that physically attacks
2 and causes severe injury to or the death of any human, when the
3 possessor knew or should have known that the animal had a known
4 propensity, when unprovoked, to attack, cause injury, or otherwise
5 substantially endanger the physical well-being of humans, is guilty of
6 a class C felony punishable in accordance with RCW 9A.20.021.

7 (3) A defendant has an affirmative defense to the offenses in
8 subsections (1) and (2) of this section if he or she establishes by a
9 preponderance of the evidence that:

10 (a) He or she was in compliance with sections 6 through 8 of this
11 act, if applicable; and

12 (b) The person or animal attacked, severely injured, or killed by
13 the defendant's animal trespassed on the defendant's real or personal
14 property or provoked the defendant's animal without justification or
15 excuse.

16 (4) A dangerous or potentially dangerous wild animal that
17 physically attacks, severely injures, or kills a person or domestic
18 animal is subject to immediate confiscation by the animal control
19 authority. Upon conviction of the possessor, the animal control
20 authority may relocate or euthanize the animal in accordance with
21 section 13 of this act.

22 NEW SECTION. **Sec. 17.** If any provision of this act or its
23 application to any person or circumstance is held invalid, the
24 remainder of the act or the application of the provision to other
25 persons or circumstances is not affected.

26 NEW SECTION. **Sec. 18.** Sections 1 through 17 of this act
27 constitute a new chapter in Title 16 RCW.

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